
# Debates

## WEEKLY HANSARD

Legislative Assembly for the ACT

## SIXTH ASSEMBLY

**28 MARCH 2006**

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**Tuesday, 28 March 2006**

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### The Assembly met at 10.30 am.

*(Quorum formed.)*

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

## Resignation of member

**MR SPEAKER**: Pursuant to the resolution of the Assembly of 27 March 1992, which authorises me to receive written notice of the resignation of a member, I wish to inform the Assembly that I have received a written notice of resignation from Mr Quinlan, dated 21 March 2006. Pursuant to subsection 13 (3) of the Australian Capital Territory (Self-Government) Act 1988, I present the following papers:

> Quinlan, Mr T—Resignation of office as Member—
>
> > Australian Capital Territory (Self-Government) Act 1988 (Cwlth), pursuant to subsection 13 (3)—Copy of letter of resignation, dated 21 March 2006.
> >
> > Copy of letter from the Speaker to the Electoral Commissioner, ACT Electoral Commission, dated 21 March 2006.

## Pairing arrangements
### Statement by member

**MRS BURKE** (Molonglo): Mr Speaker, I seek leave to make a statement in relation to pairing arrangements.

Leave granted.

**MRS BURKE:** Mr Speaker, I want to make a short comment on the arrangements to which the opposition has agreed, let me make that very clear, following the resignation of Mr Quinlan from the Assembly last week. We do wish him all the very best. Mr Quinlan resigned from the Assembly close to a sitting of the Assembly, something that we found rather strange. We had our first sitting week for March, then a break, and we were thinking that Mr Quinlan may have finished out the remaining sitting period for the March quarter.

We did wonder why he had resigned just before this sitting week rather than just after it, as there will be a five-week break before the next sitting. Of course, it was open to him to decide on that. I would say that the timing of Mr Quinlan's resignation does appear to have been a little strange and, I guess, disappointing. The government may feel that it has been left in the lurch a little. The constituents of Molonglo may also feel a little duped.

**Mr Stanhope**: He is in hospital.

**MRS BURKE**: As a consequence of Mr Quinlan's surprising decision, it has been necessary for the opposition to consider its position about the vacancy resulting in a reduction in the government's numbers in the Assembly. The opposition has agreed, as I have said, to provide a pair for Mr Quinlan for the current sitting of the Assembly. If Mr Quinlan is in hospital, we were not aware of that. In the event of this arrangement being required to be continued for the May sittings of the Assembly, that will also be done.

Our pair for Mr Quinlan for the current sitting will be Mr Smyth. My principal reason for making these comments, Mr Speaker, is to note that our decision creates what we might say is a precedent in the way in which pairs can be arranged in the Assembly. Ordinarily, pairs are arranged when a member is likely to be absent from the Assembly for a relatively short period. Mr Speaker, I would draw your attention to the fact that the 11th edition of *Odgers' Australian Senate Practice*, which is the bible of parliamentary practice and our system of government, points out that pairs can also be arranged for vacant places in, in that case, the Senate. Mr Speaker, I would observe that the decision of the opposition to grant a pair for the period until a replacement for Mr Quinlan is determined accords with the practice as described by Odgers.

## Leave of absence

Motion (by **Mrs Burke**) agreed to:

> That leave of absence be given to Mr Smyth (Leader of the Opposition) for the sitting period 28 to 30 March 2006.

## Legal Affairs—Standing Committee
### Scrutiny report 23

**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 23, dated 27 March 2006, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR STEFANIAK**: Scrutiny report 23 contains the committee's comments on one bill, 28 pieces of subordinate legislation and eight government responses. The report was circulated to members when the Assembly was not sitting. I wish to make couple of points on it, Mr Speaker. Firstly, I thank the government for its responses. A number of points raised by the scrutiny committee were taken up and issues raised were addressed. I think it is worth while commenting that both agree on that.

The second point is that I would certainly commend to the government and the responsible ministers the comments on the subordinate legislation. Mr Steve Argument has been a great addition to the committee in his role as an adviser on subordinate legislation and there are a number of issues in relation to some pieces of subordinate legislation that I do commend to the government and its officials for consideration.

## Education, Training and Young People—Standing Committee
### Report 2

**MS PORTER** (Ginninderra) (10.38): I present the following report:

> Education, Training and Young People—Standing Committee—Report 2—*Report on Annual and Financial Reports 2004-2005*, dated 21 March 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 PORTER**: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

**MS PORTER**: I move:

> That the report be noted.

Mr Speaker, on 18 October 2005 the following reports were referred to the Standing Committee on Education, Training and Young People for inquiry and report: Building and Construction Industry Training; Canberra Institute of Technology; Cultural Facilities Corporation; Department of Education and Training; and Office of Children, Youth and Family Support. The committee resolved that it would defer consideration of the annual report of the Cultural Facilities Corporation to a later date.

Annual reports are assessed each year by the Institute of Public Administration Australia, ACT division. Given the comprehensive nature of the IPAA's assessment, the committee considered that its limited resources were better utilised by focusing on a particular area. Therefore, it concentrated on program effectiveness and the ability of the Assembly and its committees to be informed about the level of effectiveness and appropriateness of the reporting on government programs. The committee decided to focus on issues of program management and reporting of that program management, rather than assessing the annual reports referred to it for compliance against formal guidelines.

The committee noted that the Department of Disability, Housing and Community Services administers many agencies and clear cross-referencing of the numerous and complex reporting requirements is needed. In this regard, the committee also recommends that standardised reporting indicators would be helpful. Further, the

committee recommends that the department clearly indicate within annual reports the expenditure related to central administration and expenditure related to achieving educational outcomes in school settings.

Following up on the recommendations by the committee about the contribution by volunteers to education in the ACT in relation to the report for the previous financial year, the committee welcomed the commitment of the department to include more details in future reports of that contribution to school communities. The committee is aware that this contribution is substantial and therefore needs recognition.

The committee also recognised that this task is not an easy one and that it may be complicated by the different ways schools, in particular, currently record numbers of volunteers and their hours. However, the committee recommends that comprehensive data relating to the contribution of volunteers to the effective operations of schools be captured and included in annual reports in the future. It encourages the department to ensure that such key outcomes, which will be of interest to the general community as well as the department, the minister and this committee, be clearly located via the index of annual reports.

The committee noted that the report provided reflected the activities of the Canberra Institute of Technology across the calendar year, reflecting the institute's main concern with the academic year rather than the usual financial year time frame for annual reports. The committee was particularly concerned to ensure that occupational health and safety targets for CIT students become a reporting priority for the institute. Safety awareness was considered by the committee to be an essential indicator of work readiness for apprentices and trainees. Therefore, strategies undertaken by the institute to ensure this outcome should be noted in the report.

The committee congratulates the CIT on establishing and reporting on safety targets set for employees and it believes comparable strategies need to be established for student users of the CIT services as they are equally important indicators of performance in yearly reports. Therefore, the committee recommends that all occupational health and safety measures established and achieved, together with the numbers and types of adverse incidents experienced by both staff and students, be reported annually.

I thank my fellow committee members, Mrs Dunne and Mr Gentleman, for their diligent work on the committee. I also thank all witnesses for their time appearing before us. I would also like, obviously, to thank Mr Derek Abbott and Dr Sandra Lilburn for their work on the conduct of the hearing and the preparation of the report. Sandra joined us earlier this year, so this has truly been a joint effort. Members are probably aware that Dr Lilburn is the latest in a long line of secretaries to the standing committee on education. Ms Linzi Lamont, also from the secretariat office, assisted with the process. We are glad to see Linzi is back on her feet after her recent accident and back with us here in the secretariat.

Question resolved in the affirmative.

## Working Families in the ACT—Select Committee
### Interim report

**MR GENTLEMAN**: (Brindabella) (10.44): I present the following report:

> Working Families in the Australian Capital Territory—Select Committee—Interim Report, dated 27 March 2006, including additional comments *(Mrs Burke)*, 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 GENTLEMAN**: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

**MR GENTLEMAN:** I move:

> That the report be noted.

I table in the Assembly today the interim report of the Select Committee on Working Families in the ACT on its inquiry as outlined in the committee's terms of reference. On 5 May 2005, this Assembly supported a motion to establish a select committee on working families in the ACT. I have the honour of chairing the select committee.

I have great pleasure in tabling this report. For a number of reasons, I find myself a little melancholy. The first reason for my despair is that I anticipate that one of my committee colleagues, Mrs Burke, will find some way to ridicule yet again the work of the committee and, in doing so, make a mockery of the evidence of those witnesses who came before us. She has led into this with her additional comments.

Mr Speaker, the evidence given was done so with the best intentions of giving the committee a greater insight into working practices in the ACT, and not from one perspective but from all. So how did Mrs Burke choose to respond to a witness who had informed the committee that he feared for the safety of his son? Mrs Burke said during the hearings:

> Frankly, I don't know why we have this select committee. I have to put that on the public record.

For Mrs Burke's benefit, I will state for the public record why this committee was formed and how important the inquiry is to working families of the Canberra community. Of importance are the actual effects and concerns that were expressed to the committee during these deliberations. Some of these effects are noted in the conclusion,

which talks about the new IR reforms and states that the release of the Work Choices legislation will come into effect on Monday, 27 March 2006—yesterday, for those of us who are unaware of the date.

It is also stated that, with the exception of prohibited matters identified in terms that I have yet to inform the chamber of and the changes to unfair dismissal provisions, it appears that the terms and conditions of pre-reform state and federal awards and agreements will remain largely unchanged in the short term. According to information available on the Australian government's web site, pre-reform state awards become notional agreements preserving state awards, NAPSAs, in the new federal system of industrial relations. The terms and conditions of employment in the former state awards become preserved entitlements and remain in NAPSAs. A NAPSA will include any term and condition of employment in the original state award, with the exception of wage classification structures.

Pre-reform state agreements become preserved state agreements, PSAs. A PSA will include any term and condition of employment that was in the original state agreement, with the exception of wage and classification structures. Employees bound by federal awards immediately before the commencement of Work Choices will continue to be bound by the conditions of their particular award. Employees bound by federal agreements made before the commencement will continue to operate under the conditions of particular agreements unless the agreement is terminated or replaced by a new agreement.

We also heard from witnesses of their concerns. Those voiced include the loss of penalty rates, overtime payments and shift allowances; the actual loss of job security and career prospects; the potential for working hours to be increased; a loss of family-friendly conditions; a lack of bargaining power for the average worker; the removal of unfair dismissal laws for a substantial section of the work force; an increase in social inequality and negative social outcomes; and the reduction of powers of the Australian Industrial Relations Commission. Those were just a few of the concerns expressed in the hearings of the committee.

It is important to note that the terms of reference of the inquiry are more extensive than is touched on in this report. When the committee advertised its hearings and wrote to numerous organisations, it became clear that industrial relations was the area that those who gave submissions and evidence chose to focus on. Accordingly, recommendation 1 seeks to refine the committee's terms of reference to that which is listed in recommendation 2.

I wish to comment now on the report and the submissions received and evidence given. As highlighted in the report, the federal government formally indicated in May of last year its intention to drastically amend federal workplace relations legislation. Some five months later the specific changes were disclosed to the public. So, after five months of waiting, of having to witness the federal government's appalling advertising campaign, we all got to see Work Choices—all of us, including the industrial relations ministers from all states and territories.

That was highlighted in evidence given by the Minister for Industrial Relations, Ms Katy Gallagher, about the Workplace Relations Ministers Council, which is the

forum at which ministers for industrial relations meet around a table with the commonwealth minister and talk through issues of mutual interest. They were not invited even to discuss the preliminary announcement of Work Choices. Clearly, what were hailed as the most radical changes to industrial relations required an unprecedented level of secrecy. Once revealed, these changes needed some $50 million of PR spin to make them close to digestible.

Here we come to the necessity for this committee and the inquiry that it has undertaken. The federal government's Work Choices proposal is indeed the most radical change to industrial relations this country has seen and should be scrutinised by all who wish to do so. The federal government ignored the recommendations of the states and territories. That may be at its peril, with a High Court challenge in process concerning the federal government's use of the corporations power. Further, and of greater concern, the federal government failed the people of Canberra with its own extremely limited inquiry. It had a clear agenda and would not even let its constituency get in the way.

This committee's inquiry has given the people of Canberra the opportunity to examine Work Choices. It has given employer and employee organisations a place to highlight their sentiments on specific aspects of the legislation. As stated in the report, the committee received 10 submissions in total. Of those 10 submissions, nine raised grave concerns about the impact Work Choices will have on working families in the ACT; that is, 90 per cent, Mr Speaker.

Seventeen witnesses appeared before the committee at public hearings held on 1 and 8 December last year. Of those 17 witnesses, 16 raised grave concerns about the impact Work Choices will have on working families in the ACT; that is, 94 per cent. It would be a great error to ignore these statistics, for it is here that we, as a committee, see the immediate effect of Work Choices; the increased level of fear and anxiety about what these changes will do to workplaces, to schools, to disadvantaged individuals and to families.

The report lists the array of fears and concerns expressed by 90 per cent of the submissions and by 94 per cent of the witnesses giving evidence at committee hearings. To give some greater understanding of these concerns, I think it fitting to read from the committee hearing transcript. On the matter of evidence from the New Zealand school system post the Employment Contract Act, Clive Haggar from the Australian Education Union said:

> The income gap between rich and poor grew at a very serious rate during the previous National government in New Zealand. You had real poverty appearing once again, the diseases of poverty. This is reflected in what children at school were exposed to back in their home environments, particularly if they were of Island or Maori extraction.

Scott Connolly from the Transport Workers Union said of increasing price competition in the transport sector:

> They will do whatever it takes to get the job done. They do that for one of two reasons: firstly because they have got to put food on the table. People have a choice of putting food on the table by doing extra shifts or working six or seven days.

> Thirty per cent of truck drivers freely admit to being forced to take stimulants to be able to do their job.

ACTCOSS representative Ara Creswell said on inequality:

> We will see a steady increase in income inequality and heavier reliance in social services as more people fall through the widening holes in the employment and welfare safety nets.

The report acknowledges the fears and concerns of organisations and individuals. It also acknowledges that the direct impact of Work Choices on working families in the ACT may not be felt for some time. Accordingly, recommendation 3, if adopted, extends the reporting period to the first sitting day in August 2007.

The work of this committee is vital to working families in the ACT. That was acknowledged by many of the witnesses who appeared at the committee hearings. Not only is it important that the committee be given additional time to better understand the effects of Work Choices, but also the committee seeks the provision of resources. As outlined in recommendation 4, the committee seeks resources to research the social and economic impacts on the ACT's working families. Such research would enable the committee to adequately assess these effects on a much larger scale and, in doing so, would make for a more accurate final report.

This report is the first of its kind in Australia. For the ACT government to continue to lead the way for other states and territories, this committee must be allowed to continue its investigation of the social and economic effects of industrial relations changes on working families in the ACT. I commend the report to the Assembly.

**MS PORTER** (Ginninderra) (10.54): I rise to support Mr Gentleman in the tabling of this report and to make some additional comments. As Mr Gentleman said, the Work Choices legislation came into effect yesterday, a day that the industrial landscape of this country was altered beyond recognition, I would suggest. It was radically altered and I believe that it will never be the same again, unless we are very fortunate to have a change of government federally in the near future.

Many who represent the employer organisation in the ACT and, indeed, our own Prime Minister have assured us that the sky will not fall in and that, despite the fears and concerns of many in our community, this brave new world will be of great benefit not only to the employers but also to the employees. As Mr Gentleman said, that is not what we have heard from many people representing those employees. Many have come before us, as he has just said, to outline their real concerns about this legislation. However, I did not think that the impact would be felt quite so soon.

Last week, I was invited to a local high school to answer questions of a year 10 class which had come together specifically to study politics. One of the questions from the year 10 class was about the Work Choices legislation and the effect it might have on the ACT and the workers in the ACT. There was great interest in this question from the young people. After I was leaving the classroom, the teacher came up to me and explained that many of these young people had part time and casual jobs and were concerned that they would be vulnerable under the new legislation as they might be asked to leave their jobs or renegotiate their positions and may not be able to do so.

On radio last night while I was driving home from this place I heard a lawyer explaining that he had been approached by many employers as to how they might now let go their workers under the new regime whereby they could, in fact, dismiss their workers because there was no protection for them as to unfair dismissal. A particular incident that seemed to disturb this lawyer was one with regard to a man or woman who, according to the employer, had taken too much time off work and therefore they would like to see how they might be able to let him or her go, sack him or her in other words. Apparently it transpired that this person had been taking time off work to care for a sick relative. But, notwithstanding that, they were actually going to let this person go now that they could, they were going to sack this person because he or she had been taking time off work to care for a sick relative.

We have just heard from Mrs Burke that Mr Smyth is taking time off work this week to be with his wife and his new child. We wish him and his wife well and we are very pleased that there has been a safe birth and it has been a happy occasion for that family. We are very glad that paternity leave is still part of the set of conditions that we have, otherwise perhaps the opposition might have been considering whether to let Mr Brendan Smyth go, given that he is not attending to his work this week. Fortunately, he is protected under the legislation at the moment and he can have paternity leave, and we are very pleased that he can. But there are many workers that are going to suffer under this new legislation. I am very pleased that we are going to have the opportunity to be available in the ACT to examine those cases as they come before us, but I am very sad that this day has arrived.

**MRS BURKE** (Molonglo) (10.59): I rise today to express some concern as to the way in which the select committee has elected to conclude the interim report into working families in the ACT. The concern is not that some form of comprehensive research is not undertaken in relation to the effects—if there are to be any significant effects—on the changes to federal legislation that should in time see Canberrans entering into more flexible working arrangements. In fact I have on many occasions, through this committee, said that I appreciate having a committee such as this.

I think Mr Gentleman misses the point. I believe we need to refocus this Assembly to what this committee was all about. Its purpose was to examine the effect on working families in relation to health costs, et cetera. That is referred to on page 2 of the report. Its purpose was to examine the effect; let us keep that in mind. The work of this committee is presumed to be of importance and, as such, I have no choice but to agree to the tabling of this interim report. As Mr Gentleman said, this is an update; this is a snapshot of where people are at at the moment. But most of it is conjecture; there is no empirical evidence; there are no tangible effects yet seen.

I must note the following to place in context, and for the public record, a position that will perhaps be overlooked in the committee's work to scrutinise the effects of changes to the federal legislation in relation to workplace relations. In the nine years that federal Labor has been in opposition I do not believe it has come forward with any solutions to encourage people to, where they can, enter into meaningful employment and proceed towards furthering a productive life full of prospects that can never be fully realised if they are not in some form of employment. The federal government has recognised that support should always remain for the most vulnerable families. The government will, no

doubt, maintain a responsive and sensible welfare safety net but there must be ways to assist the business sector to open up more flexible and responsive employment options.

A poignant issue is that the federal government is prepared to tackle one of the most difficult problems faced in a generation—unemployment. The fact that around 600,000 children are growing up in homes where parents do not currently engage in any form of work is a diabolical statistic. There could be no member in this Assembly who would agree that this situation should continue. If there is an opinion otherwise, it would signify that some members would rather pursue a campaign that seeks to disrupt, rather than recognise that, in tandem, the Work Choices and welfare-to-work reforms are designed to complement and combat outdated systems that in no way assist our economy to continue to grow and provide productive jobs for people who wish to participate.

The Liberal opposition recognises that a combination of a feeling of achievement, motivation and the imparting of a strong work ethic to children are the key components at the heart of the federal government's efforts to rejuvenate any ageing legislation that impedes employment growth. Contrary to any efforts by some groups to distort the fact, support will be offered to eligible families faced with difficult circumstances. That is interesting. We need to get the facts on record and not take notice of hearsay and what we think might happen; we need to know what is happening. It is all hearsay so far. We must seek ways to actively encourage people to seek employment that matches their capacity to contribute effectively in the work force. A balance can be achieved in this sense, and this reflects a wider community sentiment that cannot be disputed.

Whenever you require legitimate government support it should be there but, on the other hand, we should all be contributing productively in the spirit of building our community and strengthening our economy. There could be no member in this Assembly who would agree that this situation should continue. If there is an opinion otherwise, I think a balance can be achieved with what we are doing on this committee. We have simply jumped the gun. Nowhere have we seen the effects of the legislation. How could we? Turning to page 67 of the report, I quote paragraph 5.12. It says:

> Time and evidence are needed to reliably and validly determine the effects on working families in the ACT of reforms to the industrial relations system and to confirm or deny the speculative effects mentioned above.

I have no problem whatsoever with the establishment of this committee. What I called for was in line with the Democrats' minority report from the Senate, which said that evidence to the committee made it clear that the effects of the legislation will not be felt until after the next election in late 2007; 25 to 30 per cent of all workers will remain under state systems until then. There will be transitional arrangements and continuing validity of many existing agreements which only expire in 2008. What are we doing? I put it to you here that we are simply wasting taxpayers' money. I asked this committee to suspend its work until we got the empirical evidence, then resume and continue. I have no problem with that.

I have been quoted as saying it is a furphy. Of course, Mr Gentleman very selectively plucked out or cherry picked things I have said. I am standing here for the rights of the Canberra community, not covering my own backside wanting to continue with my pay increase, thank you. It is absolute nonsense that this committee continues to run in the

way it does. What are we going to do for the next 12 months? We will keep waiting for reports to come in from people who are outraged. The union may drum up some support and they may get such people to present their cases. I can see it now. I want to have a proper debate—not like this. This is an absolute disgrace. The report gives an update as to how various people think Work Choices and industrial relations changes may affect them. It is "think" and "may". Let us have hard evidence, and then let us have the debate.

I do not necessarily say that everything the federal government is going to say or do is right. It is nonsense for Mr Gentleman to sit there and accuse me of taking some position. He says he was in despair and that, "Mrs Burke ridicules the work of the committee." That is rubbish. I have ridiculed the process and where we are up to right now because, quite frankly, I do not believe we have achieved much at all since this committee was established. Mr Gentleman, as people well know, receives a remuneration of $10,000 per annum for taking part in this committee while we sit there having brief meetings. I want to have the debate—I say that quite clearly. Members of the Assembly, we need to have the debate; we need to see the effects; but this committee was established too soon.

Mr Gentleman also said I had somehow put in jeopardy the statement of somebody who said he feared for the safety of his son. I may go out tomorrow and get knocked over by a big red bus and so may we all. There but for grace of God go any one of us. That is not hard evidence. Bring me the evidence that this son has suffered and then you will have my vote on this. I think you jolly well know that, Mr Gentleman, as you sit there making these statements.

You talk about the federal government having an agenda. What is your agenda here? Let us bring it back on in a sensible period of time when we have the issues to discuss. Quite frankly, I do not know what we are going to do for the next little while, but you get your salary, the taxpayer pays for it and we get nothing to show for it. How are we going to analyse, by 2007, the evidence that comes in? Quite frankly, this is not on and I think you know it. It is time you stood up and said, "Frankly, yes; we have to suspend. We should wait until we get the evidence and then we can move on."

Concerns are all that have been registered to date but no effects have been heard. We have hearsay as to what might happen but no hard facts. The committee was established far too early. Was giving Mr Gentleman a pay rise courtesy of the ACT taxpayers simply a means of factional appeasement? Mr Gentleman talks about the federal government having an agenda. All right, you are going to use this committee system for your own political gain but let us have some facts on the table. I think the efforts of Ms Porter and Mr Gentleman to continue to ramp up this scaremongering campaign are absolute nonsense. Get the hard evidence and then resume your committee. If you can take this on your shoulders—continue to have taxpayers' money and not be embarrassed by that—then go for your life. How can this committee pre-empt the effects of legislative change? All we have heard to date are concerns—and there has been a lot of crystal ball gazing.

I appreciate the people who have come forward to contribute to this report. Much of this has just been extrapolated out of the Senate committee's submissions and translated to what it will mean in the territory. We are pre-empting legislation. We have no idea where we are really going with this. It is a bit like, "We will go each day and see what else we

get." Let us have the debate when all the facts are on the table. That is why at page 69 in my report under "additional comments" I said,

> I propose, therefore, that the Select Committee on Working Families be suspended immediately and re-established, along with the new terms of reference, in March 2007.

The decision rests with the chair.

**MR GENTLEMAN** (Brindabella) (11.09), in reply: Just once I would like to be surprised by Mrs Burke; just once I would like her to stand up for the workers of the ACT in her constituency; just once I would like her to have an independent thought to those of Mr Mulcahy or the federal government on the matter of industrial relations. But today will not be the day. In typical fashion Mrs Burke has ignored the effects, the numbers which were produced by witnesses. If you recall, 90 to 94 per cent of witnesses raised grave concerns and spoke about the effects on their working lives. She has taken the contrary line. We now see the action. Mrs Burke mentioned on page 69 in her additional comments at point 6.3 her intention to shut down the committee. She has just called it again in her final speech. How incredible!

**Mrs Burke**: Mr Speaker, I wish to raise a point of order. I did not ask to shut down the committee.

**MR SPEAKER**: That is not a point of order. Resume your seat.

**MR GENTLEMAN**: Here we have a member elected to represent her constituents, selected by her peers to take part in the Assembly's committee process, recommending that her own committee—a committee formed by this Assembly to examine the effects on families here in the ACT of certain pieces of legislation—be shut down. I have never before heard of a member of a committee asking for her own committee to be shut down. It is my understanding that this has never occurred before in the history of the ACT Legislative Assembly.

Perhaps I can add some reference as to why Mrs Burke has this feeling about the working families committee. From the very first hearing, when we heard from Mrs Burke during questions to witnesses regarding their submissions, she seemed to attack them, questioning a submission from the transport workers union and other witnesses, saying she considered their submission on the Work Choices legislation and the committee a furphy. I looked up the word "furphy" in Webster's dictionary. It says that a furphy is a far-fetched rumour. Here we see a committee member representing the seat of Molonglo—and, I might add, the people of Canberra—calling the whole process of the committee a far-fetched rumour. This was done publicly in front of the very witnesses called on to be heard at our committee and, in fact, at her request as a committee member.

Mrs Burke did not limit the attack to transport workers. She attacked members of ACTCOSS and representatives of the CFMEU and accused the committee and witnesses of scaremongering, as she has here today. In fact the only time Mrs Burke appeared to silence her attack was when the subject of the unscrupulous dealings of some construction companies, forcing workers from employment to self-employment or

contracts, was raised. The parallels of these concerns with the dealings of a certain cleaning company were not lost on those in the committee room. Maybe her disdain for the committee comes from a fear of being too close to the bone—in fact, so close that she had to excuse herself from the hearings and leave well before the witnesses were able to finish their presentation on the contracting issue.

I do not wish Mrs Burke's statements to detract from the report and witnesses' statements, nor from the 10 submissions received in total. But I feel that, if she is going to publicly ridicule invited witnesses, bringing into question the validity of this Assembly to create its own committee, she can hardly be seen to be devoting herself to this work. Given the fact that it is her position that this committee should cease its inquiry, I cannot see how Mrs Burke will be capable of any form of positive contribution. In fact, it is my firm belief that the only contribution Mrs Burke intends to give is to disrupt this committee and its inquiry as much as possible. That said, I ask that she remove herself from the committee or that the acting opposition leader remove her. I am sure there are ample members very keen to commit themselves to the Assembly process. Irrespective of the decision of Mrs Burke to remain in or remove herself from the committee, this committee will continue with its inquiry because we are committed to giving the people of Canberra a platform for their concerns on industrial relations reform.

We have heard the actuality of some of these effects and we have heard Ms Porter say that IR is a policy that has been radically altered by the federal government. We have heard from Ms Porter on employers and on the Prime Minister, who said that the sky will not fall in and we should have no concerns. She spoke about her local high school and she also spoke about the statements from lawyers yesterday about unlawful dismissal.

Despite one member of the committee seeking to abandon its constituency, this committee will continue with its work. As Mrs Burke pointed out in the committee hearings, we are not living in the 1900s. Why would such archaic legislation that predates the 1900s go unexamined by the people of this Assembly? I would like to thank the committee secretary, Ellie Eggerking, the witnesses who attended the committee and my committee colleagues.

## Civil Unions Bill 2006

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.15): I ask leave to present the Civil Unions Bill 2006.

**Mr Stefaniak**: Just before he does that, I have spoken to the Chief Minister about this. We do not particularly want to be obstructive—

**MR SPEAKER**: Order! What is it you want to do here?

**Mr Stefaniak**: Basically, we were only given notification very late yesterday. I heard it in the media. I would like the Chief Minister to address that in seeking leave.

**MR SPEAKER**: Order! Resume your seat.

**MR STANHOPE**: The Acting Leader of the Opposition has approached me to express his regret that the opposition were not provided with prior notice that this bill would be introduced today.

**MR SPEAKER**: Order! Are you going to proceed to this piece of legislation?

**MR STANHOPE**: I am. I apologise to the Acting Leader of the Opposition for any inconvenience caused.

Leave granted.

**MR STANHOPE**: I present the Civil Unions Bill 2006, together with its explanatory statement and Human Rights Act compatibility statement.

Title read by Clerk.

**MR STANHOPE**: I move:

> That this bill be agreed to in principle.

I am pleased to present the Civil Unions Bill 2006. This is a very significant piece of legislation and a major step forward for equality for the gay, lesbian, bisexual, transgender and intersex members of the ACT community. It is clear, from both the submissions received by the government in response to its discussion paper and from the letters received since I announced in December 2005 that the government would be moving to introduce this legislation, that a great many people are keen to take the opportunity to have their relationship formally recognised. The passage of this legislation will bring the ACT into line with a growing number of jurisdictions worldwide.

The United Kingdom Civil Partnership Act commenced in December 2005 and New Zealand enacted its Civil Union Act in 2004. A number of European countries, including Spain, Belgium, the Netherlands, Denmark, Germany and France now provide for formal recognition of same-sex relationships, as do Canada and a number of US states. Here in Australia the Tasmanian Relationship Act scheme for registration of personal relationships, including same-sex relationships, has been in operation since 2004.

The Civil Unions Bill is a reflection of the government's commitment to the principle that all people are entitled to respect, dignity and the right to participate in society and to receive the protection of the law, regardless of their sexual orientation or gender identity. The right to equal protection of the law is also stated in section 8 of the Human Rights Act 2004, which prohibits discrimination in law or in practice in any field regulated by public authorities, including on the grounds of sex and sexual orientation. The United Nations Human Rights Committee has stated in its general comments that the term "discrimination" in this context means, "… any distinction, exclusion, restriction or preference, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms."

There is increasing recognition in human rights jurisprudence that the right to equal protection of the law includes positive obligations to ensure equal treatment. The Supreme Court of Canada, for example, in the 1997 case of Eldridge v the Attorney-General of British Columbia said that discrimination can accrue from a failure to take positive steps to ensure that disadvantaged groups benefit equally. Same-sex relationships must be treated equally unless there is an objectively justifiable reason to do otherwise. The ACT can find no such objectively justifiable reason to treat same-sex relationships other than equally. I ask anyone who may have concerns with this bill to ask themselves that question: what objectively justifiable reason is there to treat same-sex relationships any differently from loving, committed heterosexual relationships?

The Civil Unions Bill will ensure equal treatment under ACT law. It will allow a couple to establish a domestic partnership by making a formal declaration of their intention to do so. A civil union will be treated in the same way as marriage under territory law. A civil union is not a marriage but will, so far as the law of the ACT is concerned, be treated in the same way. The government is of the view that this is preferable to providing an alternative form of marriage that would not have equal recognition to commonwealth marriage. The civil union is a new concept that can be used by anybody, regardless of gender. It will give couples functional equality under ACT law with married couples but does not replace or duplicate marriage.

Why is this legislation necessary? The law reform that has been undertaken to date has accorded people in same-sex domestic partnerships the same status as unmarried, opposite sex domestic partnerships under ACT law. This is because there is currently no provision in Australian law for two people of the same sex to legally marry. In the absence of the option of marriage, the law must rely on the objective approach of the nature of the relationship two people have, as opposed to what they might have if the option of marriage were available. Thus the law reform the government undertook during 2003 and 2004 relied on the functional definition of the relationship—ie, two people, whether of different sexes or the same sex, living together as a couple on a genuine domestic basis. The term "domestic partnership" is now used as a universal term in ACT legislation to refer to this functional relationship.

Although laws no longer distinguish significantly between the effect of being in an informal domestic partnership and a formal marriage, there remains a difference in the capacity for parties to establish the fact of their relationship. By marrying, parties gain immediate recognition of their domestic partnership. Parties to other domestic partnerships need to provide factual material to support their contention that they are in a domestic partnership and, in either a practical way or because of a direct statutory requirement, a certain amount of time must pass before that effectively can be done.

It is clear that two people who want to establish a domestic partnership are at a disadvantage if they cannot marry. Although the nature of the relationship is the same, a couple who cannot marry are deprived of the capacity to immediately establish that they are in a domestic partnership, complete with indisputable evidence of the existence of that relationship. The purpose of the Civil Unions Bill is to provide a formal means of ascertaining the intentions of the two people involved so that particular consequences may then flow from that statement of intention. The other aspect of this is, of course, the

social aspect of providing for formal recognition of civil unions. This will make a real difference to a great many people. I would like to briefly share with members some of the sentiments of people who have written in support of formal recognition of same-sex relationships. I quote:

> The ACT is now providing an excellent example to other states in its recognition of the human rights of gays and lesbians. This move is important in demonstrating that love should be celebrated not stigmatised and that everyone deserves dignity and respect regardless of the family form. I join with the entire gay and lesbian community their friends and families in thanking you.

The following is from a mother who wrote in support of civil unions. It says:

> My daughter is in love with a wonderful woman, whom I now consider as part of my family. She is totally in love with my daughter and has made my daughter, finally, happy and fulfilled. They share a relationship and live their relationship like any other heterosexual couple.
>
> It has taken me a long time to finally find acceptance in my daughter's sexual preference; I also believe that everyone in life has a basic right to be happy and to be loved to the fullest, regardless of their sexual orientation.
>
> I hope that my daughter and her partner have a long, fulfilling, loving and stress free life. It would also be nice if they receive the same rights as any loving couple in this nation, without discrimination.

How will this civil union scheme work? The Civil Unions Bill sets up a scheme which will provide for qualifications on who may enter into a civil union, set out the process for entering a civil union, specify how a civil union may be terminated and specify the consequences of entering a civil union. While it must be acknowledged that this bill will have most application to same-sex couples, the legislation will be non-discriminatory and the option of entering a civil union will be available to any two people, regardless of their gender, subject to meeting other eligibility requirements. A person may not enter into a civil union if they are already married or already in another civil union.

The rights and obligations flowing from a civil union are premised on a primary relationship and this requirement recognises that there can only be one primary relationship at any given time. In addition, a civil union will automatically terminate if one of the parties marries. A person cannot be in both a civil union and a marriage. An ACT civil union will always give way to a commonwealth marriage. A civil union scheme in the ACT will not alter the meaning of marriage. The bill also specifies particular age requirements for entering a civil union. A person must be 16 years of age or older to enter a civil union. A person who is 16 or 17 may only enter a civil union with the consent of a parent or guardian or, alternatively, with an order of the court. This is consistent with, although not the same as, the commonwealth Marriage Act and also reflects the age of consent specified in the Crimes Act for the sexual component of any such relationship.

There is currently no prohibition on a person who is 16 forming a relationship but only in having that relationship recognised. To deny such a person equal access to the law solely on the basis of their age is discriminatory and contrary to the human rights set out in the Human Rights Act 2004. The bill does not require that people be resident in the ACT in

order to have their relationship formally recognised in the ACT. The basis on which a birth, death or marriage is registered by the ACT Registrar-General is simply that the event happens in the ACT. Similarly, a civil union will be entered on the ACT register if, and only if, it happens in the ACT.

The process for entering a civil union requires that the parties first give notice of their intention to an authorised celebrant. This notice must be given at least one month before the event. The parties then make a declaration to the effect that they are entering into the civil union with the other person and that they are doing so of their own free will. This declaration must be made before the authorised celebrant and at least one other witness. The bill also provides for termination of a civil union. This does not require an order of the court, although it may be done by an order of the court. The usual method would be to give notice to the Registrar-General, with this notice taking effect automatically 12 months after it is given, unless it is withdrawn within that time.

Whilst I am satisfied the ACT is doing all it can to afford equal protection under the law to all people regardless of their sex or sexual orientation, it must be recognised that, without changes in the federal jurisdiction, this equal treatment will be limited to the ACT. My challenge to the federal government is to end its discriminatory treatment of gay, lesbian, bisexual, transgender and intersex Australians and to amend federal laws so that relationships of same-sex couples are treated in the same way as relationships of opposite sex couples.

Today the government moves to eliminate one of the last remaining legal impediments to the full equality of gays and lesbians in our community—a process begun in our first term of government and now in its final stages. It has been an important journey for a community that is committed to equality and respect for the basic human rights of others and an acceptance and celebration of diversity. Conferring equality on those who have historically been discriminated against under the law does nothing to diminish the rights of those who have always been protected by that law. If anything, it heightens the value of that protection by highlighting the importance of extending rights to all, not just a chosen few or a chosen majority.

The equality conferred by this bill is not only functional and practical but also highly symbolic. A civil union will not simply be evidence of a loving, lifelong commitment between two people, with a piece of paper as proof; it will create the relationship being recognised. It is a distinction some may find subtle but to the many same-sex couples who will use this law I suspect it is anything but subtle; it is critical. I commend the Civil Unions Bill to the Assembly.

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

## Motor Sport (Public Safety) Bill 2006
### Detail stage

Debate resumed from 9 March 2006.

The bill.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.29): I seek leave to move amendments Nos 1 to 33 circulated by the government together.

Leave granted.

**MR STANHOPE**: I move amendments Nos 1 to 33 together *[see schedule 1 at page 718]*. I table a supplementary explanatory statement to the amendments.

Amendments agreed to.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.31): Members will be aware that this bill establishes an appropriate legislative platform under which motor sport and dedicated motor sport facilities can be managed. The bill introduces a licensing system for motor vehicle racing in the ACT. It creates the necessary decision structure surrounding motor sport licensing and provides compliance and regulation.

During discussions with officials and members, particularly Dr Foskey's office, with respect to both the bill generally and the scrutiny of bills report, it emerged that there were two areas in which the existing bill might be improved. I take the opportunity now simply to acknowledge that assistance and the basis for which the amendments which the Assembly has just agreed to were developed and moved. I thank members of the Assembly for their support for those amendments which came very much out of the fruits of the scrutiny of bills investigation of the bill and discussions with members and their staff members. I acknowledge the role of Mr Stefaniak and Dr Foskey in that process and thank them for their assistance and for their support.

The amendments amend clauses 7 and 9 of the bill. There were several consequential amendments to that. The discretions or decisions exercised under those clauses, while necessarily broad, are better exercised at a level commensurate with the breadth of discretion. And that is by the minister rather than the chief executive. The government decided, on that basis, to elevate the exercise of power under the discretions in those clauses to the responsible minister. A number of amendments followed from that. Similarly, the amendments remove any doubt with respect to the interaction between that clause and the regulation in section 38 of the act with respect to buildings and other structures, by removing the requirement for prescribing matter in the regulations.

I again thank members for their consideration of the bill, their assistance on the amendments which were eventually decided upon and their support for the bill.

Proposed new clause 33A.

**MR STEFANIAK** (Ginninderra) (11.33): I move amendment No 1 circulated in my name which inserts a new clause 33A *[see schedule 2 at page 724]*.

Whilst the amendments of the Chief Minister, which were alluded to by the then sports minister in the last sitting, improve the bill, my amendment will give application to the intent of the actual drafters of the bill and the intention of how the regime is to work. I said in my opening comments on this bill that one pleasing aspect of it is that it might indicate the government is fair dinkum about building a dragway, because this bill would have application to a new facility, which is very much in line with what occurs in New South Wales.

But there have been concerns expressed in the motor sport community about existing facilities. In talking with officials, the motor sport community, the government and the former minister, it seemed quite clear that this particular act is not really meant to apply to any existing facilities. Obviously, if existing facilities suddenly want to make a dramatic change, that might well be a different story. It is not intended, so I have been assured, that this bill would apply to the existing facilities. They are the facilities that are operating at Fairbairn Park. Hence my amendment makes that absolutely certain and puts it in legislation.

As I said, things could change down the track. There could be further amendments; further things could flow, if any existing facility wanted to make a significant change to how it operates at present. My particular amendment indicates that the act does not apply to the four facilities that operate at Fairbairn Park. That facility has at present all four types of racing in the territory. There are no other current racing tracks in the territory.

The current facilities are: the speedway racing track, the go-kart racing track, the motorcycle racing track and the hill-climb racing track. The speedway racing track is a little further removed within the complex from the others. Some of those facilitates are at block 306. The other, I think, is at block 601. That effectively covers the four existing facilities, which I have been advised it is not—and I certainly accept that it is not—the intention of this bill to cover.

My amendment would greatly assist the operation of this bill. It would certainly alleviate any fears of the current motor sport community that they might be unduly hit with extra unnecessary bureaucracy. Of course, if accepted, it would certainly do nothing to take away from the rest of the bill which is there to properly govern any new major motor sport facilities that the territory hopefully will be getting in due course.

**DR FOSKEY** (Molonglo) (11.36): Mr Stefaniak's amendment makes it very clear that this bill is a dragway bill. While I am not an expert on motor racing in any shape or form, I am inclined to support his amendment. But in doing so, I make a few comments on the bill as such. Mr Stanhope noted that my office had some input to the amendments that we have all approved today. I make some points that were made by my office to the officer who briefed us on this bill and who was very appreciative of our comments. I note that most of these are not reflected in the amendments.

In clause 13, the penalty provision of 20 penalty units is not, in our opinion, high enough to be a realistic deterrent because it only represents a profit from maybe 40 tickets to

a big event. In discussions with the government, my office suggested the bill should contain another offence provision which is not a strict liability offence but which contains a realistic fine which could discourage any licence holder from putting profits above environmental, amenity or public safety concerns.

I understand that the office responsible for oversighting penalty clauses considered that the penalty of 20 units was commensurate with similarly serious offences in other acts. However, I cannot agree with this because the potential for public mischief resulting from the breach of a dragway licence is far greater than the consequences which can flow from offences in other acts which attract the penalty of 20 penalty units. A much higher penalty would be appropriate.

The definition in clause 15 seems to define any additional conditions put on a licence as disciplinary action. Given that most conditions will be uncontroversial and will be added to a licence by consent, it seems a bit harsh to define any amendment of licence conditions as disciplinary action.

Under the provisions of clause 16, the minister must wait a minimum of 24 days before disciplinary action takes effect, unless there is consent or the immediate suspension of a licence. This seems to unnecessarily curtail the otherwise very wide discretion that the bill provides the minister to set conditions prior to a licence being approved. While I support the commitment to procedural fairness implicit in clause 10, its scope seems to be excessive in this context.

Clause 21 seems rather too wide. A participant—say, a pit crew worker for a foreign racing car driver—is unlikely to know whether a condition is being breached by the organiser. I hope discretion is used when deciding whether to prosecute under this section.

Clause 33 paragraph (2) seems remarkably wide. I would have thought that everyone affected by a decision on the proposed dragway would include every northside resident whose quiet amenity will be disrupted by screaming drag car engines. If the government decides that these people are not sufficiently affected by the decisions, I hope it can still see fit to publish reviewable decisions in the *Canberra Times*, in local *Chronicle* newspapers and at shopping centres.

Finally, in relation to clause 34, I urge the government to ensure that incorporated documents are published on the government website as soon as possible after they are adopted. To ensure maximum transparency and public consultation, any incorporated documents should be published on the website as soon as the government is aware that they are proposed to be adopted.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.41): The government has decided, after deep consideration, not to support this amendment. It does need to be understood, to put the legislation in perspective, that it is based on existing New South Wales legislation that, I am advised, has operated very satisfactorily in New South Wales for more than 20 years.

The ACT is moving to introduce this legislation in recognition, essentially, of the fact that we do not have this order or sort of regulation of motor sport within the ACT. The legislation is based very much on the regulatory regime which applies in New South Wales. To that extent, we are simply adopting or embracing for the ACT a system which operates in New South Wales and which is endorsed by all of those with whom we have consulted, at both a national and an international level in the context of motor sporting regulatory bodies. This form of regulation is overwhelmingly endorsed and supported by the motor sport bodies that have the responsibility for regulating motor sport within Australia and indeed the bodies that regulate it around the world. This legislation sets up a regulatory regime which is generally supported by all of those who have responsibility.

None of us needs to debate or justify the need for this particular sport to be very closely regulated and that there be very clear regulatory regimes in place not only to address, of course, the essential safety and public safety issues which are part and parcel of motor sport but to deal from time to time with the unique issues that affect motor sport. They are part and parcel very often of national competition frameworks and cross-border competition frameworks. They are accredited, and need to be accredited normally, for those competitions to take place. There are specific and detailed issues that need to deal with events sponsorship and television coverage. Of course, first and foremost, issues around licensing, insurance risk and liability management are very, very relevant to the operation of motor sport legislation.

This legislation was identified, as I said, because of the recognition of a gap. It is something that has persisted for the last 16 or 17 years throughout self-government. New South Wales legislated 20 years ago. It was not picked up at the time of self-government. We are now essentially closing a gap that has existed for all that time.

I understand that there is some obvious force to the point that Mr Stefaniak makes: if the government is standing here saying, "We have no intention of applying this regulatory regime to Fairbairn Park raceway," then Mr Stefaniak says, "If you do not intend to do that, then exclude it; do not leave the option open." The amendments that have been moved today, as a result of representations that have been made to and the report of the scrutiny of bills committee, vest in the minister of the day the discretion to determine whether or not Fairbairn Park raceway, for instance, would be covered by the regime. To some extent, that should give some comfort to Mr Stefaniak.

The government has no intention at this stage to include Fairbairn. But one never knows. At this stage the proposal is essentially that we mirror New South Wales; we establish a regulatory regime which all motor sport facilities in the ACT are potentially affected by. At this stage there is no intention that Fairbairn be affected by this legislation. If in the future some circumstance at Fairbairn arose—one of those issues that I commented on which impacted on Fairbairn Park—then we have a regulatory regime, a legislative structure, in place that could be utilised. At this stage the government is saying, "We do not expect that to happen; we have no expectation." But if Fairbairn itself moves to change the way in which it operates, then there would be a need for the government to look at it being covered by this legislation.

It is a to-and-fro argument, a tug-of-war; should you opt in or should you opt out. Mr Stefaniak argues, "Opt out. If it was not your intention, do not do it. If the

circumstance changes in a couple of years time, come back and change the legislation." The government has adopted an attitude to this: no, everybody is potentially covered. If a specific facility is to be covered, then the minister of the day will have to make a decision, will have to exercise his discretion to apply the legislation, and it applies.

One could argue that the government has taken a particular position on this. We believe, for the sake of certainty and for the consistency of regulation, the regime should apply. We have allowed for this. We admit now that we have no intention that Fairbairn be covered by this. But circumstances change. If they do change, the regime exists, as it does in New South Wales. It is exactly the same situation there. There would be places within New South Wales which currently perhaps are not covered, but if they change the nature of their operation—the sport that is carried out there—then of course you would want a ready-made regime so that you did not have to ratchet up legislation, come back to this place, introduce it, debate it and pass it, with all that that entails. You can now, through the regime that has been put in place, deal with all of those issues. It is the preferable approach.

Whilst I concede that one could argue either way—opt in, opt out; two different approaches—the government believes that the legislation as it is now being debated is the preferable approach. But one could argue either way, almost with equal force.

Proposed new clause 33A negatived.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## Domestic Animals (Validation of Fees) Bill 2006

Debate resumed from 16 February 2006, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

**MR PRATT** (Brindabella) (11.48): The opposition will most definitely be supporting the Domestic Animals (Validation of Fees) Bill 2006 which, as the minister explained in his tabling speech on 16 February, would ensure a legal basis for fees that have been collected in respect of the sale of dogs from the Domestic Animal Services Pound between 21 June 2001 and 8 February of this year. The minister explained that some technical defects meant that a series of instruments made since the commencement of the Domestic Animals Act in 2001, which determined the fee for the sale of a dog from the pound, were not legally effective.

This problem was apparently identified when the legal affairs committee last year drew Mr Hargreaves's attention to the possibility that the fee for the sale of dogs from the pound was invalid. It is unfortunate that the problem was not picked up until now. That is the fault of two consecutive governments. But at least it has been picked up and now it is going to be rectified.

I assume the amended legislation will ensure that all people who purchased a dog from the pound or paid animal registration fees and the like between the dates in question will

retrospectively and legally be entitled to the animals or registrations, et cetera, which they previously purchased. I am sure that is the case. If that is not going to be case, then I hope the government will clarify that as they close the debate on this subject today.

It is good news that this illegality of the collection of fees has now been rectified. It was an obvious oversight that dogs sold by the pound in the ACT since 21 June 2001 could have possibly been illegally purchased by their owners. Therefore, this validation of fees bill reassures the community that they do in fact legally own their dogs and proves it was not the case under the original act. In conclusion, I again state that the opposition will be supporting this bill as it rectifies a significant loophole in the current act in relation to the collection of fees.

**DR FOSKEY** (Molonglo) (11.50): I, too, support this bill as it stands, because it is really only a tidy-up of the legislation to retrospectively cover an administrative error. I have got no problem with the minister setting fees for the purchase of an impounded dog. I do not want to complicate this discussion as this is only a small, administrative bill. However, it is an opportunity to quickly bring up the issues of sales of dogs and their desexing generally.

I am glad to note that Domestic Animal Services and the RSPCA have been working with each other to improve the services and options available to new animal owners who purchase dogs from the Domestic Animal Services Pound. At present, when someone purchases a dog from the pound, they can get their dog desexed and microchipped at a reduced rate through the RSPCA. Of course, when one buys a dog through the RSPCA, the dog is already microchipped and desexed. Here we have an anomaly which I believe needs to be attended to.

If you buy from the pound a dog that has not been desexed and you do not immediately go to the RSPCA, you are in breach of the law. Unfortunately—and we know this because we know that, sadly, there are many irresponsible dog owners in this territory, as elsewhere—many people will not go the extra yards to have their newly purchased dog desexed, even though the RSPCA is offering quite a good deal, much cheaper than any vet. So why cannot the pound work with the RSPCA so that no dog leaves there not desexed?

I acknowledge that this will add to the cost of the animal, but it is a cost that will have to be paid anyway because the law says that an animal of this kind must be desexed. The reduced cost that the RSPCA offers can be applied but paid as one takes a dog home and not later. Despite legislation making dog desexing compulsory, hundreds of unwanted dogs, that is, dogs that were born without official approval, are still euthanased by Domestic Animal Services and the RSPCA each year. If this is of concern to anybody, then purchasing an already desexed dog through the pound, the RSPCA or another animal rescue or foster organisation is the ethical and responsible way to acquire an animal, unless of course you are after a specific breed, in which case you might want to look for an experienced, registered breeder.

Reputable, registered breeders understand the specific breed, the needs of a young puppy and how to bring them up to be well-socialised and balanced dogs. They will also provide support for you while you are caring for that dog and better information on the future care of that pet and will vet people's suitability as an owner.

**MR SPEAKER**: Order, Dr Foskey! I do not mean to interrupt your fine speech, but this bill is about an act that validates certain fees. It is not about the desexing of dogs and how beneficial they are to relationships and so on. Could you stick to the subject matter of the bill.

**DR FOSKEY**: Is this an amendment to the Domestic Animals Act?

**MR SPEAKER**: Yes.

**DR FOSKEY**: I am sorry, I do not quite see how it does not have some relevance. I believe there is room in our Domestic Animals Act for more regulation of dog sales and breeding.

**MR SPEAKER**: The subject matter of the bill is to validate fees, a validation action. You ought to stick to the subject matter of the bill. I take your point that it is an amendment.

**DR FOSKEY**: I do not suppose anybody else ever does that here. I had more to say in relation to this. This is a very narrow bill. Pets are sold in other ways, including through pet shops. There is much less oversight, regulation and responsibility taken by government there.

**MR SPEAKER**: That has got nothing at all to do with this bill. The subject matter of the bill is—

**DR FOSKEY**: Anyway, I note that Domestic Animal Services are undertaking an extensive review of the entire Domestic Animals Act this coming June. I will take the opportunity then to bring up these points in the detail that I believe they deserve.

**MR SPEAKER**: That would be good.

**MR STEFANIAK (**Ginninderra) (11.56): Normally we do not see bills which have a retrospective effect. If bills have a retrospective effect which unfairly hurts people in the community, then that is something that parliaments have traditionally been very, very concerned about and have rejected. In Australia, and in this particular little Assembly, we have always had a principle against retrospective acts.

There are, however, on the odd occasion, problems that arise, mistakes that perhaps have been made and technical issues that need rectifying. In this instance, as the two previous speakers have indicated, the pound does a wonderful job of selling animals and collecting fees for animals at the pound. People who purchase a dog from the pound or who pay animal registration fees—they have been doing so for years; they expect to pay the fees that are charged at the pound—have that expectation. This is something that has gone on for a number of years.

Even though there is this glitch, it would be quite wrong and incredibly complex if a bill like this were not to be brought into effect—if this bill were to be rejected—because it would mean that, technically, people that have paid, expected to pay and did not have any problems paying money in good faith since 21 June 2001, might be entitled to

a refund. I would hate to see the cost that would involve in terms of the system. It would be absolutely ludicrous.

This is a bill that does not affect anyone. People have, in good faith, quite properly and quite happily, because they get a loving companion animal for life, paid these fees. All this bill does is validate an administrative glitch. Accordingly, I join with my colleague Mr Pratt and Dr Foskey in supporting this legislation. It rectifies a significant loophole in the current act in relation to the collection of fees.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.58), in reply: I do two things: I thank members for their support of this. It closes an administrative loophole. At the end of the day, people paid money for some goods and received the goods. It was not as though somebody had paid money, got nothing and therefore we needed to go back and give people their money back. They have got the animal that they paid for. So this is really an administrative-fixing problem.

The second thing I would say is in respect of Dr Foskey's concerns about the desexing of dogs and all of those issues.

**MR SPEAKER**: Mr Hargreaves, come back to the subject matter of the bill.

**MR HARGREAVES**: I am indeed doing that, Mr Speaker. The Domestic Animals (Validation of Fees) Bill is part of our approach to domestic animals, but this bill could not wait for the review of the Domestic Animals Act. For the benefit of Dr Foskey, she can take the issues that she has raised here and convey them through Domestic Animal Services, and those views will be taken into account in the review of the Domestic Animals Act, which will be brought to this Assembly later in the year.

As Mr Stefaniak succinctly said, this is an administrative matter. This is really all about money; it is not about the animals. It is about money; it is about making sure that the transaction that applied to somebody paying money and receiving an animal is legitimate. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.00 to 2.30 pm.**

## Questions without notice

### Policing—report on hit-and-run incident

**MR STEFANIAK**: My question is directed to the minister for police. Minister, on the 23rd of August last year your comments about the Clea Rose hit-and-run quoted in the *Canberra Times* stated that you had announced that "the full report of the police

investigation would be kept in-house and only … findings and recommendations revealed".

In addition to demonstrating a strong reluctance to be transparent on this matter, you failed to release any report—part or whole—for an extraordinary eight months after the incident. The community did not know what to think given your lack of action on this matter. Minister, why did you allow a black cloud to hang over the police for such a long time through failing in your duty to see that the report was promptly produced in order to alleviate community concerns?

**MR HARGREAVES**: It is an interesting question from the acting Leader of the Opposition about the black cloud that hung over the police. What was particularly important was that the proper investigative procedures be undertaken with propriety. Indeed, such was our commitment that that would be the case, there was the involvement of the ombudsman. There was a whole range of reasons why the report was delayed. But there was no black cloud over the police, other than that imposed upon them by the opposition.

**MR STEFANIAK**: Mr Speaker, I have a supplementary question. Minister, why did you originally decide to keep the full report of the police investigation secret, given the public concerns over the issue?

**MR HARGREAVES**: From day one I said that the findings and the recommendations would be released as soon as they were available. That was the fact. Consistent all the way through the period, that is what I said: that the findings and the recommendations would be released.

There were two concerns that I had: the first one was that operational procedures for the police, which may in fact aid or assist the criminal element, should not be released; the second—and most importantly—was that there were many, many witnesses that came forward. We had no right to expose their names in the public arena. Thirdly, there is an overlay to that, with respect particularly to those people charged: we had to be absolutely certain that we did not break the law with respect to the Children and Young People Act. I was ever cognisant of those three things.

## Policing—report on hit-and-run incident

**MR PRATT**: My question is to the Minister for Police and Emergency Services. On 24 March the Chief Minister stated on radio, regarding the investigation into the Civic hit-and-run incident, that he shared some of the frustrations of the family and believed the full report should be released. However, as recently as Sunday, 26 March, Minister, you were saying that the report would not be released. Why did you attempt to prevent the release of the report when the Chief Minister had stated that the full report should be released?

**MR HARGREAVES**: In my previous answer I indicated that we were awaiting legal advice as to whether or not this government would be breaking the law with respect to the Children and Young People Act. I had no intention of breaking the law—with or without the encouragement of the opposition.

**MR PRATT**: I have a supplementary question, Mr Speaker. Minister, did you have to be pressured by the Chief Minister to release the report because of your lack of ministerial leadership?

**MR HARGREAVES**: No.

## Policing—report on hit-and-run incident

**MRS DUNNE**: My question is to the minister for police. In the *Canberra Times* of Saturday, 25 March, regarding the internal report into the hit-and-run incident in Civic, you said that the public did not need to see the report and that it was enough for the public to take your word that the police had acted appropriately. You said:

> I don't believe I need to release—

the findings—

> in paper form when we can talk to the community through the electronic media.

Even the *Canberra Times* is going to be cut out of this conversation. Late yesterday you released a version of the report to the public. Minister, why, in a matter of only days, have you significantly changed your mind regarding the release of this report?

**MR HARGREAVES**: Firstly, my comment relating to the *Canberra Times* was because I do not trust the *Canberra Times* to put the truth out there. I believed the only way in which to get the truth out there was to do things verbatim, which the electronic media did. Secondly, the report, which has been made available, satisfies all of those fears that I had articulated in answer to the previous questions.

**MRS DUNNE**: Minister, is your turnaround an admission that the community had concerns which would not be placated without the release of the report?

**MR HARGREAVES**: I thank Mrs Dunne for the question. No.

## Industrial relations

**MS PORTER**: My question is to the Chief Minister. Australian Lawyers for Human Rights is reported to have said that the federal government's Work Choices act "either expressly impacts on some rights or, by ambiguous terms or an absence of express terms, possibly renders many rights hollow or unenforceable". Chief Minister, do these changes represent a breach of rights?

**MR STANHOPE**: I thank Ms Porter for the question, which is an important and very timely question.

**Mrs Dunne**: I take a point of order, Mr Speaker. I seek your ruling. I know that the question is about whether the changes represented a breach of rights, but, as it is about commonwealth law, does the Chief Minister have the capacity to answer a question on it?

**MR SPEAKER**: I think that it goes to the rights of individuals in the ACT, Mrs Dunne.

**Mrs Dunne**: My point being that it is commonwealth legislation. Therefore, what head of responsibility does the Chief Minister have to answer a question about the operation of commonwealth law?

**MR SPEAKER**: I think that he has a right to reflect upon the effects of any law on ACT residents as the head of government in the ACT.

**MR STANHOPE**: It is interesting, of course, that the opposition in this place does not want any debate on the workplaces legislation. We know why, of course, members of the Liberal Party in this place do not want any debate or discussion and would seek to stand today to prevent the Chief Minister of the Australian Capital Territory from responding to the implications, effect or impact of a major piece of legislation of which the Liberal Party professes to be proud but does not want to be discussed and does not want responses or answers to. One can understand their sensitivity, because we know after just one day of operation of the effect or the impact which the workplaces legislation will have in the ACT and, indeed, throughout the rest of Australia. We have learned today of the first sackings in Victoria, at Williamstown—

**Mrs Dunne**: I take a point of order, Mr Speaker. I do not know whether the Chief Minister, in answering a question about the rights of people of the ACT—and you have ruled that he has the right to traverse the issue of how it affects people in the ACT—should be referring to matters in Victoria which are clearly not within his ministerial responsibility.

**MR SPEAKER**: I think that it is open to the Chief Minister to reflect upon examples in other places that might occur here.

**MR STANHOPE**: Mr Speaker, it is entirely appropriate in the context of the impact of the workplaces legislation on the people of the ACT, legislation that has now been in place and operation for 24 hours, that we reflect upon its immediate impact in other places in Australia because the impact in Canberra will be precisely the same. We have learned today, and there has been no denial of it, that the first unprotected sackings have occurred in Victoria under the auspices of the workplaces legislation. It has happened today. Three cabinet-makers were sacked and then offered contracts immediately at $25,000 less than their wage and their package of conditions.

**Mrs Burke**: Tell the full story.

**MR STANHOPE**: That is the full story. The full story is that three workers—

**Mrs Burke**: No, it is not.

**MR STANHOPE**: The full story, the simple story, is that workers are no longer protected by the regime put in place and relevant for the last 100 years, put in place by our fathers, our grandfathers and our great grandfathers, that allowed Australia to become the nation that it is, to the extent that we have seen, 24 hours into the operation of this legislation, that cabinet-makers, without the protection of a union, without the

protection of legislation that respects their rights as workers, as Australians and as members of families, have been sacked.

They were offered, in place of the job that they had and the terms and conditions that they enjoyed, individual contracts with a total package worth $25,000 less than the remuneration package and the conditions which they enjoyed last Friday. And you sit there and pretend that this legislation has no implications for the people of the ACT and you do not want me to respond to a question about the rights of Canberrans and the extent to which those rights have been washed away as a result of this legislation and of your sponsorship of and support for it. That is at the heart of the issue.

We know, and we have seen it already, that this is an ideological push to weaken the union movement within Australia, to remove from individual workers and groups of workers the right to collectively bargain, to negotiate terms and conditions, the right to earn a liveable wage, to support their families and to participate fully in the life of a society. We see through that one case, and we will see it time and time again from now on, individual workers being sacked and told that they can come back but they will come back under different conditions, with no protection for unfair dismissal.

What was the basis of the dismissal? When asked, the employer said, "I have hit some hard times, so I sacked them." That was the basis, that was the justification: "The books are not quite as good as I would have liked, so I sacked these three workers. But I still need the work to be done, so I have invited them back." The employer has invited them back, of course, at $25,000 a head less.

**MS PORTER**: I have a supplementary question. Can the Chief Minister inform the Assembly of the implications of the legislation for the right to strike and people's human rights in this regard?

**MR STANHOPE**: It is important that we address these issues. It is important that the people of the ACT understand the impact on their rights of this draconian legislation. The members of the Liberal Party in this place can fluster, bluff and pretend that it matters not, but it does and it is at the heart, of course, of the concerns of all thinking and caring Australians. There are three obvious, standout rights that are affected as a result of the passage of this legislation, its introduction and the fact that it is being used around Australia today. It has been in operation for 24 hours.

We know of the implication for the right, the long-held and cherished right, of Australians to collectively bargain. It was through the right to collectively bargain that all of you have benefited. The great hypocrisy that I find from the Liberal side of politics is that, if you did not benefit individually, at least you can be assured that your parents did. I know that Mr Stefaniak's parents did. They benefited from the existence of unions and collective bargaining. I would guarantee that all of you did, if not individually, through your parents, through your grandparents and through your brothers and sisters. Each of you, each of your parents, each of your grandparents, each of your brothers and sisters, each of your children that has taken an EBA union-negotiated pay rise or has benefited from paternity leave or maternity leave has benefited from the fact that we have had a strong union arrangement in Australia whereby workers have been able to collectively bargain and, through the muscle of their arrangement, achieve those outcomes.

There would be no paternity leave for the Leader of the Opposition to enjoy today if it were not for unions, if there were not a right to collectively bargain, a right which you have swept away. There would be no maternity leave of the order which we see if it were not for unions and the right to collectively bargain for workers. You know it and you all benefited from those pay rises in those workplaces in which you, in your non-unionised state, rode on the back of union organisation and activity. You picked up the pay rise and picked up the paternity and maternity leave, but never contributed to the action and have scoffed at and scorned unions forever and a day whilst blithely accepting all the benefits that were delivered to you as a result of collectivisation, union action and union agitation.

It is the height of hypocrisy, it is the absolute height of hypocrisy, that you sit back and take on the one hand and then bite the hand that delivered to you the quality of life that you enjoy and that your families enjoy. It is a fact—you cannot deny it; you cannot dispute it—of the quality of life which Australians enjoy that it was delivered on the back of organised labour. That is irrefutable and you are hypocrites to the extent that you argue against it and stand here and defend the legislation of your federal colleagues that has turned back all of those hard-earned rights and conditions that were delivered by unions under the pre-existing industrial framework in Australia, those issues around the right to collectively bargain, the right to join unions, the right not to be dismissed unfairly or unilaterally, as we saw today in the first notified case of, essentially, unfair dismissal that occurred in Victoria.

It will be recorded as a day of infamy that workers are now so exposed that they can roll up to work of a morning and have their boss say, "You are sacked, but I still need you. You can come back immediately, as long as you sign this contract which commits you to accepting $25,000 less than you were receiving yesterday. Take it or leave it. I still need you. I still want you here, but I just refuse to pay the terms and conditions which you had negotiated for you through collective bargaining arrangements." It is appalling, it is outrageous and it goes, of course, to the right to collectively bargain, the right not to be unfairly dismissed and, as Ms Porter raises, the right to strike, rights which are essential, which have been essential and which, I think, each of us would know in our hearts, if we were honest, we have all benefited from. We take the benefits and do not acknowledge the cost of those who bore the price of the action that was taken to secure the working conditions which each of us enjoys in Australia, or did enjoy.

## Water—pricing regime

**MR MULCAHY**: My question is to the Chief Minister in his capacity as minister for water. What water pricing regime does the government intend to put in place to resolve the ongoing conflict of Actew wanting consumers to use more water but the government wanting Canberrans to use less water?

**MR STANHOPE**: It certainly is the case that, in the context of water and water use and our capacity to meet some of the water reduction targets that we have set, there is a range of stratagems that can be utilised. Some of these go to water. Water is price sensitive in terms of its use, and that is an issue that the government is conscious of.

In addition, in relation to water and the work that has been done over the last two to three years by Actew to secure our water in terms of both quality and immediate and long-term security of supply, we have expended significant amounts of money. When I say "we", Actew has. It is, of course, our company. It is "we", but they are separate. Some of these decisions are made without undue influence of government, although these are issues that we discuss regularly.

I do not know the exact number, but it is fair to say that in the last three years—certainly since the bushfire—Actew has spent somewhere in the order of $60 million to secure the catchments, particularly the Cotter catchment, to ensure that we have sufficient treatment capacity in the water treatment plants at both Stromlo and Googong and for the delivery and construction of the bulk water transfer system from the Cotter catchment to the Googong catchment. All of these works combined have cost somewhere in the order of $60 million-plus. It is appropriate that Actew looks to recover from the Canberra consumer the cost of that enormous investment in our water infrastructure and in our long-term security.

These issues are, to some extent, in the gift of the ICRC and, to the extent that the member asks specifically about strategies, they are very much stratagems that depend on the work and inquiries of the ICRC. To the extent that we have a capacity to impose the water abstraction charge, there are some limitations on us in relation to ensuring that no water abstraction charge can be otherwise identified or described as a tax or excise. It is a legitimate impost designed to ensure that the territory, or Actew, is recompensed for the cost of the provision of water.

To the nub of the question: Actew is at the moment pursuing in the ICRC an appropriate pricing regime to take account of the enormous capital investment over the last two or three years, an investment of $60 million-plus on infrastructure. This government has previously, two budgets ago, enhanced the water abstraction charge in recognition of the cost of the supply of water.

In terms of costing, there is a third issue to be considered that has not yet been considered, but which should be considered and will be considered by the government. It is certainly something that I have commenced discussions on. That is the need, in the context of our water strategy "Think water, act water" and the targets we have set, to determine the extent to which price should be utilised as a factor in relation to usage or demand for water. That particular issue is not one that is being pursued at this stage, but I am alive to it.

**MR MULCAHY**: I thank the Chief Minister for his answer. My supplementary question is: what direction are you giving the Actew corporation in the conflict between water conservation and its need to make a profit?

**MR STANHOPE**: It is fair to say that I am not sure that the shareholders or I have directed Actew on the need to address that particular conflict. I meet regularly with Actew and I correspond regularly with Actew. I am aware of the issue. It is raised regularly in this place in the context of the whole range of work that Actew does—for instance, in relation to the very significant and valuable scientific work that Actew did to identify our medium to long-term needs and how best to secure them.

There was the obvious position put: "Well, isn't this a conflict?" That came from those concerned about the need for us to think sustainably in relation to water use. The challenge that was made at the time was: "Well, you know what Actew is going to recommend. Actew will almost certainly, without doubt—you can guarantee it—recommend that we need to construct another dam, and we need to construct it immediately." That, of course, is the Liberal Party position, but that was the challenge or the charge that was levelled at Actew. Because it has this alleged vested interest in ratcheting up profits and returns to the extent that it can, if it comes to spending another dollar, how could you expect Actew, when handed the task of inquiring on behalf of the government into the territory's future water needs and how best to secure them, to do anything other than automatically, without thinking, recommend that we whip around constructing dams all over the place?

Shock, horror! The report came back on the basis of rigorous scientific analysis of our needs, the population, climate change and a range of other factors. I know that Actew's response disappointed Mrs Dunne and the Liberal Party enormously. It shocked and horrified others who had made these allegations about Actew's lack of integrity and how Actew could not be trusted to deliver an objective scientific report and analysis on how best to meet our water needs.

Actew, of course, with some lateral thinking, some engineering brilliance and insight, recommended that we build a bulk transfer system from the existing good catchment to the existing not-so-good catchment. As a result of that mechanism, as well as the significant engineering and thinking that went into the Murrumbidgee option and the potential of a further pipeline in the future, if we need it, Actew is now saying, through its reports and quite publicly, that it may be that we do not need to think again about whether or not we will ever need a dam. Perhaps we will in 30 years time, perhaps longer and perhaps never.

This notion that Actew cannot be trusted because it is a company and its overarching charter is to make money or to render profit needs to be looked at in the light of Actew, as an ACT government-owned company, responding to and being responsible to an essential government philosophy around sustainability, good government and evidence-based decision making. It is a corporation that is very much a part of this community.

It has to be said that at no stage in any of my discussions with Actew have I ever suggested to Actew that it needed to maximise the opportunity and to get out there and to grasp for every cent and dollar that it could. I do not think it has ever been discussed, let alone formalised in terms of directions. We want the company to do well. We want it to be efficient and to be lean. We want it to maximise its opportunities and do what it does particularly well. But if this is the thrust of your question, at no stage has this government ever gone to Actew and said, "We need you to turn a quid for us, and we need you to do it in any way that you can."

The overall or essential nature of my relationship with Actew is that I expect it to meet the government's sustainability objectives. I expect it to work with the government to deliver "Think water, act water" and "Think water, act water" at its heart requires a reduction in consumption of water by 25 per cent by 2023. I expect Actew to work with the government. It has every intention of doing that. Actew is a wonderful corporate

citizen. It is incredibly responsive in terms of working with government to meet the government's water objectives. To date, I have to say, its performance has been exemplary.

## Policing study

**DR FOSKEY**: Mr Speaker, my question is to the minister for police and concerns the ACT Policing study. Minister, the Assembly is well aware that the ACT Policing study, which, so far as I am able to know, analysed how well ACT Policing is resourced and whether or not it can meet its objectives, was completed in the middle of last year. The AFP has been under intense public and political scrutiny over the past year, with questions being raised about the level of community service, as well as some of its procedures. Given these concerns, will the minister for police now commit to the full public release of that study?

**MR HARGREAVES**: Mr Speaker, that particular study is part of Cabinet budget considerations and, as such, no.

**DR FOSKEY**: Mr Speaker, I have a supplementary question. Isn't the release of this study crucial, so we can know how effectively and efficiently ACT police are performing for budget preparation and for the community's perception of our safety?

**MR HARGREAVES**: Thank you, Mr Speaker. Dr Foskey may very well say that. I could not possibly comment.

## Industrial relations

**MR GENTLEMAN**: My question is to the Minister for Industrial Relations. Minister, the Chief Minister just outlined some of the rights of employees that are breached by the Work Choices changes. Does this mean that employers have welcomed this legislation?

**MS GALLAGHER**: I thank Mr Gentleman for his question and for his continuing interest in the Work Choices debate. Some of the draconian changes Work Choices places on ACT workers—changes which, as the Chief Minister has just pointed out, breach international rights—might be excusable if they somehow made the employer-employee relationship simpler. That is certainly the argument that the federal government has put forward. But, sadly, we have seen with the tabling of the regulations that this is not the case. There are some 1,800 pages of primary legislation, regulations and explanatory material released by the commonwealth which, unsurprisingly, make our industrial relations system more complex, not simpler.

In particular, these changes place a significant burden on employers—a burden I have no doubt will have a negative impact on business and the wider economy in the ACT. The Minister for Finance and Administration, Senator Nick Minchin, admitted that the government recognised what a mess it had made of these reforms when he told the HR Nicholls Society in March that the unintended consequences were "mind-boggling". Similarly, the mining giant Rio Tinto has been reported as raising concerns about the impact of the changes. Incredibly, even the HR Nicholls Society, a body created to undermine union activities in Australia and a body whose members include the federal Treasurer, Peter Costello, agrees. Their president, Ray Evans, has suggested that the

Work Choices changes are "rather like going back to the old Soviet system of command and control, where every economic decision has to go back to some central authority and get ticked off".

Cheerleaders for the Howard government like Mr Evans have been forced to these admissions because industrial experts and lawyers are in universal agreement: it is impossible to quickly and easily make sense of these changes. The chief executive of the Council of Small Business Organisations of Australia has rightly questioned how small businesses will be able to digest these changes when they were only given a week before the release of the regulations and the commencement of the changes. These changes create a raft of new obligations for business, which include making sense of the rationalisation of awards.

Work Choices practically destroys Australia's unique system of awards under which employers and employees could easily determine minimum employee entitlements by reference to a single document. The folly of the Howard government's ideological attack on this system is evidenced by the mess the award review task force finds itself in in attempting to shoehorn the previously well-established and fluid award system into the stagnant "fair pay and conditions standard" created by Work Choices. The discussion paper that accompanied the formation of the task force recognised that any decision made by the task force on how best to deal with this rationalisation is fraught with dangers. Recognising the challenges it faces, Mr Andrews has pushed out its deadline for its interim report until the end of the month. I do not think this will be the last time the timetable needs to be changed back for the work of this task force.

I turn to payslips. The new rules on keeping and drafting a payslip are such that some employers will need to consider completely revising their payroll systems to comply with the legislation. Further, all records must now be retained for a period of seven years.

On interpretation, the boom in productivity and strong growth in the Australian economy, coupled with low unemployment, were due in part to our settled and well-understood industrial relations system. Until the myriad court challenges and precedents under Work Choices are set, employees and employers alike will be in the dark as to what large sections of this legislation actually mean. Such confusion for business will clearly have an impact on the Australian economy. Federal Treasury admitted as much in a briefing note to the Treasurer last year, which suggested productivity increases would be smaller under the Work Choices changes.

In short, these changes are an ill-thought-through, ideologically driven quagmire which will choke the Australian economy as employers and employees alike grapple to come to terms with them.

**MR GENTLEMAN**: I have a supplementary question, Mr Speaker. Minister, are you aware of whether this legislation has already had an impact on industrial negotiations?

**MS GALLAGHER**: I again thank Mr Gentleman for that question and, unfortunately, we have to say already that the answer is yes. Yesterday, the *Sydney Morning Herald* reported how staff in two Salvation Army aged care homes in Canberra will be amongst the first to feel the brunt of these changes. These nurses have been negotiating with the Salvation Army since their EBA expired a year ago. The parties had reached apparent

agreement and were preparing to put the agreement to a ballot of employees and lodge it with the commission for certification. However, the deadline was missed for certification and now the parties are facing a new agreement under entirely different conditions.

This will force the parties to begin negotiations all over again, revealing how radical these changes are. It also means the federal minister Kevin Andrews will effectively become a party to the agreement with his Work Choices regulations prohibiting the parties from even discussing certain content that the federal government does not like. The employees' ability to strike to protect their conditions is now also severely limited—and these workers are dealing with a sympathetic employer who has spoken out against Work Choices based on their experience with, in their words, "desperate measures".

**Mr Mulcahy**: You won't mind if Clive has a few more strikes.

**MS GALLAGHER**: This does show how quickly Work Choices will tie the hands of employers and employees alike. Here in the ACT, as I can hear the opposition interjecting, we are no different from the Salvation Army. In fact, with our current industrial dispute with the teaching work force here in the territory, if the government had not taken action last Friday to protect the teachers through this industrial dispute, teachers would have been facing individual fines if they took action—

**Mr Mulcahy**: You threatened them with that.

**MS GALLAGHER**: It's not a matter of the ACT government threatening them. If we had not abided by the Work Choices legislation, the ACT government were facing fines of up to $33,000 per teacher who took part in industrial action. It was not a matter of threat; it was a matter of reality and what was going to happen on Tuesday, Wednesday and Thursday of this week. We support a work force's right to strike; we support a right to take part in industrial democracy, even if it causes us some inconvenience, which of course a teachers strike does on a number of levels—as a politician, as the minister responsible, as a parent of someone who goes to a public school.

A teachers strike does cause inconvenience—there is no doubt about it—but teachers have the right to take part in industrial action in the case of a dispute with their employer. Because of Work Choices coming in, that right has been taken away. Their action this week, if they had taken it, would have been illegal and unprotected, and the ACT government would have been in the position of being fined under the Work Choices legislation if we did not abide by it. Similarly, teachers would have faced individual fines and the union would have faced fines.

So what we did—as usual a very sensible approach—was to take it to the commission and seek the commission's role to conciliate, a role that has been taken away under Work Choices, again recognising the legitimate role of the independent umpire to have a view and to help parties settle a dispute when they are at loggerheads. That role has been taken away. Friday was the last day that we could access that. So what we did was to protect our work force—only for another three months as we go through the conciliation period—and the government from some punitive penalties simply because an employer and an employee are at loggerheads, currently in dispute and going through a process.

Under the federal government's view—and the federal government could intervene in this dispute if they chose to—fines would be applied; for taking two hours of stop-work action teachers should be docked four hours pay for their participation. Again, that is something the ACT government does not support.

So, yes, we have already felt the reality of Work Choices and how it is going to operate here. But over the next few months we will see, as it applies to other disputes that may occur in the territory, whether they are with us as the employer or with other employee-employer relationships, the full force of Work Choices legislation on those disputes. Basically, it will mean that employees will have no rights at all to take part in legitimate industrial action. It will be interesting to see, next time the opposition staffers' CA is negotiated, whether they embrace the full beauty of Work Choices, the full hardship of that law. I doubt it—but we will wait and see.

## Sport and recreation—ACTAS scholarships

**MR SESELJA**: My question is to the acting minister for sport. During the Commonwealth Games in Melbourne, 14 athletes from the ACT Academy of Sport competed as part of the Australian team. Despite the success of ACTAS in developing young champions in the ACT, is the Stanhope government proposing to slash the number of ACTAS scholarships?

**MR STANHOPE**: Mr Seselja has raised the success of Canberrans at the Commonwealth Games. At the outset, I take the opportunity of congratulating them individually. It was a fantastic effort by Canberra and by Canberra-based sporting organisations and institutions to produce 14 commonwealth champions. It is sobering to reflect that had the ACT competed as an individual jurisdiction we would have beaten New Zealand in the medal count—not that I am being personal about New Zealand of course, but it is quite noteworthy.

In the context of this association with our current fantastic sporting success and any budget initiative that the government might be pursuing in the upcoming budget, no decisions have been made. In the context of any decision that the government might be making in relation to service delivery or the structure and operation of the ACT public service, those are matters that will, of course, be revealed when the budget is delivered in the first week of June.

Let me say that not a single decision has been made. I have not received a single representation or position paper from within the ACT public service or from within the Department of Economic Development, which houses sport and rec, to suggest that this is something that should be on the government's specific or particular agenda. I have received no representations from within government on the matter. I have had no discussions with the functional and strategic review about the issue.

Indeed, I am somewhat perplexed and bemused perhaps by this rash of representations from sporting organisations. I have received calls on the Chief Minister's talk back. Every second journalist is asking me about it. I am receiving letters and phone calls. As I said this morning, it is not an issue I had given a moment's thought to until this rash of representations has bedevilled me, to an extent where it has not occurred from any other

representative group, organisation or interest group in the territory. I have received no such level of concern from journalists or the community at large about health, education, police services, rubbish or issues on rates; it is all focused on sport and recreation, to the extent that it has awakened my interest.

On the old theory that if there are so many people out there that think that sport and recreation is the obvious target of the government—and we have here a question in the Assembly today, following on questions in the media this morning and letters and phone calls—I thought, "Crikey, this is interesting. I wonder what has generated this level of concern about the vulnerability of sport and recreation to budget cuts." I have instructed the department to look doubly carefully at what we do in relation to sport and recreation. With all this smoke, there must be a fire somewhere. If the industry itself thinks that sport and recreation is such an obvious target of government interest, I had better investigate and find out what it is about sport and recreation that so attracts everybody's interest.

Mr Seselja, I had never given it a moment's thought until the last week or so. I have received no representations or suggestions that we should have a look at sport and rec, that it is an area where there might be a bit of fat and some cuts or savings could be made. My interest is up. I have the microscope out. I have asked the department to look at how every cent is spent in sport and rec. We will give it a thorough going over.

**Mr Stefaniak**: That is what they are worried about.

**MR STANHOPE**: I must say, Mr Stefaniak, if you had not led the charge, I would have been blithely ignorant and probably never given it a passing thought. With this raging campaign, my interest certainly has been whet. I am now looking with gusto at how we spend every single cent on sport and rec.

**MR SESELJA**: Can the minister assure the Assembly that ACTAS itself will not be sacrificed so that this government can proceed headlong with its expensive pet projects?

**MR STANHOPE**: I have answered that question. The government is not pre-announcing any budget decisions. The budget will be delivered. The member expected this response. Of course it is the response that I and every one of my ministers will give to every such question in relation to every area of government administration. These are matters that are being actively agitated before the cabinet in our now regular budget cabinet meetings. It is a long, exhaustive and tough process, as it has always been for every government and every cabinet in every parliament in Australia forever.

We will look diligently at the territory's priorities and will fund them appropriately. We will deliver the truths of that agitation, discussion and deep consideration in the budget. You and I know that neither I nor any one of my ministers is going to say, "I guarantee this", "I guarantee that", "I give this undertaking", "I confirm this", or "I deny that." We won't be entering into that game in relation to sport and recreation or in relation to any other aspect of ACT government service delivery or the budget.

## Disability services—transport

**MRS BURKE**: My question is directed to the Minister for Disability, Housing and Community Services. On 13 December 2005, when asked why a decision had been made

to withdraw transport to group homes for people with a disability in the ACT, you indicated that "there has been no decision to withdraw transport to group homes for people with a disability in the ACT".

Knowing that there indeed had been a reshuffling of transport options between group homes and respite centres at that time, why did you give that answer, given that a number of parents expressed to me at that time—and continue to do so—that there is, for example, a major problem, with no transport to the Fisher B respite house operated by Disability ACT and there has not been for some months now?

**MR HARGREAVES**: Mrs Burke cherry picks bits and pieces out of reviews, evaluations and procedures to see how much damage she can do to the people working in the field. It is reasonable that the subject matter being questioned here is the disability car fleet; the car fleet that is available to Disability ACT.

It is worthwhile answering Mrs Burke's question by putting on the record what has happened. Recent increases in leases, fuel prices and vehicle running costs have had a significant impact on the costs of running the disability fleet. In response, Disability ACT is evaluating the use of its vehicle fleet. Evaluation is being undertaken to ensure a more effective utilisation of the fleet to enable a continued high level of client services provided by Disability ACT.

The objectives of the evaluation are to ensure that fleet cars are used appropriately; to ensure that petrol and other materials are accounted for; to ensure that the best interests of clients are being served by the use of the fleet—to underscore it, I will say it again, for Mrs Burke's benefit: to ensure that the best interests of clients are being served by the use of the fleet—and to reduce duplication and excessive use of vehicles where it is not directly related to the needs of Disability ACT clients.

The scope of the evaluation includes the availability of vehicles within the administrative pool to office-based staff; the accountability of fuel purchases; individual client needs and travel skills in every household; the date activities are undertaken by each resident and the location of those activities; the potential to car pool activities that are attended by several clients—for example, sharing places and opportunities for car pooling to activities such as grocery shopping where public transport is not already appropriately used; and the geographic location of those households that do not need a vehicle on site 24 hours a day.

Decisions that may impact on vehicles associated with group homes have not yet been finalised. Disability ACT sent letters to all client families and guardians in late December 2005 about the issues being considered by the evaluation. The letter also stated that when decisions are made that may impact on a client or their home there will be further direct consultation with residents and their families. Disability ACT has reinforced to families and staff that this evaluation will have no impact on a client's ability to attend activities.

In some instances, there may be modal changes: clients may be travelling to an activity with other clients rather than in separate cars. In some cases where it is deemed appropriate, staff and clients may use public transport. It should be noted that ensuring clients who have the capacity to use public transport are skilled and practised in their

ability to do so is a major part of increasing their freedom and practical level of life skills.

Disability ACT has established an information group to ensure improved communication about that evaluation. The client-guardian forum, unions and advocacy groups have been invited to participate in this group. It is anticipated that the first meeting will be held in early April 2006. Four cars have been removed from Disability ACT's pool of vehicles that are used for administrative use. This has been achievable by the centralisation of some functions and increased efficiencies in administration management.

No cars have yet been removed from group homes as part of this evaluation process. One car was removed from the Fisher respite prior to Christmas. This van was removed because it spent most of the time parked on the site and not being used and there was an alternative option to share Disability ACT vehicles from other locations nearby. There were some initial problems following the removal of the car from the Fisher respite. These included one client having difficulty getting to work for a week during the school holidays. Staff were organising alternative transport arrangements when the client's father contacted them and said that his son was going to take a week's recreation leave from work.

A further issue arose with another client who wanted to attend activities after work for two days. The client's mother volunteered to pick him up and take him to the activities. Since these initial problems, transport arrangements at the Fisher respite have been running very effectively, and the ability of clients to attend activities in general has not been affected.

**MRS BURKE**: Mr Speaker, I have a supplementary question. Minister, given your strong stance on collective bargaining, what are you doing in terms of consulting with parents and clients of these homes or centres collectively—not house by house—to ensure that facilities operated by Disability ACT are able to access adequate transport options for young people with a disability who reside in disability group homes and respite centres? When will you release the review on transport options for people with a disability affected in these cases?

**MR HARGREAVES**: I believe that Disability ACT is doing a magnificent job contacting people individually. Had we not done so, we would have been criticised by the opposition for missing somebody out. I do not have anything further to add to that side of the question. I am satisfied that that communication method is most effective when you consider the individual nature of each case. Families of people in disability group homes have unique issues and they need unique solutions. Disability ACT is expert in finding, in partnership with those people, those unique solutions.

With respect to Mrs Burke's rather tricky and sneaky-type question, asking when am I going to release an internal administrative review—

**Mrs Burke**: A straight answer; it is a straight question.

**MR HARGREAVES**: I do not think you are listening at all. I cannot see that you can listen over the sound of your own voice. Mrs Burke asked when I would release the report, which is an internal review on administrative practice. I won't.

## Canberran-of-the-year award

**MS MacDONALD**: Mr Speaker, my question is to the Chief Minister, Mr Stanhope. Earlier this month the Chief Minister announced the 2006 Canberran of the year. Can he advise the Assembly how this year's award goes some way to recognise the achievements of indigenous people in the ACT?

**MR STANHOPE**: I thank Ms MacDonald for the question. It was a very significant day when the announcement of the 2006 Canberran-of-the-year award was made. As members would be aware, the 2006 Canberran of the year is Ms Matilda House. I do not think there is a more fitting recipient of the award. It was a great honour and privilege for me to be able to make that presentation, along with the presentation of Chief Minister's gold awards to 240 Canberrans who have lived in and contributed to Canberra for at least 50 years of their lives. We need to reflect on the enormous contribution by Canberrans to their community. That 50-year period comprises not just living and working but everything that goes with it such as the running of tuckshops and scout groups—all the work that goes into building a community and society. To spend 50 years living in the one place shows a very real and fair commitment to that place. Over the past two years I have had the great privilege of presenting 1,200 to 1,400 Chief Minister's gold awards to those longstanding citizens of the ACT.

Of course, we marvel at 50 years contribution to the community. That is in a situation or environment where within our community there are descendants of people who we know lived here for 25,000 to 26,000 years, in terms of our understanding of indigenous life within what is now the ACT. Among those is, of course, Matilda House. So whilst on that occasion we applauded, recognised and acknowledged those who have lived here for 50 years, I think it is particularly fitting that, for the first time we recognise somebody, whose blood has been coursing through the veins of those who occupied this place for 26,000 years, as Canberra citizen of the year. To the extent that it is not just an acknowledgment of the wonderful work which Matilda House does for her community, it is also a recognition and acknowledgment of those 26,000 years of continuous occupation of the ACT by the Ngunnawal people and by people who Matilda House is proud to claim as her direct ancestors.

Having said that, it needs to be acknowledged that Matilda has significant extended family responsibilities. She is now the very proud grandmother of eight or 10 grandchildren. It is also important to acknowledge the enormous workload Matilda House has traditionally carried as a representative of indigenous people within the ACT—even now. For instance, she is on the Aboriginal and Torres Strait Islander Community Consultative Council; she is on the aboriginal justice advisory committee; she is co-chair of the Namadgi board of management; she is chair of the Aboriginal and Torres Strait Islander cultural centre board at Yarramundi Reach; and for many years she has served on the Queanbeyan regional council of ATSIC and the Ngunnawal Aboriginal Land Council. Indeed, it is always with pride that Matilda points to photographs of herself on the day of the establishment of the tent embassy in front of Parliament House. Her level of activism and direct support for indigenous issues now extends back to that significant point in the history of the indigenous march for justice in Australia.

I think it is also appropriate at this time to make the point—and I will not dwell on it—that in a week or two it will be the second anniversary of the announcement by the commonwealth government of the abolition of ATSIC. I think it is appropriate that we pause and reflect on the implications of the new approach to indigenous affairs in Australia. In a couple of weeks, it will be two years since ATSIC was abolished and we have now moved into the new era of mutual obligation and shared responsibility. After two years, as we look for the progress that has been achieved as a result of this term, we will in future continue to reflect on that particular policy decision.

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

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

## Auditor-General's report No 1 of 2006

**Mr Speaker** presented the following paper:

> Auditor-General Act—Auditor-General's Report No 1/2006—Regulation of Charitable Collections and Incorporated Associations, dated 27 March 2006.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (3.28): I ask leave to move a motion to authorise publication of Auditor-General's Report No 1 of 2006.

Leave granted.

**MR CORBELL**: I move:

> That the Assembly authorises the publication of the Auditor-General's Report No 1 2006.

Question resolved in the affirmative.

## 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, and Acting 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 papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Contract variations:
>
> Brett Phillips, dated 23 February 2006.
> Darro Stinson, dated 16 February and 6 March 2006.

Diane Spooner, dated 28 February 2006.
Greg Ellis, dated 27 February 2006.
Maureen Sheehan, dated 10 March 2006.
Meredith Whitten, dated 7 March 2006.

Long-term contracts:

Faye Powell, dated 7 March 2006.
Greg Ellis, dated 27 February 2006.
Jacqui Lavis, dated 7 March 2006.

Short-term contracts:

Elizabeth Kelly, dated 3 February 2006.
Leanne Power, dated 10 March 2006.

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

Leave granted.

**MR STANHOPE**: Mr Speaker, these documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contract variations. Contracts were previously tabled on 7 March 2006. Today I present three long-term contracts, two short-term contracts and six contract variations, the details of which will be circulated to members.

## Trans-Tasman mutual recognition arrangement
### Paper and statement by minister

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting 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:

Trans-Tasman Mutual Recognition Act, pursuant to section 7—Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2006 (No 1)—Notifiable Instrument NI2006-84, dated 10 March 2006

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

Leave granted.

**MR STANHOPE**: Mr Speaker, as the designated person under section 6A of the ACT's Trans-Tasman Mutual Recognition Act, I have endorsed the proposed regulation of the commonwealth regarding the special exemptions that apply to the commonwealth's Trans-Tasman Mutual Recognition Arrangement 1997.

The Trans-Tasman Mutual Recognition Arrangement is an agreement between the commonwealth, state and territory governments of Australia and the government of

New Zealand. The mutual recognition arrangement allows goods to be traded freely and enhances the freedom of individuals to work in both countries.

When the Trans-Tasman Mutual Recognition Arrangement was signed in 1997, exemptions were made in industry areas where it was thought that mutual recognition had the potential to generate net benefits, but where there were issues outstanding that needed resolution. While some progress has been made resolving these issues, a number remain unresolved.

The comprehensive work plan sponsored by the cross-jurisdictional review forum is under way to resolve the outstanding matters. There are five remaining areas of special exemption: hazardous substances, therapeutic goods, road vehicles, gas appliances and radio communications standards.

The Prime Minister has written to me supporting the rolling over of the current special exemptions for a further 12 months. This additional time will allow relevant cooperation programs to continue to address the remaining differences between Australian and New Zealand laws and regulations.

States and territories endorse the changes to the arrangement of special exemptions by gazetting the regulation in their respective gazettes or, in the ACT, by notifying the instrument on the ACT Legislation Register.

## Cultural Facilities Corporation
### Paper and statement by minister

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting 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:

> Cultural Facilities Corporation Act, pursuant to subsection 15 (2)—Cultural Facilities Corporation—Quarterly report—Second quarter 2005-2006 (1 October to 31 December 2005)

**MR STANHOPE**: I seek leave to make a statement in relation to the paper.

Leave granted.

**MR STANHOPE**: As members are aware, the Cultural Facilities Corporation delivers a range of arts and cultural programs and services for access by the ACT community. Under the Cultural Facilities Corporation Act, the Cultural Facilities Corporation is required to provide quarterly reports. I am pleased to say the corporation has completed its report for the second quarter, and I present this report for information.

From the first quarter report members can see that the corporation delivered a diverse range of programs and activities for the benefit of the community through its theatres, galleries and historic places. The key highlights in this latest report are that the Canberra Museum and Gallery's education program for young children attracted

audiences in the order of over 500. The gallery opened five exhibitions during the quarter, including an inspiring exhibition entitled *Galong: Paradise of the Ryans*. The Lanyon Homestead celebrated its 25th anniversary as a house museum with a range of activities, including the traditional eating of Christmas dinner, candlelight Christmas carols and a picnic.

During the quarter the Bell Shakespeare Company presented *Measure for Measure*, the final production of the 2005 subscription season at the Canberra Theatre Centre. In October the Canberra Philharmonic Society presented *Many Happy Returns*, a showcase concert highlighting the society's association with the Canberra theatre over 40 years. Mr Speaker, the corporation has been busy providing activities for all Canberrans. I am pleased to table the report.

## Supported accommodation assistance program
### Paper and statement by minister

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services): For the information of members, I present the following paper:

> Supported Accommodation Assistance Program—Bilateral Agreement between the Commonwealth and the ACT, dated January 2006

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

Leave granted.

**MR HARGREAVES**: Today it is my pleasure to table the supported accommodation assistance program SAAP V bilateral agreement between the Australian and the ACT governments. The bilateral agreement forms part of the ongoing national commitment between all states and territories to respond to homelessness. This agreement was reached through the enactment of the SAAP V multilateral agreement, which I tabled in the assembly in November last year.

Responding to homelessness presents huge challenges for any government because it is a complex issue. You just do not solve homelessness by giving people a house. We can see from looking at the range of issues that contribute to people's homelessness or impact on their ability to maintain stable and secure housing that it is not that simple. For many homelessness occurs at the intersection of other social issues, such as mental illness, drug and alcohol misuse, long-term unemployment and poverty. Domestic violence is the single largest cause of homelessness for women and children on any night in the ACT.

You just cannot put a roof over people's heads and expect any of these issues to go away. To respond to homelessness we must look at people as a whole, work with their strengths, build their resilience and, over time, support them to resolve issues that cause their homelessness. This can take time and requires a long-term commitment and investment.

Through the SAAP bilateral agreement the ACT is committed to providing $29.133 million to SAAP over the next five years. The Australian government will

commit a similar amount. The agreement includes strategic priorities that aim to consolidate and build on the strengths of SAAP over the past 20 years. These priorities aim to increase involvement in early intervention and prevention strategies, provide better assistance to people with a number of support needs and provide ongoing assistance to ensure stability for clients post-crisis.

In addition to these three strategic priorities, the bilateral agreement contains a further set of priorities for the ACT that align directly with "Breaking the cycle—the ACT homelessness strategy". In implementing the homelessness strategy to date, the ACT has taken significant steps towards achieving service coordination, responding to client complexity and implementing innovative new service responses.

In fact, over the Christmas holiday period of 2005-06, my department, in partnership with the Domestic Violence Crisis Service—DVCS—and a number of ACT women's services, established a crisis accommodation initiative which provided in excess of 1,000 additional bed nights for women and children escaping domestic violence. This initiative utilised Housing ACT properties temporarily vacant while awaiting refurbishment or permanent allocation to place women and children over the Christmas period. Support was provided by SAAP services and DVCS coordinated access to the properties.

The success of this initiative has resulted in ongoing work being undertaken by the ACT women's sector that will identify ways to improve pathways into and between homelessness services. This critical work will then further enhance and strengthen service integration by creating operational consistency across agencies and will improve outcomes for people experiencing homelessness.

Mr Speaker, you would be aware of the ACT's proud tradition in human rights and I am pleased to update the Assembly on recent initiatives that recognise and promote the rights of people experiencing homelessness. As part of the implementation of "Breaking the cycle—the ACT homelessness strategy", the ACT homelessness charter, a statement of rights, is being developed which articulates a series of rights for people experiencing homelessness which the ACT community should aspire to recognise and enshrine. These rights include the right of inclusion, rights to dignity, respect and non-discrimination and rights to safety and freedom.

The homelessness charter is being developed in partnership with the community. Currently a broad community consultation process is seeking feedback on the draft charter that will inform a future code of conduct for homelessness service providers. Feedback on the draft homelessness charter is specifically being sought from people who have experienced homelessness.

In tabling the SAAP V bilateral agreement I reaffirm the ACT government's commitment to responding to homelessness in a coordinated and collaborative manner. We have outlined our commitment to the provision of innovative and flexible service responses to meet the diverse needs of people experiencing homelessness. But, more importantly, in this bilateral agreement in the ACT homelessness strategy we have identified challenges for the ACT community to meet head on. We have challenged the community to recognise and enshrine the rights of people that are homeless in the same way that we have challenged service providers to deliver quality services which support

people to reach their potential. I am confident that the ACT, as a caring and committed community, will meet these challenges over its iteration of the SAAP program.

I am pleased to table today the following paper:

> Supported Accommodation Assistance Program—Bilateral Agreement between the Commonwealth and the ACT, dated January 2006.

## Papers

**Mr Corbell** presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**
> Legislation Act, pursuant to section 64—
>
> Canberra Institute of Technology Act—Canberra Institute of Technology (Fees) Determination 2006—Disallowable Instrument DI2006-36 (LR, 2 March 2006).
>
> Drugs of Dependence Act—Drugs of Dependence (Treatment Assessment Panel) Appointment 2006 (No 1)—Disallowable Instrument DI2006-49 (LR, 16 March 2006).
>
> Health Professionals Act—
>
> Health Professionals Pharmacy Board Appointment 2006 (No 1)—Disallowable Instrument DI2006-48 (LR, 16 March 2006).
>
> Health Professionals Podiatrists Board Appointment 2006 (No 1)—Disallowable Instrument DI2006-50 (LR, 16 March 2006).
>
> Health Records (Privacy and Access) Act—Health Records (Privacy and Access) (Fees) Determination 2006 (No 1)—Disallowable Instrument DI2006-39 (LR, 6 March 2006).
>
> Legal Aid Act—Legal Aid (Commissioner (Law Society Nominee)) Appointment 2006 (No 1)—Disallowable Instrument DI2006-45 (LR, 9 March 2006).
>
> Public Trustee Act—Public Trustee (Investment Board) Appointment 2006 (No 1)—Disallowable Instrument DI2006-46 (LR, 13 March 2006).
>
> Road Transport (General) Act—
>
> Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No 4)—Disallowable Instrument DI2006-35 (LR, 2 March 2006).
>
> Road Transport (General) (Taxi Licence and Stand-by Hire Car Permit Fees) Determination 2006 (No 1)—Disallowable Instrument DI2006-37 (LR, 6 March 2006).
>
> Road Transport (Public Passenger Services) Regulation—

Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2006 (No 1)—Disallowable Instrument DI2006-44 (LR, 9 March 2006).

Road Transport (Public Passenger Services) (Minimum Service Standards for Bus Services) Approval 2006 (No 1)—Disallowable Instrument DI2006-40 (LR, 9 March 2006).

Road Transport (Public Passenger Services) (Minimum Service Standards for Hire Car Services (Other Than Restricted Hire Car Services)) Approval 2006 (No 1)—Disallowable Instrument DI2006-42 (LR, 9 March 2006).

Road Transport (Public Passenger Services) (Minimum Service Standards for Restricted Hire Car Services) Approval 2006 (No 1)—Disallowable Instrument DI2006-43 (LR, 9 March 2006).

Road Transport (Public Passenger Services) (Minimum Service Standards for Taxi Services) Approval 2006 (No 1)—Disallowable Instrument DI2006-41 (LR, 9 March 2006).

Transplantation and Anatomy Act—

Transplantation and Anatomy (Designated Officers) Appointment 2006 (No 1)—Disallowable Instrument DI2006-38 (LR, 2 March 2006).

Transplantation and Anatomy (Designated Officers) Revocation 2006 (No 1)—Disallowable Instrument DI2006-51 (LR, 16 March 2006).

Utilities Act—Utilities Exemption 2006 (No 1)—Disallowable Instrument DI2006-47 (LR, 16 March 2006).

## Canberra plan
### Ministerial statement

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs, and Acting Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (3.40): I ask leave to make a ministerial statement concerning the Canberra plan.

Leave granted.

**MR STANHOPE**: Two years ago I launched the Canberra plan to guide our city's growth and development into the future. While this plan sets out the government's strategic direction, the Canberra plan is now being implemented with the assistance and strong support of the Canberra community. Today I would like to take the opportunity to highlight examples of how the government is working in partnership with business and research institutes, community organisations and advocacy groups and the broader Canberra community.

Canberrans want to focus collectively on meeting the goals we jointly set two years ago. I would like to take this opportunity to reflect upon some examples of how the

community has endorsed our vision for Canberra's future and how this vision, with the support of the wider community, is being realised.

It is the people who will determine how a city will grow. It is important that we, as elected representatives and as members of the community, support all individuals in reaching their full potential. The ACT has continued to lead Australia in education, training and lifelong learning—the key priority of our social plan. Results across ACT schools speak for themselves, whether in literacy and numeracy benchmarks or international results in science and maths.

In 2005 the ACT year 3 assessment program reading results were particularly pleasing, with 96 per cent of students above the national benchmark. Year 5 indigenous students have shown a considerable improvement in numeracy results. The most recently released national science assessment results indicate our year 6 students are performing significantly above the national mean in this important area.

A strong public education system requires investment. Leading the country takes strong commitment and constant innovation. Our decision to proceed with the building of the $45 million state-of-the-art school in west Belconnen demonstrates the government's commitment to public education. The new school will provide the young people of west Belconnen with unparalleled educational facilities and opportunities. It is a significant investment in the future not only of its students, but also the whole community.

One example of our commitment to improved community learning facilities is the new Kippax Library. Since 1978 the Kippax Library has been housed in a temporary facility, so it was well and truly time for the people of west Belconnen to have a much larger and vastly improved $3.5 million purpose built facility. More than $500,000 has been spent boosting the library's collections with new books, audio and video learning resources. As a result of this investment, there has already been a three-fold increase in the number of people using the services offered through the library.

By the end of the year Civic, too, will boast a magnificent new library as part of $40 million investment in the Civic Square cultural precinct. The government recognises the importance of investing in the early years to optimise long-term outcomes for our children. We have invested in new and improved services for young children and their families in the ACT. This considerable investment includes a new purpose-built child and family centre at Gungahlin, due to open in mid-2006. The permanent Tuggeranong Child and Family Centre will open at Anketell Street later this year.

We have extended our partnerships with community groups, not-for-profit organisations and educational and research institutes to offer a range of programs that strengthen the health of our community. Today I would like to highlight specific health initiatives introduced over the past year. They include the new $9.75 million specialised sub-acute rehabilitation psychogeriatric unit being built at Calvary Public Hospital; the expansion of the Aboriginal midwifery access pre and post-natal support program; the newborn hearing screening program extended to Calvary and John James hospitals; the new Winnunga Nimmityjah hearing and health program and the new fall prevention programs designed to reduce the incidence and often devastating impacts of falls suffered by older people.

I am also very pleased to report on the significant progress we have made in the area of aged care accommodation. Across the city there are 273 beds and 233 independent living units either under construction or ready to commence construction. We have worked steadily over time with industry and service providers in order to reduce the time people have to wait to access high quality aged persons accommodation. We have initiated a whole-of-government case management approach and this has assisted proponents on virtually all projects. Plans for 138 more beds are going through the development application process and a further 200 beds and 300 independent living units could be ready for construction to begin later this year.

Disability ACT has provided more than $1 million over four years to Carers ACT for respite services for the aging carers of people with disabilities. The funding matches funds from the Australian government and is in addition to current funding under the commonwealth state territory disability agreement. It provides four weeks of respite per year for a primary carer over 70 years of age who is caring for a son or daughter with a disability and two weeks of respite per year for a primary carer aged between 65 and 69 in the event that they need to be hospitalised.

As we all know, getting together and sharing a common interest is an important element of being part of a community. The Canberra community grants program provides funds for community activities to neighbours and groups. In 2004-05, 74 projects were funded to a value of more than $1 million. In January 2006 I announced a further $500,000 in funding to be distributed to another 60 projects across the capital, including the Vietnam Veterans' Federation ACT, the Majura Women's Community Group and Volunteering ACT. The list, of course, goes on.

Programs that strengthen the capacity and resilience of individuals also contribute to strong and cohesive communities. Through our community inclusion fund we focus on assisting the most disadvantaged members of our community. We are providing $4.4 million to 25 projects designed to progressively change service delivery and improve social outcomes for individuals, families and communities experiencing disadvantage and social exclusion.

These local community projects are doing much to reduce exclusion in the ACT by helping to overcome indigenous disadvantage, improving educational and employment outcomes for young people and isolated mothers, providing social supports to the elderly and assisting the homeless to regain their independence and access to services. For example, the Early Morning Centre in the city ensures that people in makeshift or emergency accommodation can access support in the morning when other agencies are closed. The integration of frail aged back into the community program helps aged people who live at home and who have become isolated with home visits, shopping trips, visits to the theatre and so on. The SPICE program helps high school students aged 12 to 15 at risk of dropping out prior to completing their year 10 certificate.

Another important element of building a stronger community is giving individuals the ability to have a say in decisions that affect them. When the commonwealth government abolished ATSIC and its 35 regional councils, it signalled its unwillingness to listen to the voice of indigenous Australia. In fact, it went a long way towards removing that voice all together.

The government is working with the Aboriginal and Torres Strait Islander communities to give them a voice in decisions affecting them through developing some form of formal representative arrangements. Over the past two months the Aboriginal and Torres Strait Islander Community Consultative Council has coordinated meetings to give the ACT indigenous community the opportunity to express its view on the form this representation should take.

But building a stronger community is not about having a say in what happens in the community and socialising with others. It is also about ensuring that people feel safe and secure within the community. The ACT Human Rights Office, along with the ACT Discrimination Commissioner and 55 community groups, worked tirelessly with the government to develop "Facing up to racism". This strategy articulates the government's unwavering commitment to ensuring that people from all cultural backgrounds, whether Australian born or not, feel safe, secure and welcome in the ACT.

It is with a strong sense of pride that I acknowledge that the vision of everyone in the ACT living together without the threat of racism or unfair discrimination is indeed becoming more of a reality. I am pleased to inform you that a special report card about implementing the "Facing up to racism" plan will be released every two years from mid-2006.

In August 2005 the new Civic Youth Centre Club 12/25 opened. Young people chose the new centre's name in reference to the age range for which the centre caters. Four separate youth service organisations are accommodated the new three-level standalone building. Young people contributed valuable ideas about the sorts of services and facilities they would most benefit from, so we co-located Club 12/25 with a skate park, basketball court and children's play area.

While our youth are our city's future, it is important to provide opportunities for Canberrans of all ages to lead productive and healthy lifestyles. As part of our actively aging program we partner with the YMCA to provide regular physical activities specifically suitable for the elderly. The second Canberra senior sports carnival held during Seniors Week attracted 160 participants from eight aged care organisations competing for medals and a championship trophy in modified sporting activities.

In November 2005 over 90 exhibitors from government, business and community service providers took the opportunity to participate in the inaugural and very successful Canberra Retirement and Lifestyle Expo. The city has also hosted a wide range of major sporting events over the past year catering to a diverse range of interests, including Super 12, international rugby union and national rugby league matches, AFL matches at Manuka Oval, the 2005 women's hockey champions trophy, the rally of Canberra, the 24-hour cycling race, the inaugural Brindabella cycling classic and, of course, the Capitals.

These events, which contribute to community life as well as the local economy, are only made possible through ongoing partnerships between the government, local business and sporting groups. In striving to make Canberra the best it can be, we need to capitalise on our strengths in research and innovation. We need to build a reputation for

commercialising research, innovation and education. We need to stay ahead of the competition by deliberately turning ideas into assets.

In the last year our Knowledge Fund provided a total of $1.5 million to support 12 innovative Canberra companies. This funding helps create considerable commercialisation leverage and assists businesses at the time when they need to grow quickly, creating employment opportunities in areas such as information and communication technology, vermiculture, and the car and building industries.

As a community we all recognise that one of the big challenges we face at present is the skills shortage. While we continue to proudly boast Australia's lowest unemployment rate, it comes at a cost. Like many other areas in Australia, we are lacking the range of skills needed to keep our economy as buoyant as we would wish. To this end, next week the ACT government, working in partnership with a range of groups, will launch a pilot project to actively promote Canberra as a great place to live and work. The campaign strategy is currently being finalised, but it is very heartening to see the willingness of the business community to put their money where their mouth is. Too often in the past governments have been expected to solve these problems on their own. How much better is it for a joint approach, a shared approach, to a significant problem?

The Canberra plan is, of course, not just about what the government is doing. To succeed it requires the government to work in partnership with the community and business to achieve our common aim of making Canberra a better place to live. To achieve this end we need to work not only with others in our community, but also people from other areas of Australia and around the world.

On 21 November 2005 the Vice-Mayor of Beijing and I signed the Memorandum of Understanding for Canberra-Beijing Cooperation in Water Projects. This high-level agreement between the ACT government and the People's Government of Beijing Municipality establishes a collaborative framework for planning and implementing joint water related projects.

Similarly, recognising our partnership with our sister city, Nara, more than 5,000 people, including His Excellency Mr Hideaki Ueda, Ambassador for Japan, attended the Canberra Nara Candle Festival in October 2005. This event, as in previous years, attracted a high level of community participation. The government has also supported successful and continuing trade missions to the Middle East, the United States and Canada and a particularly successful mission to Ireland and the north of England.

In looking to Canberra's future prosperity it is important to recognise our geographic position as an island within New South Wales. As Canberra has matured, particularly since self-government, cross-border issues have become increasingly important. Canberra, as the regional centre for the Australian capital region, provides a range of benefits and opportunities for south-east New South Wales residents in transport, education, health, retailing, research and tertiary industry. In return, the region provides many of the services Canberra is dependent on and helps support a higher level of activities, commerce and services than would otherwise occur. The mutual interdependencies in the region mean that there are significant benefits to both the New South Wales and ACT governments from a shared approach to the management of

key regional issues through developing more structured arrangements for regional cooperation**.**

Canberrans have noticed that our city is undergoing something of a building boom, with about $3 billion worth of construction work under way or currently planned in the city. In Civic alone these projects combined will deliver, amongst other things, new retail facilities, a cinema complex, first-class student accommodation to connect the ANU to City west, multi-storey office accommodation, a new library and theatre link and an upgraded convention centre.

It worries me when I read that people say Civic is dying. Civic has never seen a boom like this. Cranes dot the skyline and there are many hundreds of construction jobs involved. Civic is not dying; it is thriving. But we recognise there is much still to be done and we remain committed to playing a strong leadership role. Certainly the debate over the past 12 months on the future development of Civic shows the importance that the community places on it as the centre of Canberra. The development of the ANU City west precinct is now secured over the next decade. That will be a significant link between the ANU and the city. On completion it will transform the character of city west into a dynamic mix of land uses and activities.

Over the past months Canberrans have shown their true party spirit with excellent attendance at various events, including the lighting of the Canberra Christmas tree, New Year in the City, Australia Day celebrations and the recent Celebrate in the Park activities sponsored by ACTTAB, which attracted in the order of 30,000 people.

In planning for the ACT's longer-term urban development we must be committed to containing the outward spread of Canberra. Living with the environment, the seventh theme within the Canberra plan, reflects Canberrans' desire to further develop our capacity to live with, rather than in opposition to, our environment and to use our resources efficiently. As members are aware, development within the Molonglo Valley currently presents as our best longer-term development option, as it is close to existing services and employment centres. These are significant factors influencing the ecological footprint of urban Canberra.

As electricity accounts for more than 60 per cent of the ACT's greenhouse emissions, it is crucial to set an example by demanding that suppliers seek out green energy sources, and that is why we recently announced a new contract with ActewAGL to supply electricity to ACT government departments with approximately a quarter of that power derived from green sources. That is easily the biggest commitment of any state or territory government to green power, with the exception, of course, of Tasmania. If every one of us demanded clean green energy, the incentive for industry to invest in renewable energy research would be far greater.

The government is also leading the nation in the use of electric-petrol or hybrid vehicles, having recently purchased a further 27 hybrid vehicles for the passenger fleet. We are actively encouraging householders to invest in energy efficient home improvements through our ACT energy wise program. Indeed, in October last year we introduced legislation to ensure new standards and efficiency labelling requirements that inform household purchasers in relation to minimum household water use.

We have successfully promoted the concept of "Think globally, act globally" within the ACT and in the last year this has resulted in 1,420 inquiries to the home energy advisory service; 541 Canberrans carrying out home energy audits; 3,476 indoor water tune-ups; 1,092 outdoor water tune-ups; 40 water audits on commercial buildings and rebates for 10,324 shower heads, 342 dual flush toilets and 537 rainwater tanks.

Canberra continues to grow and prosper through the efforts of its people and its community. While the government is often seen as undertaking activities associated with the Canberra plan, in reality the community is involved in most activities, whether through consultation, partnership with government or direct delivery of services.

In recent months, planning for our centenary celebrations has commenced and many individuals have already shown a keen desire to be actively involved. The centenary task force is working closely with the wider community to plan for our 100th birthday. Already members of the community have contributed over 1,600 creative ideas on how we might celebrate during 2013.

Many of the wonderful ideas received to date for our centenary reflect the Canberra plan's key themes. The areas that Canberrans have indicated were most important for our city's future include: seeking out opportunities for personal development and growth; participating in community life; being inclusive and valuing individuals' experiences and perspectives; capitalising on our strengths; joining forces to work in partnership towards common goals; creating vibrant community spaces and facilities; respecting our heritage; conserving our landscape and efficiently using resources.

The Canberra plan is being incrementally implemented with the assistance and strong support of the community. Today I would like to thank all Canberrans for their efforts in making Canberra such a great place to live and for furthering our vision to make Canberra the best in Australian creativity, community living and sustainable development. I present the following statement:

> The Canberra plan—ministerial statement, 28 March 2006.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

## Children
### Discussion of matter of public importance

**MR SPEAKER**: I have received letters from Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Mr Pratt, Ms Porter and Mr Seselja proposing that matters of public importance be submitted to the Assembly for discussion. In accordance with standing order 79, I have determined that the matter proposed by Ms MacDonald be submitted to the Assembly, namely:

The importance of implementing programs to encourage healthy and active children in the ACT.

**MS MacDONALD** (Brindabella) (3.59): It is estimated that more than 12 per cent of the children in our community are overweight or obese, and this figure continues to grow. Australia is now one of the leading nations in rates of childhood obesity—a problem that poses a significant threat to the future health of our nation.

In the past 20 years, the number of obese Australians has doubled, with 60 per cent of the population now considered either overweight or obese. In fact, the number of young people presenting as overweight or obese is increasing at an alarming rate and has more than doubled in the past 15 years, making it even more important to educate our youth about healthy eating habits than ever before. Current figures show that obese children have a 25 to 50 per cent chance of progressing to adult obesity. This risk can increase to almost 80 per cent for older obese adolescents.

Obesity is now in epidemic proportions and is putting the lives of more than one million Australian children in danger. The livers of obese children start to degenerate sooner, their arteries clog up, they often have difficulty breathing when awake and sometimes stop breathing while asleep. If left untreated, obesity places immense stress on the heart, which could lead to a stroke or heart attack, can severely impair mobility and may lead to blindness, kidney failure and, eventually, death.

Obese adults who were obese adolescents have higher levels of weight-related ill health and a higher risk of early death than those who have become obese in adulthood, and childhood obesity can lead to orthopaedic conditions due to postural imbalance and excessive weight bearing upon joints. Being overweight or obese can lead to an increased risk of type 2 diabetes, cardiovascular disease, some cancers and arthritis, all of which can have major health implications and can reduce life enjoyment and life itself.

What causes obesity and what can be done to reduce levels of the condition? Obesity can be considered a consequence of a number of factors. It can be genetic but, perhaps more persuasively, can be seen as environmental, drawing from dietary behaviours, exercising habits and family and social structures.

Childhood obesity is a major problem because it not only affects a child's health and development but can also lead to adult obesity because these habits and behaviours go unchanged. As a community it is imperative for the future health of our nation that we try to bring about a change.

When drawing links between obesity and nutrition, the traditional perception has been that overweight children eat too much food. While this may be partly true, new focus has now been directed not so much on how much a child is eating but on what is or is not being eaten. Studies from the University of Sydney's New South Wales Centre for Public Health Nutrition have identified that children who skip breakfast are at more risk of developing weight problems than those who do not. This finding was a result of an extensive study conducted by Dr Tim Gill, who surveyed the eating habits of almost

5,000 primary school children. Among the results, Dr Gill found that over a quarter of the children who skipped breakfast were overweight.

It is in findings such as these that a growing link has been shown to exist between obesity and malnutrition in our children. By malnutrition, we refer to the fact that our children are not eating enough of the right foods at the right times for healthy development. Nearly three-quarters of the ACT population do not eat anywhere near the amount of fruit and vegetables needed for a healthy diet, and more than 45 per cent of Canberrans eat either no fruit or less than one serve a day. Studies, again from the New South Wales Centre for Public Health Nutrition, have identified that only 12 per cent of five- to 12-year-olds consume the recommended daily serve of vegetables. At the same time, too many children are consuming too much junk food. These figures clearly show that our children are not eating enough of the right foods.

It may be all well and good to discuss the problems that surface from the nutritional deficiencies in our children's diets. Perhaps more importantly, however, we must begin to question why our children are failing to achieve a balanced diet and what can be done to ensure they do.

Naturally, children draw influence from relational webs throughout our community. From the family home, the school playground, the sporting field, library, shopping centre and television, children are repeatedly being exposed to signs, symbols and behaviours that have the capacity to either inhibit or encourage good dietary habits. Significantly, the implications of this are that many children lack healthy dietary knowledge and, further, are raised in an environment without a structure that encourages this behaviour.

Many studies have shown that children are now less willing to try new foods, especially vegetables. They have less concern with the nutritional qualities of food but place importance on taste, texture, shape and fun. When you consider that many adults who know about the poor nutritional value of some foods continue to be overcome by these influences, it is no wonder that children are confused and are less willing to try new foods as a result of this bombardment of advertising.

It is difficult to lay blame for this attitude in any one sector of childhood influence. It is even more difficult to try to somehow apportion this blame. Nevertheless, the influence of parents and caregivers on a child's eating habits cannot be ignored. In this sense, the parental role in providing adequate exposure to and consumption of a wide range of fruit and vegetables is crucial.

Many families now stick to limited and familiar meals. They increasingly eat in front of the television and find it more and more difficult to find time to cook a meal. But we cannot expect a return to the 1950s household where a cooked family meal was the norm. As a result, it is important to acknowledge the pressures that face the modern family. Many families, for example, are pressed for time in the afternoons, and some are often short of money and therefore have little room for experimentation with new fruit and vegetables at 7.30 pm after a long day at work when payday is not until the following Thursday.

This government has a clear commitment to implement programs that encourage healthy and active children in the ACT and has put in place a package of initiatives to promote

good health in children and young people. The Canberra social plan emphasises the importance of focusing on prevention and early intervention across the lifespan of people in order to improve the likelihood of positive health and social outcomes for everyone. The plan addresses the more hidden environmental factors associated with obesity. In particular, it has a focus on strengthening community ties and family structures and improving and supporting the emotional and social development of children, as well as providing improved support programs when things go wrong.

The government is also putting in place initiatives to combat childhood obesity, including advice and support for children to improve nutrition, to increase opportunities for children to participate in physical activity, and programs to improve eating and physical activity patterns for obese children.

In September 2004, ACT Health released the public health nutrition plan 2000-2010. This plan provides a framework and sets strategic direction and priorities for public health nutrition in the ACT. One key priority area is the prevention of overweight and obesity in children and the prevention of further weight gain in adults. ACT Health will also develop a physical activity framework that identifies directions and priorities in relation to physical activity in the ACT.

In the ACT budget 2004-05, ACT Health was allocated $2 million over four years to combat childhood obesity. ACT Health immediately established an ACT government obesity leadership group to coordinate across government healthy weight initiatives and to implement initiatives funded in the ACT budget for 2004-05. The three-day childhood obesity and prevention course held in the ACT earlier this month was coordinated by ACT Health and presented by Professor Boyd Swinburn and Dr Colin Bell from Deakin University. This clearly demonstrates the commitment of this government to encourage healthy and active children. This government has identified overweight and obesity as a significant public health issue and will continue to commit to implement programs to encourage healthy and active children in the ACT.

Nationally, the importance of helping our children become more healthy and active has also been recognised. Initiatives such as the Walk Safely To School Day are proof of this recognition. This national event, which aims to encourage young people to be more active and walk more, will be held on 7 April and all Canberra school students have been encouraged to take part in the day. Organised by the Pedestrian Council of Australia, in partnership with the National Heart Foundation, the Cancer Council Australia, Diabetes Australia and Beyond Blue, the day encourages increased physical activity—not just on the day itself but throughout the year.

Participation in regular, moderate-intensity physical activity and a balanced and nutritious diet are proven factors in controlling overweight and obesity and also aid in general good health and wellbeing. Healthy and active children live better and learn better and grow up to be more healthy and active adults. Walk Safely To School Day, and the many other programs and initiatives the ACT government has committed to, will promote healthy living to our young people and, hopefully, lead to a reduction in obesity numbers.

As I have explained, childhood obesity is a consequence of a vast number of factors. A lack of physical activity and proper nutrition are both crucial factors that work against a

healthy lifestyle. However, more recent studies have been focusing on greater environmental factors such as those mentioned above. Obesity is mostly a lifestyle disease and so can be prevented, provided that lifestyles are changed.

One of the difficulties that face many obese children is that they often live their parents' or community's lifestyles, which generally then becomes difficult to break from in later years. The essence of that is that, if we are not teaching our children the right things to eat and to go out and get exercise at this early stage in their life, they are less likely to know to do that later on in life.

It is the role of the government, faced with this situation, to begin to agitate for a healthier community. This involves not just providing mandatory exercise routines or nutritional guides, although these are often a help; rather, it involves promoting a more family-friendly environment and developing lifelong skills, knowledge and habits in our children. Through that, they then know what they can do on into adulthood and it helps them get to adulthood in a healthy body. This is certainly no small feat, but it is good to see that the ACT government has a structured and reviewable plan in place to combat the structural problem.

**MRS BURKE** (Molonglo) (4.12): All members, I am sure, will agree that this is a very timely MPI. We must recognise in the Assembly that the Stanhope government, I would say, is faced with a very serious decision—possibly we had the debate today in question time—as to what will be the future of Sport And Recreation ACT as one single organisation that is currently committed to developing and maintaining sporting activities in the ACT, which would naturally see young Canberrans live active and healthy lifestyles.

Ms MacDonald has referred to some of the very startling and alarming statistics regarding the exponential rise of obesity, and no more so than amongst children, so I will not repeat those. Just yesterday, my colleague Mr Stefaniak showed concern publicly that the health and fitness of Canberrans, and particularly young children, would be under threat if sport and recreation were to face budgetary cuts. The scarce resources and funding available in this sector could not possibly withstand a raid from a government so desperately seeking to make up shortfalls in other portfolio areas.

Today in question time we heard the Chief Minister state that there will not necessarily be any changes to Sport and Recreation ACT. But, whilst the current structure might remain in place, the Chief Minister did allude to the fact that cuts and savings could be made, that possibly the government would look at how every cent is spent and that the government intends to give this area a thorough going over.

If the Stanhope government's functional review indicates that this portfolio should be split up and the responsibilities farmed out across government as the most effective and efficient use of its recourses, I doubt that the Canberra community would be supportive of such a recommendation without substantive evidence highlighting the positive impact that such a move would have on health and wellbeing, particularly of children.

To draw attention to an issue that holds affiliation with this current development, I remind the Assembly of a report that was produced by the Standing Committee on Health in 2003. Indeed, the very member who has raised this matter today was a member

of that committee, as was I. We tabled a report looking at the health of school-aged children in the ACT and that report was tabled for the interests of members and others on 7 May 2003 with some 48 recommendations and 68 subrecommendations.

One of the basic thrusts of the report, in my opinion, was to examine ways for programs to be implemented that could incorporate physical activities at school with a territory-wide nutrition strategy that should be promoted to all children, parents, teachers or guardians in a manner that would hopefully seek to improve general fitness, particularly of Canberra children, so as to avoid health problems associated with a lack of fitness or poor diet later in life.

It would be interesting at this point to know where the government got to with those recommendations. I'm not sure if Ms MacDonald was made aware of where the 48 recommendations and 68 subrecommendations ever went, and I wonder how many have been acted upon to date. It might be interesting and useful to get some sort of feedback on that report.

Naturally, from a practical perspective this would have wider benefits such as improved health of the broader population, reduced pressure on the health system and a community able to live more productive and enriched lives.

At the time of the report, the committee considered it to be somewhat revolutionary, I guess, to be conducting investigations into the health of school-aged children in the ACT. It was to be a commencement point of some sort to allow government the opportunity to commit to future investigations, with some commitment to addressing systemic failures, whether that meant there was evidence of duplication of programs or a need to provide further access to health information. It is disappointing, as my colleague Mr Stefaniak has pointed out:

> Already the Government has axed one of its flagship programs 'Kids at Play'. This will only save the Government around $150,000 a year and in return it will decrease the chances of ensuring our children become more physically active. Taking away this funding has a detrimental impact.

Again, I know that Mr Stanhope said that the government will be looking at areas of funding, and I echo the caution that my colleague Mr Stefaniak offers the government in saying, "Do look at what you are actually cutting." With any programs for children we need to be very careful, given the exponential rise in obesity, as Ms MacDonald has already pointed out, amongst young children.

If the health of all Canberrans is a concern to this government, I would like to highlight again that it could quite easily see the error of its ways and perhaps shelve a few rather expensive pet projects that have been much talked about in this place, such as the busway or the arboretum, or even defer the construction of the prison, for which we do not know that we have funding put aside. It is quite reasonable that this is brought to the attention of the Canberra community—that this government is, at this point in its undesirable economic position, overtly concerned with the importance of grandiose projects at the possible expense of the health of Canberrans, and how important it is for government to implement programs that encourage healthier lifestyles.

I was thinking, after seeing it on the notice paper today, that this MPI may well be an exercise by Ms MacDonald—and I do congratulate her—to highlight to her colleagues in cabinet that the issue of healthier and more active children is a very important one, perhaps not recognised in full, and that, by using the opportunity to have a debate on a matter that so obviously is important to all Canberrans, Ms MacDonald is signifying her capabilities as a member and the fact that she is keeping her focus at least on local matters, and for that I commend her.

In May 2003, Ms MacDonald, as a member of the health committee at the time looking into the health and wellbeing of young Canberrans, made a very specific reference to the issue of having clearer labelling of foods that outline their nutritional values and that parents, guardians, schools and children themselves should be made more aware of the messages that are being promoted about maintaining a healthier lifestyle, complemented by a balanced, nutritional diet.

In May 2003, Ms MacDonald, also as a member of the health committee, noted that the committee could not cover every issue relating to the health of school-aged children from preschool right up to college years because they are ever emerging. To revisit that statement almost three years later is worthy because of that very point: the health issues of children and young people in Canberra are ever changing.

So today I am pleased to support this and I am cognisant of the fact that there is talk under the functional review of areas being cut. Let us hope that certainly the sport and fitness area is not one and that money is directed, targeted and focused at cutting and stamping out obesity—in the words of Ms MacDonald's MPI "implementing programs to encourage healthy and active children in the ACT"—and certainly being able to live up to the words of a former minister in this place, Mr Bill Wood, who said:

> In the 2003-04 Budget, the ACT Government highlighted its vision of building this community and we place particular emphasis on giving our children every chance to realise their potential. Accordingly, the health and wellbeing of children will be a strong theme of the Canberra Plan.

I sincerely hope that will be the case. I sincerely hope that adequate and appropriately targeted funding will be out there when people need it, so that we do not see further declines in the health and activeness of our young children.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (4.20): The ACT government recognises the importance of encouraging healthy, active children and is committed to programs that promote good health in children and young people.

Childhood obesity is an emerging public health problem attributed to changes in dietary intake and declining levels of physical activity. In the ACT, information supplied through the kindergarten health screen in 2004 suggests that 12 per cent of ACT kindergarten boys aged up to 6½ were overweight and four per cent were obese, and 14 per cent of ACT kindergarten girls aged up to 6½ were overweight and four per cent were obese.

In Australia, levels of overweight and obesity are increasing at alarming rates. Results from the national health survey between 1989 and 2001 suggested an 80 per cent increase in the prevalence of obesity in men and a 71 per cent increase in women. Of concern is the increasing prevalence of overweight and obesity in children. The figures I have cited in relation to the ACT, however, are some of the lowest in Australia. But there is no room for complacency; we are seeing an increase, albeit a lesser increase than that occurring nationally.

Obesity in children is a major risk factor for obesity in adulthood and a wide range of debilitating conditions in later life, including type 2 diabetes, cardiovascular disease, stroke, certain types of cancers, osteoarthritis, kidney and gall bladder disease, as well as respiratory and muscular skeletal problems. The economic costs of obesity and its associated conditions are high also. In 1995-96 the economic cost to Australia as a result of obesity was estimated to be between $689 million and $1,239 million and contributed to four per cent of the total burden of ill health.

For all of these reasons the ACT government has made a major commitment to programs that encourage healthy and active children in our community. In the budget year 2004-05, ACT Health was allocated $2 million over four years for a combating childhood obesity program. The goal of this initiative is to prevent childhood overweight and obesity in the ACT through interventions that promote good nutrition and increased levels of physical activity. This is very much a program that we need to be in for the long term—there are no quick fixes—and it could take a decade to turn around the trend to increasing obesity.

In September 2004 ACT Health released the public health nutrition plan 2000-2010. This plan provides a framework and sets strategic directions and priorities for public health nutrition in the ACT. A key priority area is the prevention of overweight and obesity in children and the prevention of further weight gain in adults. ACT Health continues to work with other departments in developing a physical activity framework that identifies directions and priorities in relation to physical activity in the ACT.

In addition, ACT Health will administer grant funding for a variety of projects in 2005-06 as part of our health promoting schools vitality funding round. All these projects focus on increasing participation of children in physical activity and promoting healthy eating. ACT Health has a number of projects already under way that encourage healthy and active children. These include the Go for 2&5 program, which incorporates three years of funding for a fruit and vegetable campaign targeting children, young people and their families—two pieces of fruit and five pieces of vegetable every day; the family weight management program, aimed to support families to make lifestyle changes in order to prevent excess weight gain in their children; and healthy eating guidelines for ACT schools, a joint program between ACT Health and the Department of Education and Training to develop a framework for schools to deliver consistent food and nutrition messages to their school communities.

It is also important to recognise the lack of adequate information that can be used to monitor overweight and obesity and associated risk factors and so the government has allocated resources, which I have recently signed off on, to develop a surveillance system that can be used to monitor and evaluate the impact of intervention strategies to reduce

overweight and obesity in children. This significant public health survey will give us much better data on the incidence of overweight and obesity in children and is designed to monitor those children throughout their school years, in particular their primary school years. This program will be an important and significant step forward in understanding trends in the health of school-aged children in the ACT and will allow us to properly target our funding to address overweight and obesity in the most effective way.

In addition to this, the ACT Department of Education and Training has allocated additional funding over four years to improve nutrition and promote healthy lifestyles in schools. This involves a range of initiatives to improve nutrition and physical activity in schools, including programs to strengthen health promotion, improve nutrition and increase physical activity, expand access for schools to expertise in food and nutrition education, physical education, including dance, and a diverse range of physical activity, provision of professional learning programs on nutrition and physical activity to teachers and members of the school community, and support for the implementation of the accreditation of healthy canteens.

Only today I was out at Narrabundah primary school for the launch of this year's activities at the Kootara Well program, which is the health education program at Narrabundah primary, and I was able to see what they are doing in terms of healthy canteens and physical activity for students. I am pleased to see that at Narrabundah the school community and the parent body have agreed they will switch their canteen to a healthy canteen; they are providing healthy alternatives and stopping selling some of the types of foods that we know are high in fat, high in energy and certainly a contributing factor to obesity. That sort of thing is happening across the board now in schools in the ACT.

Earlier this month ACT Health provided a three-day obesity prevention course. This course was designed to educate government and community health workers to develop better strategies and programs to target overweight and obesity. The course was presented by Professor Boyd Swinburn and Dr Colin Bell, both eminent researchers in the field of overweight and obesity.

From all these programs and initiatives I have outlined, you can see very clearly that the government have identified overweight and obesity as a significant public health issue. We will continue to commit funds to implement programs to encourage healthy and active children in the ACT as a way of preventing the consequences of overweight and obesity in later life. I thank Ms MacDonald for bringing this matter to the Assembly's attention.

**DR FOSKEY** (Molonglo) (4.27): I too thank Ms MacDonald for the topic that she has introduced in today's MPI. But I really have to comment on the fact that the title of her MPI—the importance of implementing programs to encourage healthy and active children in the ACT—has led members to focus on obesity as the issue.

I acknowledge that the incidence of overweight and obesity among Australian children has increased rapidly in recent years and, if we follow the trend of the United States, will not be abating any time soon. We do know that children are very keen on some of the modern fast foods, and it is a very strong parent who can deny them their visit to McDonald's, though I have got to say that my own daughter has not developed an

obsession that way. Children today have entirely different lives and it is often very easy for our generation to judge them.

We all know that obesity is one of the catchcries in conversations today about health of adults and children, and it always interests me when the media and public programs focus on one issue and pathologise it or turn it into a disease and obesity, for all that I acknowledge that it is a problem, is in danger of being treated thus.

I will admit that when I was a young person I was what you might call "plump", but I was always told that it was puppy fat—this was the language of my day—and that I would grow out of it. And indeed I did, at the end of year 12, when I went and got a job in a roadhouse, which caused me to be more active than I had been until that point. So we do need to be aware that sometimes these things are part of a life cycle in children's lives and we have to be very careful not to focus unduly upon it, because the other big epidemic is the epidemic of anorexia and bulimia.

This is a problem, as we have recognised for a long time, amongst girls and young women, and increasingly amongst boys and young men. I just recently heard a program about this, about how people do not have a true vision of the way their body is and they basically consume themselves through not eating or through throwing up when they do eat, and I do not think we can call that healthy either. So, if we are going to talk about obesity, let us also talk about the other side of food—eating disorders.

Nonetheless, I think the approach to both of these problems is to develop a healthy approach to eating and to physical activity. Members have touched upon this today and I am not going to repeat all the wonderful things that people have said; they are truisms. We are also aware that people who are healthy and develop good habits in their childhood are going to be less of an expense at the pointy edge of the health system. They are less likely to be hospitalised and are more likely to treat depressions and minor disorders without having to go to the doctor, and certainly without going to hospital. So it makes good economic sense to encourage healthy lifestyles.

In terms of healthy eating, I recently read that if we could just remove the consumption of sugary soft drinks from children's diets we would make a significant impact on their health. But every parent knows what an uphill fight we have to push them towards the water and the fruit juice instead of towards the aerated soft drinks that the cool people on the ads drink—and we have all got kids that want to be cool.

Also, let us not forget that there are children who go to school hungry because they come from chaotic households where there is not food for breakfast; they have got to see what is in the cupboard and scratch something together themselves. A number of our schools have got breakfast programs, because they know that children do not learn when they are hungry and children's behaviour can be very disruptive when their stomachs are empty.

Nonetheless, today it seems we are focusing on the issue of obesity, and I am very proud to say that the Greens in the Senate have taken this up as an issue and have called on the federal government to support the Greens proposal to ban junk food ads as a way of complementing the government's positive TV advertising campaign to promote healthy eating and exercise. The Greens have proposed an amendment to the Broadcasting Legislation Amendment Bill to ban all junk food ads during children's TV viewing hours

unless they have been approved by the health minister as beneficial to children's health. So this is effectively a ban on junk food ads, although they are not the terms in which the amendment is phrased. We are awaiting the outcome of this move, because both Labor and Liberal have made lots of noises about their concern for the health of children but as yet have been very reluctant to regulate advertising as a means of dealing with it.

At an ACT level the Greens would like to see sport and physical activity made attractive to children and young people through programs designed in consultation with the youth sector. I do not know about you, Mr Acting Deputy Speaker, but when I was a child we used to play games in the street; it was a community thing. The streets were a lot safer, of course—well, that street was—and it was something that we grew up with. Children now are less inclined to grow up with that. Their parents are likely not to be at home after school. Children may be in after-school-care programs, which, by the way, are good places to encourage physical activity, or they are quietly and safely inside but, sadly, watching the TV or playing the computer—and these things are bad for not only their physical bodily health but also their eyesight.

We think of sport as being something that is done with teams, on fields and with lots of facilities. Yet dance is something that young people, and an increasing number of young men, are very keen to get involved with. Dance can be made attractive to boys. Quantum Leap is a program that has done this. It presents a role model of beautiful, lean bodies, male and female, and can change the way boys look at dance. Dancing is something you can do in your living room as well, and you do not need hugely funded programs to do it.

I want to reflect the concerns that Mrs Burke mentioned in relation to funding of our sporting and recreation organisations. We need to realise that every dollar spent on organised sport is matched, and more than that, by volunteer effort, and this is probably one of the largest areas of volunteering in the ACT. It is also a way to create and strengthen family and community links.

Fiona Johnstone wrote to us—she has probably written to everybody, actually, as Mr Stanhope mentioned this—to say that the small amount of the budget, less than one per cent, currently allocated to sport and recreation delivers considerable benefits, so spending cuts would not have much impact on the bottom line but a major benefit on people's health.

**MS PORTER** (Ginninderra) (4.37): I thank Ms MacDonald for raising this important matter and I would like to outline how this government is strongly supportive of improving the health and fitness of Canberra's children and young people through our education system.

As members would know, I have a strong interest in education in the ACT. In the 2004-05 budget, the ACT government committed $1.5 million over four years to health and physical activity initiatives in schools, and this included $1 million for the promoting healthy students initiative to improve the health and fitness of all children in the ACT. The initiative supports schools to implement education programs that focus on the importance of personal health and good nutrition. Over half a million dollars is also being provided to employ health coordinators in colleges to facilitate important community and health services for youth on college campuses. The coordinators also

provide support and information on pertinent health issues, including drug education and alcohol and tobacco use.

Through these initiatives, teachers are provided with professional learning on best practice in teaching nutrition and physical activity. Resources are also being provided to support teachers—for example, the feat-for-feet program, where students use pedometers to measure distance and in this way are encouraged to be physical while learning. A physical activity assessment tool has also been developed for use by teachers to assess students' fitness and to encourage students to engage in physical activity. This is currently being trialled in some schools in the ACT. To support the work in the classroom, a school canteen accreditation program has been implemented, and healthy eating guidelines for schools are being developed with ACT Health. This issue, the importance of nutrition with regard to obesity in particular, has been emphasised by all members this afternoon in this discussion. All of the programs that I have just mentioned build on the mandatory hours that schools are required to implement for physical education or sport.

The ACT government is working in cooperation with the Commonwealth Institute in the UK, under the direction of Professor Richard Telford, to conduct research into the long-term effects of nutrition and physical activity on the health of children. Through this project, additional physical activity programs are provided by trained physical education specialists twice a week to the 500 children involved in the study.

The new ACT curriculum framework will ensure physical activity and nutrition remain a key focus for schools. Specifically, the framework includes the following relevant essential learning achievements: the student takes action to promote health and wellbeing and the student is physically skilled and active. The framework includes essential content and the outcomes that students are expected to achieve for each of the four bands of development.

I can assure members that the ACT government strongly supports the importance of implementing programs to encourage healthy and active children in the ACT. As I have previously indicated, the government has committed over $1.5 million for such programs in our schools. In addition, the Department of Education and Training is working in partnership with other government agencies and non-government providers to ensure high-quality outcomes for children and young people in health and physical activity in the ACT. I thank very much Ms MacDonald for bringing this matter to us this afternoon.

## Road Transport (Alcohol and Drugs) Amendment Bill 2006

Debate resumed from 16 February 2006, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

**MR PRATT** (Brindabella) (4.42): The Road Transport (Alcohol and Drugs) Amendment Bill was tabled by the minister on 16 February 2006. It certainly tightens up some aspects of the current Road Transport Act related to breath analysis and the taking of blood samples for alcohol and drug testing of drivers involved in an accident. The minister tells me that the existing legislation is 30 years old and has simply not kept pace with changes in machinery. I understand that the new testing mechanisms are so much

better than they were a few years ago in that fewer people need to be involved in the chain of carrying out the testing and courier procedures.

Whilst in principle there are no compelling arguments for the rejection of this bill, there are a number of areas that at least require clarification and possible future amendments to ensure that these testing procedures are not compromised. As I stand here today, I do not have any amendments in mind. There are simply a number of points of clarification required. If we on this side of the chamber are not satisfied that some of those areas are well and truly looked after, we might come back one day and seek to amend them. But I do not think that is necessarily going to be the case.

An amendment to section 6 of the current act provides that the minister appoint the analysts that the minister considers necessary under the act. It also allows the minister to approve a laboratory or other entity as an approved laboratory under the act. I assume that this means, in effect, that testing does not necessarily need to be carried out in hospitals or in another sample and collection facility that the public and private sectors might provide. For example, I understand private providers in town can be called upon to provide a service if, for some reason, the existing facilities and testing stations at the hospital are out of action.

It seems reasonable for the minister to be able to approve a laboratory in the ACT; of course it does. However, if such a dedicated resource does not exist, it should be incumbent upon the minister to ensure that such a laboratory is provided for the purposes required under the act so that the resources for blood testing and the collection of samples are always available when needed within the required time frames. I see him nodding in a reassuring fashion. In other words, although the minister may approve a facility for this purpose, he should also ensure that, given the six-hour rule, which I will discuss shortly, a facility is always able to carry out the procedures in the time frames required under the act. I see no reason why he would not be able to do that.

The bill also amends section 15AA to clarify that a doctor or nurse is only required to take a blood sample from a person where there are reasonable grounds to believe that a driver was involved in an accident that occurred less than six hours before the person arrived at hospital. That is sensible because it means that a doctor or a nurse now cannot be criticised or held to some account beyond the six-hour period, which they could in theory be now if somebody was concerned that perhaps a test should have been taken. So this makes it very, very clear-cut. The six-hour mark is now in place, and doctors and nurses can feel relieved that they have either done their duty or, if beyond that time limit, they cannot be given a kick in the bum when they do not deserve it.

The amendment also stipulates that the sample must be taken within two hours of the person presenting at the hospital or a penalty of 10 units applies to the medical practitioner. That means that the obligation is certainly set in concrete, and we support that. However, in the case where a person presents at the hospital, say, five hours after an accident, that leaves a one-hour window in which a sample can be collected. If it then takes a doctor or nurse longer than one hour to collect the sample—I do not think it would but, if for some reason it did; in effect, they have two hours to do so—then I assume it would be rendered a useless sample. I am sure that is the case. So you cannot take a sample at 6½ hours because it took place an hour and a half after the person presented.

I imagine that the samples can be taken rather quickly. If somebody presents at a hospital five hours after an accident, one hour required on site is more than ample to allow that sample to be properly and professionally collected. Therefore, it would seem prudent that the act should also require that, if a person presents for sample collection between four and six hours, they can be catered for. If that is not the case, then I would like the minister to clarify that in his closing speech. That is probably one of the clarifications that we might see. The minister might also confirm whether this might pose a problem or whether there is scope to tighten this up and, if necessary, amend the bill at a later date if he thinks that this is a problem.

Amended section 15A (1) changes the requirement from an approved analyst being able to analyse a sample to requiring the analyst to arrange for the blood to be analysed at an approved laboratory. Again, this is fine as it adds an extra layer of protection to the sample collection and analysis process. But again it poses the question of resourcing and the provision of dedicated facilities to carry out this testing. I have not been able to quite find out whether this is simply another check put in place and whether it is going to be another capability which is going to cost. I would like the minister to perhaps clarify that. He is shaking his head. If that is the case, fine. But we will earmark that as something to keep an eye on.

Given the state of the territory's finances, I would like the minister to confirm whether these changes are revenue neutral. I would have thought that these are simply changes in procedures that change the habit of how these tests are either taken or couriered to the appropriate site. If that is the case, I cannot see how that would cost. The minister is shaking his head. Maybe he could, for the record, confirm that when he speaks in response.

Whereas before, under the act, a police officer could request an approved analyst to analyse a sample taken from persons for drugs other than alcohol, now the requirement under this amendment bill is that the police officer can ask the analyst to arrange for the sample to be analysed by an approved laboratory. The question is whether this will stretch police resources, which are of course, as we often argue in this place, fairly stretched as it is. Will these changes in fact lead to more pressures on an already overstretched police force, leading to more paperwork, more levels of official activity, or is it a matter of those police already committed to an accident investigation simply changing their habits, hopefully in a more efficient way, to deal with analysts and hospital staff in a different process?

If that is the case, then it is definitely cost neutral and is definitely energy neutral; that is, the police simply do what they would have to do anyway. If a policeman has investigated an accident and followed a patient to the hospital, he would normally do that anyway—consult hospital staff. If all the policeman is now doing is changing the way in which he talks to people, then it is not going to be a burden at all. I am sure the minister can confirm that.

The opposition will be supporting this bill. We may revisit a couple of those aspects that I have talked about earlier. The minister is indicating that this is going to be revenue neutral. He is indicating that it is not going to add any additional burdens on police procedures. That is good. Let us keep an eye on this. If for some reason these things

change, then the opposition would want to come back and amend things. But that may not be the case. Let us see how those issues which I have raised are, in fact, factored in.

The opposition supports this bill. Minister, thank you. Let us see what you have to say in response to those requests for clarification.

**DR FOSKEY** (Molonglo) (4.51): The ACT Greens will support the Road Transport (Alcohol and Drugs) Amendment Bill as well. We are very concerned by the increasing number of lives being lost and injuries occurring on our roads and are keen to participate in strategies to reduce this. However, I am not really sure how this bill will do that. While it makes some changes to the Road Transport (Alcohol and Drugs) Act, they are really quite minor changes. This bill does not suggest the government has developed any new strategies for dealing with drug or alcohol-impaired driving.

The November 2005 progress report for the national road safety strategy indicates that the ACT's road death rate was improving—by which I mean "reducing"—significantly until 2005. From 1997 to 2004, the annual road death rate per 100,000 people decreased from 6.2 to 2.8. We could be very proud of that. In the 12 months leading up to September 2005, this dramatically increased to 7.1 per 100,000 people. So we do have an issue of great concern on our hands. When you read through the progress report and see the steps that the ACT has taken to implement agreed actions, it is somewhat disappointing.

The five key action areas are safer roads and roadsides, safer speeds, safer vehicles, safer road users, and other supporting measures. While comments could be made on each of these, it seems most relevant to this debate to focus on safer road users.

Action 1 is to enhance drink-driving deterrents. The ACT's progress note is that ACT Policing will continue to target random breath-testing. But how does continuing to do the same thing actually enhance a program? This strategy, we all know, works best when people can reasonably expect to encounter a booze bus on the way home from the pub, from the club or from a party. We need regularity and the creation of a perception that driving under the influence of alcohol will not be something that people get away with.

Action 2 is to promote more extensive use of alcohol-interlocked programs to change the behaviour of repeat offenders. While most other states have implemented or are implementing alcohol-interlock programs to change the behaviour of repeat offenders, the ACT is still conducting research and developing guidelines. I would be keen to hear from the minister how far we are away from our own implementations and how long this action has been undergoing research.

One further action that has been raised previously in this Assembly is to develop and evaluate improved drug deterrence measures. The ACT Greens agree in principle with Mr Pratt's concern about the impacts of drugs other than alcohol on driving, but we raise a number of issues that need further clarification before the introduction of random drug-testing. Meanwhile the ACT government, I believe, maintains that it is monitoring measures in place in other jurisdictions for possible application in the ACT.

While the debate about testing is important, there is another side to drug deterrence that seems to be missed, and that is education of the public about driving under the influence

of drugs other than alcohol. We need to educate the public about the extent that the use of particular drugs impairs, the quantities that lead to impairment and how long they need to delay driving after use. One reason why this is difficult is that we are talking about substances where possession and use is illegal, unlike alcohol. That is hardly conducive to full disclosure and public discussion.

Another important action identified in the national strategy is to work with indigenous communities.

**Mr Hargreaves**: On a point of order, Mr Speaker: this particular amendment bill talks about the procedures for testing blood for an alcohol content after an accident. This is not about the road safety legislation nor about the road transport offences legislation; it is not about acts that this government may or may not be taking in relation to drug and roadside drug-testing, education or anything else. This is a machinery bill. I ask you to seek the member to bring some relevance into the argument.

**MR SPEAKER**: I agree with you, Mr Hargreaves. Dr Foskey, would you remain relevant, please, to the bill that is before the house.

**DR FOSKEY**: Thank you for that advice, Mr Speaker, and Mr Hargreaves. I will end there because it is very likely that everything else that I have to say would also be deemed irrelevant.

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.56), in reply: I very quickly address some of the issues from Mr Pratt because he asked me to put my shake of the head on the record. I do so. This piece of legislation is cost neutral and will make no difference at all to the application of resources for policing. It amends the Road Transport (Alcohol and Drugs) Act in two ways. It clarifies the operation of the act with respect to compulsory blood sampling of people at hospital following a road accident and amends procedures for analysing blood and other body samples taken under the act.

Section 15AA of the act obliges doctors and nurses to take a blood sample from a hospital patient if they have reasonable grounds to believe that the patient is the driver involved in a road accident, notwithstanding that the accident may have occurred many hours or even days before. This open-ended requirement is a source of some concern for doctors and nurses who understandably feel confused by the provision's open-ended nature and are unsure about its practical application to hospital emergency departments across Canberra.

The bill will clarify their obligations by imposing a clear time limit on the taking of blood samples at the hospital following a road accident. This bill makes it clear that doctors and nurses are only obliged to take a blood sample in hospital from a person, under section 15AA of the act, if they attend to a person who they believe has been the driver involved in an accident and the accident occurred less than six hours before the person arrived at the hospital.

The bill also amends the act to update the procedures for analysing blood and other body samples taken under the act. Under the act, part of the sample taken by a doctor or nurse

must be placed in a secure box for collection and analysis by an approved analyst. Analytical technology has come a long way since the act commenced almost 30 years ago. The senior analysts at the ACT Analytical Laboratory approved to conduct analyses under the act no longer personally carry out each step of the analysis procedures. They generally remove the sample from the secure box, pass it on to another person who prepares the sample and places it in an instrument known as a gas liquid chromatogram. The instrument analyses the sample and produces a graph which is interpreted by the approved analyst and certified.

The bill updates procedures in the act by removing the requirement that the analysis be personally conducted by an approved analyst and replaces it with a requirement that the approved analyst arrange for the analysis to occur at an approved laboratory. The approved analyst will continue to check the results and certify them. I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Adjournment

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

> That the Assembly do now adjourn.

### Mr Pro Hart—death

**MR MULCAHY** (Molonglo) (5.00): It is appropriate, in view of the news that Pro Hart has passed away, to make some mention of his contribution to Australian art. In my capacity as the opposition's spokesman on art matters, I will make a few remarks in relation to this distinguished Australian artist.

Mr Hart, who reached the age of 77, was suffering from the debilitating motor neurone disease which prevented the use of his hands or legs. It had brought an end to his capacity to paint or sculpt. Interestingly, an exhibition and sale of works from his private collection was recently opened at his gallery in Broken Hill, the first and only exhibition of his works ever to be held there. Since its opening, approximately three-quarters of Mr Hart's private collection has been sold. According to reports, the response was so overwhelming that enthusiastic collectors were queued outside the gallery's doors over half an hour before they opened.

This is but a small indication of his enormous public appeal, particularly in Australia but also throughout the world. This appeal was a product of several factors. One major factor behind his popularity was the fact that people could readily relate to Pro Hart, whose background and personality were very much common to the Australian story. Despite never being a favourite of the literati and the Australian art scene, Mr Hart's work dealt

with images and themes that touched a broader cross-section of the population. There are many people whom you would not probably consider typical collectors of art who purchased his works and were pleased to display them in their homes. I have seen that over the years, as I am sure other members have.

Mr Hart's work dealt with images and themes that touched a broader cross-section of the population. Many say that he did not care much for critics' approval, instead preferring to touch on everyday images and themes that were more relevant to his roots.

Pro Hart was born in Broken Hill, grew up on the family sheep station, and in his early 20s worked underground as a miner. From age seven, he was always a keen sketcher and painter, but it was not until his early 20s that he, as a mainly self-taught artist, used painting as a creative outlet to keep him sane during his work in the mines. This creative outlet ultimately proved to be a way to free him from the mines and pursue his lifetime passion.

Another major factor behind Mr Hart's popularity was the range of art that he produced, which always drew big crowds. His body of work was always positioned at a relatively attainable price point for collectors as well as enthusiasts, including pieces created with oils and acrylics. He was known to use any tool or method, however unorthodox, to achieve the desired outcome of his work. Mr Hart also sculpted welded steel, bronze and ceramics. As an example, his earlier work that profiled masks and flannels in memory of his time as a miner proved to hold popular appeal.

Pro Hart's work has been exhibited all over the world. Amongst his achievements were an MBE that he was awarded for services to Australian art in 1976, an honorary life membership of the Society International Artistique for outstanding artistic achievement in 1982, and an Australian citizen of the year award in 1983.

Pro Hart is truly an icon of the contemporary Australian art landscape. I am sure that all in this Assembly and all Australians appreciate and value the contribution that Mr Hart has made to the arts in Australia. We send our best wishes to his family on this sad occasion in their lives.

## Charny Carni
## Navrang 2006

**MS PORTER** (Ginninderra) (5.04): I would like to use the time allowed me this evening to reflect on two of my engagements last Saturday. I refer to the Charny Carni and Navrang 2006, a fundraising concert for the Hindu Temple and Cultural Centre.

Firstly, the Charny Carni: the Charnwood carnival is in its third year of operation and is getting bigger and better as each year passes. The Charny Carni is a great example of people getting together with an idea and achieving great things. In its first year, it was supported by a small grant from the ACT government. Now it has gathered enough momentum to continue under its own steam. Last Saturday was a great success, including the mullet judging competition that I was fortunate enough to co-judge. Congratulations to the winner, young Jayden, all of two years of age. Organisers have today informed me that over 5,000 people attended.

The carnival is not a fete but a community day—a day for families and friends to get together in the heart of their community to enjoy themselves. This is the initiative of the Charnwood primary and preschool and the St Thomas Aquinas primary school, supported by their principals, Peter Ross and John Bourke, and is jointly coordinated by Janette O'Sullivan and Michael Pilbrow.

Twenty community groups were involved, and numerous performers gave their time voluntarily. Three groups put in additional effort; that is, the Mount Rogers scouts who provided and erected many tents and marquees as well as providing free activities all afternoon; the Australian Breastfeeding Association, which set up a breastfeeding and change area; and the Christian Life Centre, which facilitated the use of the oval and its buildings for the multitude of activities that happened there. This was the first time that the organisers could offer indoor and outdoor activities.

Over 110 volunteers were well managed and coordinated by Sheryl Sahariv, and I thank each one of them for their volunteer time. But let us not forget the voluntary effort of all involved, including the hardworking, organising committee and FM 104.7 presenters, Virginia Lette and Troy Wade.

The carnival was also supported by several sponsors: Real Estate Matters, Capital Chemist, the Canberra Labor Club group, Highlander Carpentry and Agileware, who designed and maintained the carnival website. Jeans Coffee was also run by volunteers. All should be congratulated.

On Saturday night I attended and officiated at Navrang 2006 on behalf of the minister for multicultural affairs, Mr Hargreaves. This concert was organised to raise funds for the extension of work at the Hindu Temple and Cultural Centre. The centre is a place which promotes inclusiveness and where Indians and others can learn more about the teachings, philosophy and culture of Hinduism, as well as being a place where inter-religious harmony and mutual understanding and respect for religious views of others are fostered.

Reflecting on recent troubles in Australia and elsewhere, and reflecting on the success of the National Multicultural Festival and the clear message of Harmony Day, I congratulate Dr Rehka Kattera and her committee on the work of the centre and the wonderful evening of Indian music, dance, poetry and food. I congratulate all that were involved in that and wish them all well with the further establishment of work at the Hindu Temple and Cultural Centre.

## Mr Tim James
## Environment—recycling
## Lanyon

**MRS BURKE** (Molonglo) (5.07): Mr Speaker, I would like to take the opportunity to praise one of our young local musicians who I think will be familiar to many people around the town. His name is Tim James. Tim is a guy who was born with cerebral palsy and, as many of you may know, he has been around Canberra busking for about 12 years now. I have known Tim and watched him grow up. I watched him get married. I had the honour and pleasure last week of helping him promote himself and, more importantly the Spastic Centre of the ACT.

Why would I talk about this charity? My heart was touched when my daughter at age 19 became an official carer for her boyfriend's brother, Simon, who has cerebral palsy. It was just amazing to watch the input and effect that Zoe had with this particular guy. I am humbled to be given the opportunity to have that same input into Tim's life at the moment and just be there for him. Not that he needs anybody to hold his hand, and I can see Mr Hargreaves nodding. Tim is a very capable young man.

At this point I have to give a big "hooray" to Westfield Woden. They have been absolutely magnificent in supporting Tim and, more importantly, the Spastic Centre. I think we can always get behind good ideas. This young man has refined his music over the years. His first album was called *Able-bodied* and his second album was self-titled *TJ James*. I would urge people to spent $10 on one of these CDs to enable him to produce his third album called *Another World.*

Last Thursday and Friday we hopefully did not irritate too many shopkeepers and shoppers when Tim played music as part of our effort to raise interest in and the profile of the Spastic Centre. Geraldine Walters was there as well. I take my hat off to Tim James. He is a young lad who will not let anything get in his way. He has let his disability become an ability in his life. He is a real role model for all young people, not just people with a disability. So well done, Tim, and we wish you all the best for the future.

I have sent around to members—and I thank the Speaker for allowing me to do this—an email headed "Don't dump it—donate it—help the environment and it won't cost you a cent". Members can collect old mobile phones. I offered to do so and I took a box off the Spastic Centre. Members can come to my office, collect a little plastic bag and put their old mobile phone into it. We can send them off to the Spastic Centre and for every phone they receive they get $3 to $5. So I think it is well worth it. If members do not have an old mobile phone they could ask their friends if they could help. Let us see if we can really get behind not only the very worthwhile cause of supporting the young man that I have just mentioned but also the need to help tidy up the environment. Mr Speaker, I put this course of action to members.

Finally, I want to say "well done" to all the people who worked so hard to make the Lanyon festival a huge success. I went to the festival on Saturday and I was so taken by it that I took my family back on Sunday. It was just the most brilliant place to be. I notice that Mr Hargreaves is nodding again and Lanyon is in his electorate. I happen to live there and I love it. Lanyon and Queanbeyan, where my daughter lives, were the first places we went to when we came to Australia, and I love both of them.

I want to say a really big sincere thank you to the organisers of the festival. If we do not look after our heritage we are going to see it rapidly diminish. So well done to the committee who organised the festival, to the people who worked there, to the volunteers and to the storeholders. It was just a brilliant day and I want to convey my huge thanks. I also thank those who know Lanyon and support it in everything it does.

## Lanyon

**DR FOSKEY** (Molonglo) (5.11): One of the wide array of topics that Mrs Burke just referred to was the Lanyon festival and I also am going to talk about that event. I went

down to Lanyon on Sunday and I have to say that I was really quite blown away not only by the house and the setting but also by the incredible enthusiasm and feeling that the people who work there have for the place. Lanyon is, in a way, a small community and I prefer the small festival that we have there. I find these sorts of garden festivals more accessible than the great big mega events that often get a higher profile in this city.

Lanyon is, of course, a very beautiful house. One of the things that was of most interest to me was to talk to the gardener about what he has observed over the last few years in managing that garden. This year Lanyon experienced a huge grasshopper plague and, as anyone who has been through a grasshopper plague knows, anything green is a target. We talked about why that happened. It seems that as part of the natural cycle of this region a number of successive very cold below freezing days in winter kill the nematodes in the ground which, of course, develop into grasshoppers later on. In the past few years we have not been getting such conditions and it would seem that, along with drought, we will see this problem recur. Of course, if because of climate change the number of below freezing days that we have in a year continues to decline, we will see an increase in pests of this kind.

The gardener said it had just about broken his heart to see what had happened to his own personal garden around his cottage and other parts of Lanyon, and that he had almost felt like leaving. I do not think this is something that any of us want. It was good to see the irrigated section of the garden, which is a very magical place. But it is interesting to see that our little Lanyon is being affected by the impact of global climate change.

## Marist College—drugs summit
## Commonwealth Parliamentary Association conference

**MR SESELJA** (Molonglo) (5.18): Mr Speaker, I was absent from the Assembly at the last sitting as I was attending the Commonwealth Parliamentary Association conference on the Westminster system. I will be reporting back formally to the Assembly but I thought I would take the opportunity to give a bit of feedback on my experience.

Firstly, it was an excellent learning experience for me as a new member. The content was quite detailed and excellent, and I will go through some of that content. There were sessions on the role of the leader of the house, whips and party discipline, the role of the Speaker, legislative process, parliamentary questions and motions. We discussed sustainable development and issues around the role of think tanks in a parliamentary system. Delegates exchanged views on issues that were raised. Some of those issues included the role of the WTO, combating HIV/AIDS and the role of an upper house. The content of the conference was quite excellent and I commended the CPA on the well thought out program that they put together for us.

While at the conference I reflected on the Westminster system of government. I have had discussions with Mr Hargreaves, who attended the previous conference. We often talk about the Westminster tradition being this or the Westminster tradition being that but really what was quite apparent was that all of the Westminster parliaments and all the commonwealth parliaments have gone a slightly different way. In fact, even the British House of Commons and the House of Lords have changed quite a bit over the years in the way that they do things. So I guess when someone says, "Well, this is the way it is

done, this is the Westminster tradition," we have to take that with a grain of salt because these things do change over time, even in mother England.

The other message that I got very strongly was that the Australian system—in particular I am thinking of the federal system of government with two houses, including an elected upper house that represents the states—really stacks up well against all of the other systems around the world. I think in the UK they are now having significant problems in trying to reform an unelected House of Lords. There are problems with cash for peerage and the inherited spots are now down to 92 out of 700. But I think the Australian system really does stack up. Even Canada still maintains an appointed upper house. So as a democratic system, for all its flaws, I think the Australian system is a very good one. It is one that stands up against other parliaments around the world.

Another thing that struck me was the lavishness of some of the other parliaments. It seemed that everyone had an official residence in Westminster. Mr Speaker, I have already shown you the guide to the Speaker's house. The Speaker of the House of Commons gets quite a lovely, lavish house. One is for show and I think he gets another one where he actually lives. He also gets lovely robes, which I am sure, Mr Speaker, everyone would love to see you in one day. Maybe when we have been around for several hundred years we will have such detailed traditions. Speaking of lavishness, in other parliaments around the world opposition leaders get houses and all that sort of thing, so I think Australia once again stacks up quite well in this respect.

The independence of the Speaker was interesting, too. Speakers in the House of Commons cannot any longer belong to a political party once they take that office, and in fact never again can they belong to a political party. So they are independent once they become Speaker. Whilst such a system probably could not be replicated in the ACT, certainly the Australian parliament could learn something from that.

I have to commend the professionalism of the CPA staff. They really looked after us well. The program was excellent, as was their organisation. They mixed in a number of enjoyable events with a fairly detailed program and I found that a very good experience.

The other thing that I found particularly good was talking to other delegates from around the world, including members of the House of Commons and the House of Lords. I was able to exchange ideas about our systems of government and learn a lot about not only the British system but also systems all around the world—Canada, New Zealand, Malaysia, India, parts of Africa and the Caribbean. I would be happy to give briefings to any members of my experiences at the conference. I will be lodging a formal report but I wanted to take this opportunity to put on record some of the experiences that I had while attending the Westminster conference.

## Arts—*Hori Alone in Kolkata*

**MS MacDONALD** (Brindabella) (5.23): Mr Speaker, last week I was fortunate enough to be able to represent the Chief Minister, in his capacity as minister for the arts, at the premiere—and I have to say it is the first time that I have been to a film premiere—of the film *Hori Alone in Kolkata*, which was screened at the Tuggeranong Arts Centre from 23 to 26 March. *Hori Alone in Kolkata* was the debut feature film of Canberra director, Ms Paramita Roy. The film, which runs for approximately an hour, tells the story of

Mohammed, an 11-year-old Muslim boy, who travels from his village to Kolkata to find a job so that he can support his sisters and mother back home. It is hard for him being alone in a large, predominately Hindu city, as he works as a domestic in one household after another. The film covers many areas. The young boy meets up with his older brother who makes him change his name because it would not do to be in a Hindu city with a Muslim name.

Mr Speaker, this is a very touching film and I recommend that members make the time to view it if it is screened again. The work, which was completely financed by Ms Roy, reflects her dedication and desire to make her film as authentic as possible. In January 2005, as part of a team of five from Canberra, Sydney and Darwin, she travelled over to India with her son Rubik, who acted as first assistant director and helped with the script. ANU film student Ken Ochiai joined the team as a second camera operator. Most of the additional crew was hired in India and filming took place over five days. I believe that Ms Roy worked on a rough cut of the film in India and Ben Nunney, who works at the ABC in Canberra, completed the editing. The film demonstrates what someone can do if they have the desire and the know-how. I was very impressed with the quality of its actors and production values.

I was delighted to have the opportunity to personally meet Ms Roy at the premiere of the film last Thursday. After the film, Ms Roy answered questions from the audience about the film. She said that the reason she wanted to make the film was to highlight the hidden issue of child slavery. Working in a school, she sees that we often as a western society take many things for granted, such as going to school, shelter and family. She wanted to highlight the differences in respect of the issue of child poverty in a place the size of India. The film has not been produced just for Australian society but is being distributed in India, and there is a hidden issue within India itself. A person commented at the end of the film that they felt she had particularly well highlighted in a very sympathetic and empathetic way the issue of poverty as being the root cause of child slavery. I have to say that it is a beautifully produced film. Although you can tell that it is not a high-level production film, it is just wonderfully done.

Ms Roy, who teaches at Calwell high school, has also developed a multimedia educational resource on CD about Indian classical music and a brief history of the cultural heritage of India. The package is available as a teaching and learning resource for Australian schools and gives students the opportunity to learn about the arts and cultures of another country. It is a credit to the ACT film industry that members of the ACT community are becoming involved in cultural film projects and that the resulting films are released in both the ACT and the rest of Australia. It is also encouraging to see cross-cultural relationships like this one being forged.

Finally, I would like to give my congratulations again to Ms Paramita Roy as writer, director and co-producer of *Hori Alone in Kolkata*, and all the cast and crew involved with the film. I hope that it ends up being screened again because it does highlight what is a very shocking, disturbing issue.

Question resolved in the affirmative.

**The Assembly adjourned at 5.28 pm.**

# Schedules of amendments

## Schedule 1

## Motor Sport (Public Safety) Bill 2006

Amendments moved by the Acting Treasurer

**1**
**Clause 7 (1)**
**Page 4, line 14—**

*omit*

chief executive

*substitute*

Minister

**2**
**Clause 7 (2)**
**Page 4, line 16—**

*omit*

chief executive

*substitute*

Minister

**3**
**Clause 8 (1)**
**Page 5, line 2**

*omit*

chief executive

*substitute*

Minister

**4**
**Clause 8 (2)**
**Page 5, line 8**

*omit clause 8 (2), substitute*

(2) The Minister may, in writing, require the applicant to give the Minister additional information or documents that the Minister reasonably needs to decide the application.

**5**
**Clause 8 (3)**
**Page 5, line 11**

*omit*

chief executive

*substitute*

Minister

**6**
**Clause 9 (1)**
**Page 5, line 15—**

*omit*

chief executive

*substitute*

Minister

**7**
**Clause 9 (2)**
**Page 5, line 18—**

*omit*

chief executive

*substitute*

Minister

**8**
**Clause 9 (3)**
**Page 5, line 22—**

*omit*

chief executive

*substitute*

Minister

**9**
**Clause 9 (3) (a)**
**Page 5, line 23—**

*omit*

chief executive

*substitute*

Minister

**10**
**Clause 9 (4)**
**Page 5, line 27—**

*omit*

chief executive

*substitute*

Minister

**11**
**Clause 9 (5) (b)**
**Page 6, line 4—**

*omit clause 9 (5) (b), substitute*

(b) the motor vehicle racing place, including any building or facility to which the licence relates; and

**12**
**Clause 10 (3)**
**Page 7, line 5—**

*omit*

chief executive

*substitute*

Minister

**13**
**Clause 10 (4)**
**Page 7, line 10—**

*omit*

chief executive

*substitute*

Minister

**14**
**Clause 10 (4) (a)**
**Page 7, line 12—**

*omit*

chief executive

*substitute*

Minister

**15**
**Clause 10 (4) (b)**
**Page 7, line 15—**

*omit*

chief executive

*substitute*

Minister

**16**
**Clause 10 (4) (c)**
**Page 7, line 18—**

*omit*

chief executive

*substitute*

Minister

**17**
**Clause 11 (1)**
**Page 7, line 24—**

*omit*

chief executive

*substitute*

Minister

**18**
**Clause 11 (3)**
**Page 8, line 3—**

*omit*

chief executive

*substitute*

Minister

**19**
**Clause 14 (1) (a)**
**Page 8, line 24—**

*omit*

chief executive

*substitute*

Minister

**20**
**Clause 16 (1)**
**Page 9, line 26—**

*omit everything before paragraph (a), substitute*

(1) If the Minister proposes to take disciplinary action in relation to a licensee, the Minister must give the licensee a written notice (a ***disciplinary notice***) that—

**21**
**Clause 16 (1) (c)**
**Page 10, line 7—**

*omit*

chief executive

*substitute*

Minister

**22**
**Clause 16 (2)**
**Page 10, line 8—**

*omit clause 16 (2), substitute*

(1) In deciding whether to take the disciplinary action, the Minister must consider any response given to the Minister in accordance with the disciplinary notice.

**23**
**Clause 16 (3)**
**Page 10, line 11—**

*omit clause 16 (3), substitute*

(3) If the Minister is satisfied that a ground for taking disciplinary action has been established in relation to the licensee, the Minister may take the proposed disciplinary action.

**24**
**Clause 16 (4)**
**Page 10, line 14—**

*omit clause 16 (4), substitute*

(4) The Minister must give the licensee written notice of the Minister's decision.

**25**
**Clause 17 (1)**
**Page 10, line 23—**

*omit*

chief executive

*substitute*

Minister

**26**
**Clause 17 (2)**
**Page 10, line 25—**

*omit*

chief executive

*substitute*

Minister

**27**
**Clause 17 (3)**
**Page 10, line 27—**

*omit*

chief executive

*substitute*

Minister

**28**
**Clause 17 (3) (a)**
**Page 11, line 1—**

*omit*

chief executive

*substitute*

Minister

**29**
**Clause 17 (3) (b)**
**Page 11, line 4—**

*omit*

chief executive

*substitute*

Minister

**30**
**Clause 17 (5) (b)**
**Page 11, line 17—**

*omit*

chief executive

*substitute*

Minister

**31**
**Clause 18 (2)**
**Page 11, line 22—**

*omit*

chief executive

*substitute*

Minister

**32**
**Clause 31**
**Page 19, line 8—**

*omit clause 31, substitute*

**31 Minister to consider advisory committee advice etc**

In exercising a function under this Act (other than a function under division 2.2 (Disciplinary action)), the Minister must consider any relevant information or advice given to the Minister by an advisory committee.

**33**
**Clause 33 (2)**
**Page 20, line 14—**

*omit clause 33 (2), substitute*

(2) If the Minister makes a reviewable decision, the Minister must give written notice of the decision to everyone affected by the decision.

## Schedule 2

## Motor Sport (Public Safety) Bill 2006

Amendment moved by Mr Stefaniak

**1**
**Proposed new clause 33A**
**Page 21, line 1—**

*insert*

**33A Application of Act—certain activities**

(1) This Act does not apply to any of the following activities conducted at the Fairbairn Park facility:

(a) speedway racing;

(b) go-cart racing;

(c) motor cycle racing;

(d) hill climb racing.

(2) In this section:

***Fairbairn Park facility*** means the area known as the Fairbairn Park Facility at blocks 306 and 601 Majura in the ACT.

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