Debates

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Tuesday, 2 May 2006

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

Announcement of member to fill casual vacancy

MR SPEAKER: The Clerk has been notified by the Electoral Commissioner that, pursuant to sections 189 and 194 of the Electoral Act 1992, Mr Andrew Barr has been declared elected to the Legislative Assembly for the Australian Capital Territory to fill the vacancy created by the resignation of Mr Ted Quinlan. I present the following paper:

> Legislative Assembly for the ACT—Casual Vacancy—Declaration of the polls—Letter from the Electoral Commissioner, ACT Electoral Commission, to the Clerk, ACT Legislative Assembly, dated 5 April 2006.

Oath or affirmation of allegiance

MR SPEAKER: In accordance with the provisions of the Oaths and Affirmations Act 1984 which requires the oath or affirmation of a new member to be made before the Chief Justice of the Supreme Court of the Australian Capital Territory or a judge of that court authorised by the Chief Justice, His Honour Chief Justice Higgins, Chief Justice of the Supreme Court of the Australian Capital Territory, will attend the chamber.

The Chief Justice attending accordingly—

Oath of allegiance by member

Mr Andrew Barr was introduced and made and subscribed the oath of allegiance required by law.

The Chief Justice having retired—

MR SPEAKER: On behalf of all members, I bid you a warm welcome to the Assembly.

Inaugural speech

MR BARR: I seek leave of the Assembly to make my inaugural speech.

Leave granted.

MR BARR: Thank you, Mr Speaker. I thank my Assembly colleagues for the opportunity to deliver my inaugural speech today. I would like to begin by acknowledging the Ngunnawal people, on whose land we are meeting. I recognise their continuing contribution to the life of our community and pay my respects to their elders.

It is a humbling experience to be standing in the Assembly representing the people of Molonglo and the Australian Labor Party. Whilst the Assembly and the chamber are not

new to me—I have worked for many members here—the significance of this new role is not lost on me. The past four weeks have been a period of considerable change, not only for me but also for the government. The retirement of Ted Quinlan has been a loss to the Labor caucus, to this Assembly and to the people of the ACT. Ted has been a significant figure in territory politics over the past decade. The ACT economy is undeniably stronger and more robust as a result of Ted's contribution as Treasurer. Canberra has benefited from his considerable economic expertise, strong sense of social justice and his ability as a parliamentarian. He is a hard act to follow.

During my 30 years in Canberra I have seen the city develop into a confident, progressive, outward-looking city with a firm view of its place as a national leader. The Canberra of 2006 is a far different place to the insecure, introspective, public service town that I remember in the late 1970s and early 1980s. My earliest memories of Canberra include living in Kambah and Macgregor—what were then the fringes of the city, in what seemed like the last houses on earth. Canberra has changed a lot since then. The establishment of self-government, the development of thriving education, tourism and IT sectors, the growth in the arts, the food and wine industries and the success of our home-grown sporting teams like the Raiders, the Brumbies and the Capitals have led to a greater sense of identity outside our role as the seat of national government.

I have been involved in the Labor Party since I was 18, and it too has changed. Under Jon Stanhope's leadership it has embraced the modern Labor values of responsible economic management and progressive social reform. I am proud to be a member of the ALP and I am proud to advocate modern Labor values in this Assembly.

I strongly believe in a secular liberal democracy and the clear separation of church and state, which lies at its heart. I support the right of people to practise whichever religion they choose and use the teachings of their church as the basis for their morality. That being said, I do not believe organised religion has the franchise over morality or ethics.

I believe in justice and fairness, in the right of people to make their own decisions about matters that affect only them. I believe in freedom of choice. I believe in the right of consenting adults to make decisions about their relationships and sexual preferences. I believe fundamentally in a woman's right to choose. I believe that good governments make a real difference to people's lives.

A great Labor leader once said that when you change the government you change the country. That could just as easily have been a statement about our territory. With the election of the Stanhope government, this territory did change—for the better. The ACT is a more progressive and inclusive society than it was five years ago. Being progressive, though, means more than just paying lip-service to ideas like equality; it is about achieving concrete results to better people's lives. We need to ensure that governments do not discriminate against their citizens because of where they are from, the institutions they choose to be part of, or not part of, and whom they choose as a partner.

The achievements of this government are numerous but there are three reforms that I believe will have a long-lasting effect on our community, namely: the Human Rights Act; the removal of abortion from the Criminal Code; and the gay and lesbian law reform process.

I am proud to be part of a government that is the first in Australia to have a bill of rights that sets out in law our fundamental rights and freedoms. The protection of human rights in law is an important and significant step forward for our community. I hope that the leadership the Stanhope government has shown in this area will encourage other states and territories—and the commonwealth—to follow suit.

Whether or not to have an abortion is a matter for individuals, not for parliaments. Women should have the right to make their own reproductive choices, and those who have had an abortion should not be treated as criminals. I would like to commend you, Mr Speaker, for your leadership in this major reform.

Legislation alone cannot change social attitudes—but it does make a difference. The passage of the three gay and lesbian law reform bills has not eliminated homophobia in our community—but it has made a huge difference to the lives of thousands of Canberrans who previously lived as second-class citizens in our city. These reforms have also been important for families.

I believe in the family as the basic unit in Australian society, but I believe the family can take many forms. These reforms are pro-family. They strengthen relationships. What is anti-family is the declaration that the entire concept of family or marriage is on such shaky ground that enlarging the concept to include ideas beyond the 1950s white picket fence view of the world could see the whole thing fall apart. That is what diminishes family.

It is not just the thousands of gay and lesbian Canberrans whose lives have been improved by these reforms, it is the thousands of parents who want their sons and daughters to be able to live happy, productive and healthy lives without having to experience fear, hate and discrimination. It is the brothers and sisters who have seen their gay and lesbian siblings struggle with the unfairness of discriminatory laws and who have felt guilty about the unequal treatment society dishes out.

People often say that there is no major difference between the two major political parties on matters of substance. They could not be more wrong, and in this case the difference is extremely clear: only Labor is prepared to draw a line in the sand and say that we will not stand for discrimination in our city anymore.

These sorts of social reforms transform lives. They are the reason I am engaged in political life. I will always look back with great pride on my involvement in the gay law reform process.

Mr Speaker, good governments make a difference. Good governments set the social agendas for their communities. They govern as leaders rather than as followers. Many governments seek to lead from behind and to be followers of public opinion. Very few are brave enough to proactively set the social agenda. This government took a significant social agenda to the electorate and won strong support. We take pride in taking the lead on these issues in our community. That is what good government is all about.

Good government is not just about social policy, though; it is also about economic management. There is no point being in government if you cannot make people's lives

better. And you cannot do that if you are not paying attention to the economy. Good governments manage the economy responsibly, and that good management leads to benefits for all the community. It is what underpins the delivery of the services that Canberrans want and need.

Running a surplus operating budget provides intergenerational equity. It means that each generation of the ACT community pays for the government services they are receiving. A surplus budget is vital to maintaining the territory's AAA credit rating. A surplus budget also provides the basis for managing the risks and uncertainties that will inevitably arise in the future. That is the reason why this government has delivered successive budget surpluses totalling $250 million since coming to office.

Paul Keating said, "Leadership is not about being popular. It's about being right, about being strong. It's about doing what you think the nation requires." I think that argument has more currency now than it possibly did then. Good government is about making difficult decisions in the long-term interests of the community. As a new member of this Labor government, I commit to contribute to the continuation of the sound economic management of this territory.

Good governments invest in the community, through well-managed programs of infrastructure improvements. We need to be investing in our schools, roads, hospitals, footpaths and housing—in short, investing in our community's future. But we need to be innovative in the way we make government work.

We need to find and maintain the right balance between the provision of municipal services and the state responsibilities we have. We need to accept the economic and societal challenges that face us in the coming decades. Those people who think that this city should function as it did 30 years ago, and never change, should realise that this city is different now, the challenges are different, and the funding is different. Canberra today has a thriving private sector employment base. The "education industries" are major drivers of economic growth—anyone who views this city solely through the prism of the parliamentary triangle is missing the real story.

Mr Speaker, good governments provide high quality education and health systems for their communities. I am proudly a product of the ACT education system; I was taught here in public schools. I believe that every child deserves a quality education—regardless of their background.

Our school system is operating under considerable pressure from changing demographics and community expectations. Across Australia there has been a movement of students away from the public school system, and the ACT is not immune to this. There are now nearly 18,000 empty desks across the ACT public school system. Keeping surplus capacity at such levels is not only costly but also proving increasingly difficult to maintain the highest standards of educational facilities and services in all 95 schools.

We face serious challenges in achieving equity across the public school system. Providing the latest teaching and learning technology for all students is not cheap. High quality teaching and learning are only possible in a properly resourced educational environment. Our education system needs teachers who are professionally supported,

high quality facilities and infrastructure, access to current information technology, and supportive and involved parents.

To maintain a viable public school system we must ensure that government schools can provide uniform quality of the highest standard across the territory. This inevitably means making difficult decisions about closing schools in some parts of Canberra. The current arrangements are working against the equitable provision of resources throughout the system.

Our public education system is among the best in the world but, like all institutions, it needs renewal so we can continue to deliver high quality educational outcomes for students in the ACT. A quality education opens the door to employment opportunities and choice for our citizens.

Like most Australians, I am deeply concerned about the Howard government's extreme new industrial relations system that will see a reduction in wages and conditions for many workers in our community—and a reduction in choice. Under the draconian WorkChoices changes it is the vulnerable workers in our society who will experience wage reductions and the deterioration of their working conditions.

I oppose a system that will see some of our lowest paid workers struggle even more to balance work and family life and to make ends meet. I also oppose a system that prevents unions from representing their members—unions that have fought for generations to build up the protections for these workers. It is thanks to the union movement that workers have a voice and decent conditions.

Good government has a role in protecting workers and ensuring there is an independent umpire to deal with industrial disputes. This is one of the reasons why I am in the Labor Party and why, as part of this government, I will continue to oppose these laws.

None of us would be in this chamber if we did not share the belief that Canberra is a great place to live and work. Canberra's role as the national capital has always meant there have been people interested in visiting our city to experience the national monuments or to see the federal parliament at work. We need to encourage those people who visit for a weekend to come back and explore the many other attractions Canberra has to offer outside the parliamentary triangle.

Canberra's growing food and wine industries provide a perfect weekend escape from the traffic jams of Sydney. As do our sporting events and festivals. We need to work smarter in the way we promote our city to the rest of the country. There is more to see in this city than what people remember from their "year 6" tour of the national capital.

One of the best attractions Canberra has is its strong sense of community. Nowhere is this more evident than when we come together to follow the fortunes of our elite sporting teams and also when we come together at a local oval to cheer on the junior cricket side or netball team.

Sport plays an integral part in developing our sense of community. It brings people together and in many cases enables us to meet new people and establish friendships. Sport has many benefits to the people of Canberra. It encourages a healthy lifestyle, it

engages our community spirit, and our elite sporting teams give our city a profile on millions of television screens across the southern hemisphere. For these reasons, it is important that we continue to encourage and develop sport from the grassroots level through to elite competition.

Aside from the challenges my new portfolio responsibilities bring, I am first and foremost a local member. Part of being an effective local member is developing a strong affinity with your electorate. The average age of the Molonglo electorate is 34. Having just celebrated my 33rd birthday, I have a clear understanding of the issues facing many in the electorate. About one-third of the people I represent are loosely defined as Generation X.

Generations are about shared values and experiences. My generation has experienced more change in our short time in the work force than most previous generations faced in their entire working lives. My generation grew up in a period of massive social and political upheaval—the old notions of left and right have become less relevant now than they were to our parents— we view politics as a battle between the progressives and the conservatives, rather than as a fight between capitalism and communism. Ours is a generation that grew up watching the old powers fade away.

The world has changed, and it happened live via satellite. Given the ubiquitous nature of the internet these days, I find it amazing that I completed my degree at the ANU, only 10 years ago, without ever using it. My first job did not have email. Many of my friends are in their third and fourth careers by their mid-30s. As a generation we have grown used to change and seem to be more comfortable with it.

Governments can no longer control the economy in the way they used to. While there are some things we want government to do for us, most of the time we want government to assist us to do things for ourselves. Mine is a generation that wants government to provide opportunities. Most of us were happy to contribute to our university educations through HECS but we are now horrified by the amount that those following us are expected to pay for their higher education.

It is worth noting, Mr Speaker, that the 17 members of the federal cabinet currently hold at least 18 degrees between them, most attained at no cost. These are the baby boomers responsible for brutally transferring the cost of education to generations X and Y, generations that can now look forward to enormous HECS debts on top of horrifyingly unaffordable housing and spiralling credit card debts. A good government does not leave debts for future generations to pay off.

It is often remarked that Generation X is the lost generation. We are often criticised for lacking idealism. I disagree. I do not think you can be a true representative or a true leader without the desire to shape a better world. But in shaping that world there is an expectation, often fuelled by us as politicians, that governments can solve every problem. I do not approach governing with that expectation. However, I do approach it with an attitude of being a strong advocate for social reform and sound economic management—with the goal of working together to achieve a sustainable and strong community. A range of factors beyond our control, such as globalisation, do place a limit on what governments can do. But I see the role of government as a catalyst for solutions and as a means of bringing people together to contribute to the common good.

Another characteristic of my generation is that we are income rich but asset poor. My friend Ryan Heath refers to this phenomenon as "property apartheid" in his recent book about the baby boomers. Whilst the language is harsh, I believe the sentiment is fair. Generally all Australians say they aspire to own their own home; it is the great Australian dream. The preference for home ownership prevails across age groups, household types and socioeconomic status. However, achieving this aspiration has become harder and harder for young Australians. There is no doubt that continuing economic restructuring and social change have impacted on the proportion of younger people buying their homes. In 1989, almost 65 per cent of 25 to 39-year-olds had bought their first home. In 2003 that number had dropped to 54 per cent and continues to fall. Soon, half a generation will be locked out of home ownership.

Housing is a large part of Canberra's wealth and living standards. Its value underpins consumer confidence. Its prosperity adds substantially to economic growth. The provision of secure, affordable and appropriate housing is central to community wellbeing. The recent huge increases in housing prices have created severe problems for the territory's economic development and competitiveness, efficient urban development and intergenerational equity.

The major factor contributing to the decline in housing affordability in Canberra has been the increase in land prices. In the face of these substantial increases, the market has shifted towards smaller block sizes for detached housing and increased housing densities through multiunit developments. But despite these changes, the share of land cost in new house prices has increased significantly. I believe the solutions to these problems must come from the supply side and I warmly welcome the recent increase in land supply delivered by my colleague Simon Corbell.

I believe that the exemptions for home owners from capital gains and land taxes need to be looked at because they too are damaging affordability. I think it is fair to say that the price of a house in Canberra these days is a reflection of its tax-free haven status than its inherent value as a home.

Sir Humphrey Appleby would describe these views as "courageous"—perhaps best left alone as ideas floated by a new member in his first speech, but I believe that good governments never stop looking for better answers to difficult questions. These tax exemptions undoubtedly favour the majority of home owners, especially those who are older or wealthier. But in my view they are pricing younger people out of the market, thereby contributing substantially to the fall in overall home ownership for younger Canberrans.

Of course housing affordability is not just about the cost of buying a house; the cost of renting in this city also continues to increase. It is becoming more expensive to live in this city as a young person—even as a young professional. Rents of up to $400 per week for one-bedroom apartments are not uncommon, and even living in share houses does not necessarily relieve the burden. It would not be an uncommon occurrence that residents of a three-bedroom share house would each pay up to and beyond $150 per week in rent. I believe the supply of low-rent housing in Canberra would benefit greatly from targeted incentives to attract large financial investors and by expanding the use of not-for-profit

housing providers. I welcome the work my colleague John Hargreaves has undertaken in this area and look forward to it continuing.

The Stanhope Labor government is a good government and as part of it I aim to continue its record of leadership, strong economic management, support for the vulnerable in our society, and open and transparent government.

In closing, I would not be here today if it were not for the support and encouragement of a large number of people. There are too many to thank individually but I would particularly like to acknowledge my partner, Anthony; my parents, Susan and James, and my brother Iain; John Hargreaves and Annette Ellis; David Tansey and Michael Cooney; my 2004 campaign team led by Bernard Philbrick; staff in my new ministerial office, John Hannoush, Liz Lopa, Ryan Hamilton and Matt Lawrence; the members and affiliates of the Australian Labor Party, particularly Matthew Cossey, ACT Branch secretary; my sub-branch—the Mount Ainslie branch; ACT Young Labor and the centre coalition; and finally you, my Assembly colleagues. At times this job has felt like starting at a new school but I have been very lucky to have had friends in the playground. Thank you very much, Mr Speaker.

Legal Affairs—Standing Committee
Scrutiny report 24

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 24, dated 1 May 2006, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny report 24 contains the committee's comments on five bills, 18 pieces of subordinate legislation and five government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Leave of absence

MRS BURKE (Molonglo) (10.59): I move:

> That leave of absence be given to Mr Mulcahy for the sitting period 2 to 4 May 2006.

Question resolved in the affirmative.

Sentencing Legislation Amendment Bill 2006

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.59): I move:

> That this bill be agreed to in principle.

Today I have introduced the Sentencing Legislation Amendment Bill 2006. Last year, the government introduced the Crimes (Sentencing) Bill and the Crimes (Sentence Administration) Bill. Those bills were subsequently enacted by the Assembly in November last year. I would also like to foreshadow this morning that the government will also introduce the Corrections Management Bill 2006 in the spring sittings, which will complete the suite of new sentencing legislation for the territory. Such is the sheer scope of the reform these acts replace that in fact they replace 12 pieces of existing legislation and affect no fewer than 39 other pieces of legislation.

Updating the territory's statute books to make way for the new sentencing laws is no mean feat. This bill provides the consequential amendments for the Crimes (Sentencing) Act 2005 and the Crimes (Sentence Administration) Act 2005, as well as the foreshadowed Corrections Management Bill. This bill repeals old sentencing and sentence administration laws and updates references in the ACT statute book to the new laws. The bill also ensures that the concepts and methods used in the Crimes (Sentencing) Act 2005 and the Crimes (Sentence Administration) Act 2005 are applied across the statute book.

Last year, when the Chief Minister introduced the new sentencing bill he made the point that it is the duty of governments and legislatures to set down a coherent framework for sentencing options and procedures. This bill, in conjunction with the Corrections Management Bill 2006, will enable the breadth of sentencing and custody laws to be read together and to work together. The government has met its commitment to consolidate and improve sentencing law with these bills. I look forward to the commencement of the new laws on 2 June this year.

As I have already mentioned, the Crimes (Sentencing) Act 2005 and the Crimes (Sentence Administration) Act 2005 were drafted to work in union with the government's Corrections Management Bill. To remove any doubt while the Assembly considers and debates the Corrections Management Bill, the Sentencing Legislation Amendment Bill provides transitional arrangements to enable the existing custodial laws to apply until the Corrections Management Bill has been passed and commenced. The Sentencing Legislation Amendment Bill 2006 does not introduce any new policy. The policy of the sentencing acts were part of the Assembly's debate during the November sittings last year, and I thank members for their contributions to that debate.

As members would know, the government believes that allowing prisoners to vote in ACT elections contributes to rehabilitation, rather than deters rehabilitation. Last year the government was expecting that it would have to move amendments that would enable ACT prisoners to vote in ACT elections, despite commonwealth amendments to the contrary. I am pleased to say that, upon advice from the ACT electoral commissioner, no amendments are deemed necessary. I am advised that the structure of the

commonwealth's bill to further restrict prisoners from voting in federal elections does not prevent ACT prisoners from voting in ACT elections.

A number of consequential amendments to the Electoral Act 1992 are included in the bill, which update references to the sentencing acts and the Corrections Management Bill. These amendments will further facilitate prisoners' participation in ACT elections. The government's sentencing acts consolidated a plethora of provisions from various acts that form the territory's sentencing law. These diverse sources of sentencing law reflected the disjointed manner in which sentencing law has been made in the ACT. These diverse sources failed to provide easy access to the statutory provisions relating to the principles and procedures of sentencing. The various stand-alone acts, with different methods and concepts, made it a lot harder for our courts and our corrective services to apply a consistent approach to sentencing and sentence administration. The bill I have presented today tidies up the territory's statute book in light of the acts we made last year and helps to make way for the new laws to commence. I commend the bill to the Assembly.

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

Asbestos Legislation Amendment Bill 2006

Debate resumed from 30 March 2006, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella—Leader of the Opposition) (11.05): The opposition will support this legislation. The legislation implements the recommendations of the Asbestos Taskforce to establish asbestos management practices for residential properties and those occupations that handle asbestos on a regular basis or in the course of their work. I note that the recommendations of the Asbestos Taskforce for non-residential properties are not included in this bill.

The former minister advised that these recommendations would be incorporated into amendments to the Dangerous Substances Regulation, an exposure draft of which is expected to be made available for comment later this year. Altogether, seven items of legislation are amended by this bill. The effect of the changes is an improvement on the present situation, for three reasons: first, minor maintenance work and work done by prescribed occupations on areas of less than 10 square metres of bonded asbestos will not require building approval provided it is done according to the code of practice. This means there will be fewer bureaucratic hoops, but the onus will be on the do-it-yourself home renovators as well as tradesmen to be skilled and to be responsible.

However, under the provisions to exempt jobs of less than 10 square metres of bonded asbestos from building approval, what is not clear is the extent to which, say, a job of 48 square metres can be broken up into six lots of 8 square metres each. The minister might like to enlighten us on this matter. He also might like to tell us how he intends to monitor compliance with the 10-square metre rule, and if so, how. How will he apply the rules, say, where a bathroom and laundry are adjacent, each is less than 10 square metres, but the combined job is greater than 10 square metres?

The second improvement on the present situation is that, because there are significant differences in the level of hazard between bonded asbestos and friable or loose asbestos, the bill provides for two levels of training and qualification for asbestos removal. A class A removalist can work with all asbestos, but a class B can only work with the bonded asbestos.

The third improvement is the rules governing disclosure. If an asbestos report already exists it must be made available by the owner to a prospective tenant or purchaser and to tradesmen engaged to do construction or renovation on the premises. Where no asbestos report exists the property owner will only be required to provide the generic advice which essentially gives a likelihood or probability of the location of the asbestos in houses built before 1985. Fortunately, there is no longer any compulsion to provide a detailed report.

These changes reflect the advantages of taking the advice of an industry task force with practical knowledge and experience, instead of taking an ideological approach to the issue. I commend the members of the task force for their professional work and for focusing on trying to achieve the best balance between community health and cost. I also thank the previous minister and her staff for providing extensive and well-prepared briefings on this and other related legislation. The opposition will be supporting the amendments.

DR FOSKEY (Molonglo) (11.09): This bill puts into place the recommendations of the Asbestos Taskforce which was set up following the passage of the 2004 asbestos legislation. We have passed a couple of bills relating to asbestos prior to this one in the past year-and-a-bit since I have been here. In the main, they have been remedial legislation drafted to avoid problems that came from the contradiction between the original broad-brush act established in 2004 and the position developed by the Asbestos Taskforce, that task force being charged with developing an effective and economically viable asbestos protection regime under the act in consultation with industry bodies.

In some ways then this bill marks the start of the scheme proper, and that can be seen in how this bill amends a number of acts. It amends the Building Act and the building regulations, where it provides for builders to do small amounts of asbestos-related work as long as they have had some defined training. It allows for owners to conduct minor maintenance activities. It also requires asbestos reports to be included in building approval applications and for asbestos control plans to be developed for those materials. It is clear that the legislation has paid careful attention to the practicalities of the scheme.

This bill amends the Civil Law (Sale of Residential Property) Act to require the inclusion of any current asbestos assessment report, if it can be found, with the proposed contract of sale or, failing that, the more generic asbestos advice. It seems to me that there might well be occasions when it would greatly assist a vendor to fail to find a current report and to furnish the generic advice instead. So I suggest there is a weakness in this approach in that the definitive asbestos assessments are not attached to the lease or kept on a register in any way.

It appears that we have ended up with this system because the original approach would have required building owners and managers to pay for exhaustive asbestos assessments

at any time maintenance or construction work was to be carried out or if the business was to be leased or sold and that they could be found accountable if any asbestos later came to light. It has been generally considered by the task force and by industry groups that such an approach is impractical and inequitable.

Of course, the upside of the original approach was that, in the fullness of time, all properties built before 1985 would have been assessed for asbestos, something that this scheme, thorough though it is, cannot guarantee. There are similar provisions for owners to furnish reports applying to rental properties through amendments to the Residential Tenancies Act 1997 and, with respect to building workers and contractors, via the Dangerous Substances Act.

I believe that most of the other mechanics of this bill—the transitional arrangement, the powers of the minister to issue advice, the definition of a whole range of asbestos workers and so on—have been dealt with adequately by other speakers and are articulated clearly in the explanatory statement.

Members would understand that the regime to manage asbestos takes effect at the key transaction points, namely, at the point of sale, lease, renovation and demolition. Given that it is proposed to support the scheme with education programs and materials made widely available through construction industry training, at do-it-yourself seminars, at hardware retailers and so on, this is a reasonable approach.

Where it falls down, as I have indicated, is the lack of coherent record keeping. I would have thought it would be quite practical to lodge a copy of all asbestos assessments on a publicly accessible register or to attach it to the lease of the assessed property, since we have the advantage of a leasehold system here in the ACT. We have had some discussions in my office about pursuing this ourselves, although we would need to take on a fairly careful consultation with affected people, including real estate and building industry groups, to ensure the practicalities of our approach. Of course, if the government were interested in doing the work we would be happy to talk with it and to assist it instead.

Speaking of talking, I had understood from a briefing received by my staff that the government had kept the key asbestos protection components in the loop. That particularly means the two women who campaigned so successfully in the ACT and the Asbestos Diseases Foundation of Australia in Sydney. We were reassured that such consultation was ongoing and that those people were fully informed of the details of this bill. However, when my staff contacted one of these women, we were advised that her most recent information dated from the completion of the task force report, that is, in September last year. I had the same response from the Asbestos Diseases Foundation of Australia.

I ask the new minister to ensure that those who are seen to be key stakeholders and activists in regard to this legislation are indeed consulted as it develops. That is particularly important, as this is leading-edge legislation that is being watched very closely by other states. Any weaknesses in the ACT approach can be echoed or amplified in other jurisdictions.

This small, sorry tale perhaps illustrates why the amendment bill, which asks for the explanatory statement of a bill to include reports on consultation conducted in its development, is so important. I plan to bring that bill on for debate next week. If such a report on consultation were included in the explanatory statement for this bill, we would have known immediately if any key contributors had accidentally missed the chance to feed into the debate on the legislation itself.

For the interest of the government and members, the feedback I have received to date is that the legislative approach is, in essence, a good one, although, in regard to do-it-yourself home renovators and active tenants, it depends too much on the serendipity of the education program; that it might be too easy for the presently heightened risk awareness to fade; and that, without a requirement to conduct assessments at point of sale, new owners and tenants may find themselves too often victims of unforeseen disease.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (11.16): This bill is the conclusion of a long journey. It has been widely supported by many government, community and industry stakeholders.

At this point I particularly thank the former Minister for Industrial Relations for all the hard work that she and her staff have put in to progress this important issue. I also put on record my particular thanks to the government's Asbestos Management Advisory Committee, represented by the Master Builders Association, the Housing Industry Association, the ACT chamber of commerce, the Real Estate Institute of the ACT, Unions ACT and the Law Society, for all of their work in the development of this legislation.

I believe this bill represents a far more balanced, practical and effective approach to asbestos management, awareness and training in the ACT. I highlight a few of its key achievements. This bill will ensure that we provide the best possible standards of safety and advice to home renovators and to our trades, service and maintenance people by applying in law the most up to date and relevant codes of practice available for the safe handling, management and disposal of asbestos.

The bill also greatly emphasises the importance of health and safety requirements surrounding the work involving asbestos by establishing new licensing regimes for the asbestos-specific occupations of asbestos assessor and asbestos removalist. Given the sensitive nature of this type of work, a licensed regime will allow greater regulation of the industry and protect both industry professionals and consumers. This health and safety message is further reinforced by requiring that building certifiers and those prescribed occupations, while working with asbestos which may be incidental to a particular trade or activity, also undertake relevant asbestos training.

One last point on the bill: these provisions will provide greater confidence in those people who do renovations or those looking to rent or buy a home, by requiring that either an asbestos assessment report, if the current one is available, or an asbestos advice form is made available to those people by owners. This will ensure that people in those

circumstances are informed about the most likely locations of asbestos in and around homes that have been built prior to 1985.

As Ms Gallagher stated in her presentation speech for this bill, these initiatives are not going forward without support. The package, of course, has been developed to provide high-quality education and training for a broad range of occupations dealing with asbestos, and this package is currently under consideration by the ACT Accreditation and Registration Council. This package, of course, is not only the first for any Australian jurisdiction but it represents the most comprehensive package of training initiatives for the asbestos industry anywhere in the world.

Just before concluding, I note that the Standing Committee on Legal Affairs in its scrutiny report No 24 released yesterday commended the explanatory statement to this bill on the effort taken to explain both its content and purposes. I also note, though, that the committee drew attention to a few minor points that the committee thought might be addressed. Whilst these are only grammatical in nature and in no way detract from the integrity of the document, the government has agreed to the committee's suggestions, and I now table a revised explanatory statement for the bill.

This bill is testament to this government having tackled this issue head on and having seriously addressed the future management of asbestos in the ACT. This legislation and the proposed training and communications to support it will provide a model to the world and assist us in reducing further incidents of asbestos-related diseases, particularly among those most at risk in the trades, services and maintenance sectors.

Question resolved in the affirmative.

Bill agreed to in principle

Leave granted to dispense with the detail stage.

Bill agreed to.

Animal Welfare Amendment Bill 2006

Debate resumed from 30 March 2006, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (11.20): The opposition will be supporting this bill, and I will make a number of comments now in relation to it. The bill in itself is fairly unextraordinary. It has a new section 7A, a new offence of aggravated cruelty which a person commits if they commit an act of cruelty on an animal and that act causes the death and the person intends to cause or is reckless about causing the death of or serious injury to the animal. The maximum penalty is $20,000, which is 200 penalty units, or imprisonment for two years, or both. The act defines "causes death or serious injury". It defines "serious injury".

There is an alternative verdict if the court is not satisfied that the person actually intended to cause or was reckless about causing the death of or serious injury to the

animal. I suppose this is at least a step in the right direction, and it was a step which the government flagged about 12 months ago when it defeated, for the second time, a bill I brought in to increase penalties for cruelty to animals.

Before I mention one thing in relation to this bill, which the scrutiny of bills committee reported on, let me say that cruelty to animals is one of the lowest acts a person can commit. Animals, by and large, are defenceless. Domestic animals depend on human beings for their succour and for their livelihood. For anyone to wantonly injure or kill an innocent animal—and in some instances, with a domestic pet, a loving animal who cannot understand why the person they love is being so cruel to them—is despicable. It is in fact a heinous crime. And it is worthy of a significant penalty.

For too long in the ACT, the maximum penalty has been one year or $10,000. Magistrates have on occasions indicated the penalties are far too low. These offences rarely get to the Supreme Court because of the low nature of the penalty. Personally, I still think that two years for the worst offences is far too low.

Before I come to that, because I have some points to make in relation to the government's tardiness on this, let me make some comments. I thank Mr Hargreaves and his department for responding so promptly to the scrutiny report. It is worth reading out. In this bill, proposed new section 7B deals with alternative verdicts. As I indicated, it is where the relevant facts have not been proved to indicate intent but there is still cruelty, which would drop it down to a one-year imprisonment maximum offence. Subsection (2) reads:

> The trier of fact may find the defendant guilty of the offence against section 7, but only if the defendant has been given procedural fairness in relation to that finding of guilt.

The scrutiny committee indicated in relation to that, and I quote from our report No 24:

> The Committee has noted that by proposed new section 7B of the Act (see Clause 4 of the Bill) the trier of fact (that is the court) in relation to a prosecution in respect of proposed new section 7A may find the defendant guilty of the alternative offence against existing section 7, "but only if the defendant has been given procedural fairness in relation to that finding of guilt".
>
> The Committee has no objection in principle to this proposition, but is concerned that it has been thought necessary to state it in the statute. It is long accepted in our legal system that a court will accord procedural fairness (or, as it has been said for centuries, natural justice) to a defendant on a criminal trial. This principle is embedded in subsection 21 (1) of the Human Rights Act. There is a slight risk that an express statement that a court in a particular situation is obliged to accord procedural fairness might be understood to mean that, in other contexts, it is not so obliged. At the least, it is curious that it is felt necessary to make an express statement.
>
> If as a matter of policy it is proposed that such express statements about the obligations of courts to accord natural justice will be more common, the Committee considers that the Assembly would be assisted by a statement of the policy, and the reasons for the policy. This will facilitate a more informed human rights analysis of bills.

Mr Hargreaves, as I said, responded quite promptly to that. He noted the committee's observation on the issue. He said, and I quote from his letter:

> Having said that, Parliamentary Counsels Office … has advised that this is a standard clause for an alternative provision that has been used in ACT legislation for some time and is a Criminal Law Policy. PCO—

Parliamentary Counsel—

> also advised that it is based on a Commonwealth formulation that is used in a number of Commonwealth offences and appears quite often in the *ACT Criminal Code 2002*.

That may be so, but I again highlight what the committee has said and our legal adviser's point in this particular report that it is long accepted in our legal system that a court, by its very nature, accords procedural fairness to any defendant in any criminal trial, be it in a Magistrates Court or a Supreme Court. People criticise our courts for perhaps being too fair, but it is an historical fact that they afford procedural fairness. I wonder why, in situations like this where there is meant to be an alternative finding of a lesser offence because the facts do not support the offence initially charged, there needs to be a clause to this effect.

It has long been the case in trials that there is a provision for alternative verdicts. For example, in murder trials quite often a verdict of manslaughter is brought in. In manslaughter trials involving death by driving, a verdict of culpable driving, which is less than manslaughter, will sometimes be brought in. Similarly, a verdict of common assault as opposed to an assault occasioning actual bodily harm is sometimes brought in. There are any number of precedents to indicate and show, in relation to alternative verdicts, where courts, as a matter of course, have regard to the defendant's rights. I wonder whether this new policy that is creeping in is desirable. There is much to be said in relation to the scrutiny report's urging of caution here. Perhaps we need to revisit this. Do we really need it? Will there be unexpected consequences?

Having digressed to that legal point in relation to this particular act—and I commend to the government my comments and the scrutiny report—I will make some more points in relation to the act and the principles behind it. I am concerned to see in the statistics compiled by the RSPCA that we in the ACT are one of only three jurisdictions in Australia where the number of cruelty complaints increased over the previous five years. In 2001-2002, there were 601 cruelty complaints. In 2004-2005, this had risen to 746. Those are disturbing statistics.

Yes, I agree with the minister that we need to send a clear message to those members of the community who engage in this type of behaviour that it will not be tolerated. But I say to the Assembly and the government that, whilst this bill goes part of the way, it only introduces one new offence. If one has a look at page 4 of the bill, one will see a number of other offences. I note there are a couple missing. My colleague Dr Foskey might mention rodeos and things like that, but there are a number of offences.

We have section 7, cruelty. We have aggravated cruelty in this new offence. We have section 8, pain; section 9, confined animals; section 10, alleviation of pain; section 11,

release; section 12, administering poison; section 12A, laying poison, section 13, electrical devices; section 14, spurs; section 15, transport and containment, section 16, working with unfit animals; section 19, medical and surgical people other than vet surgeons. Some of those offences may be not particularly heinous, but some are—section 8, pain; section 9, confined animals. In my days as a prosecutor, unfortunately, on occasions, I had to prosecute people for some pretty horrendous acts against animals.

There are other sections that need to have their penalties increased too. I am very concerned that this is a case of the government playing catch-up—the government that was not capable of ticking off a good idea because it came from the opposition and perhaps wanted to do something itself. I know that surprised a number of people. People I talk to in the RSPCA and animal liberation were most concerned, indeed a bit confused, as to why something they would have thought was fairly simple, lifting penalties for cruelty to animals in a number of areas, should be such a problem.

In 2004, the government knocked back my initial bill. It was rejected on 3 August 2004. That would have increased a number of penalties, including those in section 7, from one year's imprisonment to five years imprisonment and/or a fine of $20,000. The government's excuse at the time was: "That is making it more than common assault on a human." Yes, it is, but common assault on a human can be slapping someone across the face, pushing someone, with a maximum penalty of two years. An assault occasioning actual bodily harm on a human—where you might break someone's nose or cut them, so there is a bit of blood drawn—carries a maximum of five years.

Surely five years for the most heinous acts against a poor, defenceless animal is not too much of a maximum penalty, remembering that on only one instance in the ACT has the court ever given a maximum penalty for an indictable matter. Five years would have made it indictable. But the government said, "Common assault, two years."

With the RSPCA's blessing, I brought another bill in, and that was rejected on 22 June 2005, which was when the government flagged this. That increased the maximum penalty for a number of offences to two years from one. That was not as much as I would have liked, but I thought, "Okay, if the government has got a problem with five, two at least is better than one." The government's excuse then was somewhat disingenuous because the opposition to the bill I introduced did exactly what they were complaining about in our first bill when they thought five years was too high. We then have this particular bill.

One has to think that the government wants simply to introduce its own bill; it could not credit an opposition with having a good idea here. Its response was somewhat unfortunate. I can remember the previous government adopting a good idea of yours, Mr Speaker, in relation to an industry training board or long service leave for an industry back in about 1996 or 1997. It adopted another good idea of yours in relation to providing six monthly reports on how Aboriginal students in our schools were going with literacy and numeracy. It is churlish, indeed, of this current government that it will not recognise good ideas regardless of where they come from.

Funnily enough, if you think you do not get any credit for it, people see us as one big, amorphous blob. We may be only 17 people, so it may be one little amorphous blob.

Good ideas tend to be attached to the government of the day anyway, so you are probably going to get the credit for someone else's work.

That being said, I think this is better than nothing. It is a good start, and I hope the government will see it as a good start. You need a reasonable deterrent to stop people being cruel to animals. Only one person has been jailed in the ACT, for three months, as a result of cruelty to animals. But you need sufficient reins within offences of cruelty to animals to enable the court to give a person the sentence that is most appropriate. Where nearly all of the offences, bar this one, still carry only a one-year maximum imprisonment or a fine of $10,000, and/or both, that is simply not enough. I have seen cases in our courts over about a 20-year period where some horrible pain has been inflicted on animals, and some horrible examples of confining animals. Why should sections 8 and 9 still be only one year's imprisonment?

There are a number of other sections. I would strongly urge this government, given that it would not take the opportunity offered to it twice in the past, to at least have a look at this. It is a worrying statistic that the ACT is one of the few jurisdictions where the number of cruelty complaints increased.

The RSPCA do a wonderful job looking after animals abandoned by the community. They do it on a shoestring. There are people there who are probably working 70 hours a week for $24,000 or so a year. They depend on donations and government funding. It is all very well for this government to talk about Mr Howard's workplace relations, but perhaps this is somewhere where we can assist people, largely volunteers—in some instances, some very low-paid, dedicated people doing a great job in assisting neglected animals, animals who have been often horrendously treated by their owners or by others in our community—who deserve our support. Particularly, they deserve our support in terms of proper, effective legislation. To have proper, effective legislation for things like penalties to animals, you need a reasonable range of penalties.

This is a start. You could have done this two years ago. You would not because of your pigheadedness or whatever. You have an opportunity now to have a further look at perhaps increasing the very minimal penalties still available in most of this act for cruelty to animals. I think most of you appreciate it is one of the nastiest offences you can have on the statute books.

The opposition will be supporting this bill. I would certainly appreciate the government taking on board some of those comments, and indeed that legal point I raised, and perhaps having another look at that.

DR FOSKEY (Molonglo) (11.35): Mr Speaker, increasing the penalties for animal cruelty has been the topic of annual debate in this house. This is now the third version of the bill that is before us. It has been improved each time and now is at a stage where I will support it. The opposition should certainly take the guernsey for first putting this matter before the Assembly but it would be nice if it could acknowledge the work that went into creating legislation which addresses the problems in its earlier bills. That work has meant that all members are able to support this bill.

This bill significantly improves past amendments on animal cruelty by distinguishing between neglect and aggravated cruelty. While neglect can certainly be very detrimental

and, indeed, even fatal to an animal, it is not always intended. Often we have to take into account the impact of the circumstances of the person involved and thus culpability is of a different kind to deliberately inflicted cruelty. Nonetheless, this bill significantly increases the maximum penalties for cruelty under the Animal Welfare Act. I support the intent of the bill.

Agencies such as the RSPCA, as well as members of the community, are sometimes very frustrated by the low level of fines imposed upon perpetrators of cruelty against animals and believe that increasing maximum penalties for animal cruelty will send a clear message to both magistrates and the public that the community takes animal cruelty very seriously. We know that animal cruelty is an issue in our otherwise well-educated and pretty well-behaved community because the RSPCA in the ACT receives more than 850 calls each year regarding animal cruelty. The RSPCA spends about $117,000 annually undertaking the work of following up calls and it receives government support of only $76,000. So I would ask that the dollars that follow this legislation go to the agencies that do the work.

The Greens are committed to improving the conditions for both domestic animals and farm animals. It is simply not acceptable to abuse, harm or neglect animals. The ACT Greens believe that all sentient beings should be treated with compassion and respect. We are opposed to animal cruelty of any form, including intensive farming methods and the use of animals in experimentation and entertainment as well as wilful neglect and deliberate acts of cruelty. To quote Animal Liberation ACT:

> Absurdly low penalties are merely the problem at the tail end of a very long series of impediments to adequate legislative protection for animals.

By far the majority of acts of animal abuse are either not detected and/or not prosecuted. Unfortunately, those 850 calls to the RSPCA are just the tip of the iceberg.

The capacity of animal welfare agencies to investigate suspected cases of abuse, to deal with offenders and to gather sufficient evidence for a successful prosecution is generally inadequate as well as slightly ambiguous. It is also very difficult to prosecute a cruelty case because of a swag of loopholes and defences in the legislation, including section 20 that provides defences for commercial cruelty, allowing battery hen farmers to breach cruelty provisions every week. The Greens have raised in the Assembly the issue of the treatment of intensively farmed animals and I think that much more could be done to improve the conditions for intensively farmed animals like chickens and pigs.

Consequently, the Greens see this bill as only one step towards a cruelty-free ACT, as there is much more work to be done with the ACT animal industry. I believe, too, that we should be aware that we are all complicit in animal cruelty unless we take steps to ensure that the eggs, meat and milk we consume are not produced by methods of intensive farming that engage in inhumane husbandry and/or slaughtering practices.

As I said last year, I believe that increasing penalties alone in this bill is not enough. It is unlikely that higher penalties will have a strong preventative impact, nor that maximum penalties will be applied in many cases. It is also unlikely that the imposition of a fine or jail term will address the underlying causes of perpetrator behaviour.

The Greens are concerned about the inference that increasing penalties works as an effective deterrent. I think the link is tenuous at best. If we are really serious about preventing cruelty to animals and genuinely want to reduce recidivism amongst those convicted of such crimes, we need to address the cause of the behaviour, particularly when there have been deliberate acts of cruelty above and beyond the crime of neglect. This includes attention to the circumstances in which acts of cruelty are committed, which often include the presence of mental health issues, drug and alcohol misuse, and other complex problems.

I mentioned last year that I have personal experience of seeing animal neglect in a situation where the offender was experiencing a complex range of personal problems, resulting in unintended harm to children and the person themselves, as well as the animal concerned. The close relationship between harm to animals and harm to humans, highlighted in this example, is not uncommon. There is a growing body of evidence that indicates that many people who commit acts of violence against humans, including domestic violence and/or general bullying and violent antisocial behaviours, have a history of being cruel to animals. Cruelty to animals can signal an underlying problem with violence and/or a psychiatric disorder, and often leads to violence against people. I feel that the court could make better use of existing provisions for ordering psychological assessments when this is warranted.

We also believe that appropriate penalties for cruelty to animals go beyond fines and jail terms. Magistrates should be encouraged to look at the detail of individual circumstances, which may include a psychological assessment when appropriate. Furthermore, magistrates should have discretion to impose a range of penalties beyond fines and jail terms—for example, restrictions on owning animals with provisions for monitoring and enforcing this; rehabilitative options such as counselling, anger management and anti-violence programs; and appropriate community services orders.

When animal cruelty penalties have been debated in the Assembly in the past the government has indicated that there is a need to provide direction to magistrates and perhaps investigate the link between cruelty to animals and violent behaviour towards humans. This has been missed again this time. This is certainly an issue where fines should not be seen as a means of government revenue raising. Penalties in conjunction with other measures should be put in place to stop repeat offences and offenders.

The bill also does not increase all the penalties under the act—for instance, penalties relating to rodeos and trapping. I wonder whether this is an oversight and a sign that further work needs to be done, or an omission which can be justified. I look forward to the minister's explanation as the situation is still unclear despite inquiries from my office.

I call on the government to undertake a public and consultative review of animal welfare legislation. Such a review should engage the community in establishing agreed standards relating to and looking more broadly at the mechanisms for identifying and responding to suspected incidences of animal cruelty. I believe there is sufficient community interest to have a robust public discussion, with the potential to substantially tighten both the legislation and responses to instances of cruelty.

In regard to consultation on the bill, there seems to be confusion as to whether consultation through the Animal Welfare Advisory Committee—which I might add is confidential—actually constitutes consultation with stakeholders. I do not think so. Given the lead time for this bill and the fact that it has been debated for a number of years now, it is ludicrous that there are still constituent groups that do not feel as though they have been properly consulted.

Perhaps there is an issue with the varying concepts of consultation. For instance, while the RSPCA's president sits on the Animal Welfare Advisory Committee and is able to represent the RSPCA's views in that committee, some of those discussions have been confidential and so cannot be shared with anyone else at the RSPCA. There have been three meetings of the AWAC recently, although no meeting was held for nine months prior to that. So while the RSPCA has had input through its seat at that table, it has not had any real opportunity to fully explore the suggested amendments. The RSPCA is not aware of any direct consultation that has taken place with it—for instance, through its director—at least since July 2005. So I think the issue of consultation that the Greens often tend to raise in this house is certainly applicable to this legislation.

There are a number of other issues in regard to animal welfare which need further review. Perhaps they could be dealt with this year in conjunction with the review of the Domestic Animals Act, as there is a large crossover. Constituents have notified us of issues such as pet shop regulations and the conditions under which animals for sale are kept. Our attention has also been drawn to the sale of some small animals as live food for other animals. Issues such as this can slip through the cruelty provisions and are currently unregulated. There are also issues with reptile ownership regulations and licensing, as permits for ownership are not required for all reptiles, thus the purchasing of live rats for reptile food cannot be regulated.

Some of the provisions for animal cruelty inspectors are not clear enough and there is uncertainty as to whether there needs to be written permission for inspectors to go into properties. There are also issues around the sharing of information between the police and the RSPCA regarding criminal histories and simple things like fingerprinting. These are issues that were discussed by the New South Wales animal cruelty task force and I am sure they are of relevance to the ACT. These are issues which go beyond the current amendments, which, of course, I endorse. I hope to see further action by the government this year following the review of the Domestic Animals Act.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.48), in reply: I thank members for their support of the bill. This bill is a government response to Mr Stefaniak's unsuccessful Animal Legislation (Penalties) Amendment Bill 2004. The government holds the view that simply attempting to increase the maximum penalties available to a magistrate when sentencing a person guilty of a cruelty offence does not fully address animal cruelty issues and nor does it equate to harsher penalties being handed down by magistrates.

The bill amends the Animal Welfare Act 1992. It establishes stand-alone legislation that significantly strengthens the need to fully address animal cruelty issues. Recent statistics compiled by the RSPCA indicate that, as Mr Stefaniak quite rightly pointed out, the ACT

was only one of three jurisdictions where the number of cruelty complaints increased over the last five years. As indicated earlier, in 2001-02 there were 601 cruelty complaints. In 2004-05 the number of complaints had risen to 746. The number of prosecutions in 2000-01, though, was 13, with a slight decrease to nine in 2004-2005.

What that tells me, Mr Speaker, is that people are reporting cruelty to animals to authorities, the authorities are doing something about it but the prosecutions are lagging behind significantly. So in my view we need to do two things. Firstly, we need to jack up the penalties and, secondly, we need to make sure that the evidence available to the court is sufficiently robust to effect a prosecution. It is pointless having a stiff penalty for an offence and then finding that the burden of proof, for example, is such that we cannot prosecute anyway. I will just go back to the numbers. In 2001-02 there were 601 cruelty complaints and 13 prosecutions. There is something wrong there. I do not know what it is yet but let me assure the house that we will be finding out what is going on.

This clearly indicates that appropriate offence provisions such as the proposed offence provision for this legislation need to be in place to reflect the seriousness of the conduct. The proposed offence provision will also assist the relevant authorities in dealing with animal cruelty issues, as it will guide authorities in determining what appropriate course of action should be undertaken if there is reasonable belief that a person has committed an act of cruelty on an animal.

The bill reflects concerns raised by the RSPCA and the Animal Welfare Advisory Committee by recognising and distinguishing reckless and negligent conduct that causes serious harm or death to an animal as a serious offence. Conviction for an offence of causing serious harm or death to an animal demonstrates a more overt recognition of its seriousness and is an effective mechanism for addressing acts of cruelty.

On the issue of the Animal Welfare Advisory Committee, I want to pick up on something raised by Dr Foskey. She said that the consultation process is flawed because the person from the RSPCA was bound by confidentiality and could not report back to the RSPCA. Let me address that. Firstly, when we have these advisory committees we do not appoint delegates, we appoint representatives. There is a distinction. Delegates do as they are told by their sending organisation. Representatives will represent a view. We are in fact buying their wisdom on this committee; we are not buying the collective viewpoint of a lobby group. In fact, in my view that pays more respect to the person who is on this committee and recognises their worth, experience, knowledge and education far beyond the connection that they have with just one organisation.

This bill also provides for a more strategic approach to regulating a person's reckless or negligent behaviour that causes serious harm to or death of an animal. It distinguishes between "cruelty" and "aggravated cruelty". "Cruelty", for the purposes of the bill, relies on the natural meaning of that term. "Aggravated cruelty" extends to deliberately committing an act of cruelty upon the animal in a way that results in the death, deformity or serious disablement of the animal or the animal being so severely injured, diseased or in such a physical condition that it is cruel to keep it alive.

I want to echo the sentiments of the shadow Attorney-General in respect of the low-life behaviour of people who perpetrate cruelty on animals. One wonders whether the term "animal" is being applied to the right being. I suspect not. Mr Speaker, let me give a

small example. I have two cats at my house, and their major crime from time to time is bringing home the odd bogong moth or a very slow skink. They have been known to bring home a mouse, and that was such a cause for celebration at our place that a public holiday was promptly declared. However, one of these cats, a little orange fellow, was brought to me by my daughter. As a six-week-old kitten, she found him tied to a traffic sign—something like a no-parking sign. He had firecrackers strapped underneath his body and was on fire as a result of kerosene being poured on his back. Flames were coming from his back while some young boys watched.

My daughter got rid of these kids, she took their number plate details, and extinguished the flames. The cat had no whiskers. It had burnt ears and very badly singed fur and was in an incredible state of shock. She rang me up and said, "Do you want a kitten?" Under the circumstances, I said, "Certainly." This cat is now enjoying a very healthy and well-fed life. One of the people was found and dealt with in customary police fashion. There was no need in that little country town to take the matter to court. It was dealt with, and I think most appropriately, by the constabulary of that town. That, Mr Speaker, is aggravated cruelty and that episode gives you an indication of the vehemence which I bring to this particular legislation and the vehemence, as I have expressed in this house before, of my opposition to fireworks. That will be an issue I will take up with my colleagues a little later down the track.

When considering appropriate levels for maximum penalties a number of matters must be taken into consideration. These include the adequacy of a penalty in relation to the worst-case scenario as well as consistency with other penalties on the statute book. The ACT currently imposes the fourth highest monetary maximum penalty within Australia and the third highest jail term for animal welfare offences.

Finally, I want to address scrutiny of bills committee report 24 that was tabled today. The committee noted that although it had no objection in principle to the proposition in clause 4 of the bill that "a court will accord procedural fairness to a defendant on a criminal trial" it did not think it necessary to state this in the bill. The Parliamentary Counsel's Office has advised that this is a standard clause for an alternative provision, such as that in the proposed amendment, that has been used in ACT legislation for some time. The Parliamentary Counsel's Office has identified that this is a criminal law policy and that this alternative provision is based on a commonwealth formulation as used in a number of commonwealth offences. I have replied to the scrutiny of bills committee accordingly.

I have asked my office to liaise with the Attorney-General's office about alternative means of achieving this objective by allowing alternative charges to be drawn or alternative verdicts to be delivered by the court. I make the point that making the statement that X will be the case provided that a court will accord procedural fairness to a defendant begs the question of whether there are occasions on which the court will not accord procedural fairness. I think such an accusation is outrageous. So one would have to ask whether this is a redundant clause. I would suggest that it possibly is. However, for the benefit of members, I am more interested in getting those penalties on the statute book than messing around with amendments at this point. Subject to advice from the Attorney-General and PCO, we may very well consider bringing amendments forward on this legislation to remove that part. I thank the scrutiny of bills committee for their advice on this and their vigilance.

I conclude by thanking members for their support of the bill. Also I would like to thank officers of the department for their compassion, which is expressed in this bill. I comment the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Pest Plants and Animals Amendment Bill 2006

Debate resumed from 30 March 2006, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (11.59): This bill makes it an offence under the Pest Plants and Animals Act 2005 to import into the ACT a prohibited pest plant or something contaminated by prohibited pest plants. Importation is not dealt with currently in our legislation. Another amendment specifies that propagating a plant includes actually planting the plant, which is pretty sensible when you think about it. However, apparently this was not covered. The unlawful sale of a pest plant is also prohibited.

The bill supports a coordinated approach by government and community activities to deal with weed infestations in the ACT. I understand that in the past the government consulted with nurseries, which voluntarily ensured that sales of pest plants were restricted. But unlike other jurisdictions, we did not formally have something in legislation. I think it is crucially important that steps are taken here to ensure that prohibited plants are not brought into the territory.

I can recall as a young person going to Victoria and being quite surprised—I thought it was a good idea—to find that, in order to prevent fruit fly from being brought into the state, people were required to hand over any fruit they had to inspectors. Quarantine restrictions like that are very important, and this also applies to pest plans.

I think the government needs to ensure, particularly as it looks like we are going back into a drought-type situation, that it is vigilant in stopping pest plants coming into the ACT and that it adequately controls any pest plants that may already be here. I am thinking particularly of Paterson's curse, which grows very easily in the ACT and out on the south-western slopes. It is obviously very difficult to completely eradicate this plant because, as much as anything else, the seeds tend to blow into the ACT. I was concerned several years ago to see a lot of Paterson's curse in some paddocks the government actually had responsibility for. Indeed, a number of horses died as a result of eating Paterson's curse. That is just one example being ever vigilant in the need to eradicate pest plants which can be fatal to animals. These plants certainly degrade paddocks and it is crucially important to always be vigilant.

I think this is a good bill. It follows a coordinated approach and it addresses the ACT weed strategy, which was developed back in 1996, to coordinate government and community activity. Of course, it also embraces nationally agreed principles of relevant ministerial councils, of which the ACT is a member. The opposition, therefore, will be supporting the bill.

DR FOSKEY (Molonglo) (12.02): Mr Speaker, I support this bill which strengthens provisions in the current Pest Plants and Animals Act with regard to weeds. We have been advocates for many years of the need for a strong legislative framework to control pest plants and animals and these amendments are positive steps.

This bill does two main things. It makes it an offence to import a prohibited pest plant from interstate or even matter contaminated with a prohibited pest plant. Also, it redefines the definition of "propagate" to include the process of planting. I do not believe this amendment bill is contentious in any way and I am pleased to support it.

I note that it has been 10 years since the ACT weed strategy—which is a 10-year plan—was agreed to in 1996. The Greens support a review of the effectiveness of the ACT weeds strategy and the ACT weed control program. The ACT has progressed considerably on the weed front in the last 10 years but a review would provide an opportunity to assess where we are and what more needs to be done. It is also important to remember that legislation is just one part of managing weeds and we still need to do many other things that are part of our ACT weed strategy.

The importance of this legislation is highlighted by the findings of a CSIRO report commissioned last year by the World Wide Fund Australia. The report found that 40 per cent of the most damaging weeds to farmers have escaped from Australian gardens. According to the WWF, garden plants make up 94 per cent of the 27,000 introduced plant species in Australia and are by far the biggest source of weeds, totalling 70 per cent of Australia's combined agricultural, noxious and natural ecosystem weeds. They contribute to the $4 billion annual cost of weeds to agriculture. Other findings of the report show that nurseries are still selling 33 per cent of the emerging weeds for grazing industries, 20 per cent of the weeds impacting on rare or threatened native plant species, 25 per cent of the weeds of national significance and 25 per cent of the invasive plants on the world's worst invasive alien species list.

In the context of pest plants, I like the precautionary element of the WA legislation which assumes that plants are guilty until proven innocent. The report also argues that, with the exception of Western Australia, it is possible to legally import a vast number of plants without any form of risk assessment. The report uses the example of bear-skin fescue, an ornamental tussock grass that went on sale to a major wholesale nursery in Victoria last November although it has the potential to become a grazing and environmental weed. In contrast, in Western Australia its import was subject to a risk assessment under plant quarantine laws. The risk assessment confirmed its potential to invade south-western Australia, most of Victoria, the New South Wales tablelands and north-east Tasmania. Consequently, bear-skin fescue is now a prohibited import in Western Australia. That is a quarantine issue but it does highlight how we may still be creating new weed problems. So this amendment may go some way to helping resolve this problem.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (12.05) in reply: I thank members for their support of this bill. The Pest Plants and Animals Amendment Bill updates pre-existing legislation and accommodates national developments for the management of pest plants and pest animals, including declaration of pest plants, pest plant management plans, propagation of prohibited pest plants and reckless supply of prohibited pest plants. This sounds like one of those PPP things that you can have trouble wrapping your tongue around, such as "Peter Piper picked a peck of pickled peppers". I thank the officers for doing that to me.

This bill creates an offence for a person who imports a prohibited pest plant. People who recklessly import pest plants from another jurisdiction will be punished under this bill. The absence of such an offence has the potential to lead to the unlawful sale of prohibited pest plants as well as the spread of prohibited pest plants. The bill also includes a definitional provision to provide that the term "propagate" includes "to plant". Including the word "plant" in the meaning of "propagate" will ensure that people do not plant prohibited pest plants on their property. It does not just mean growing plants from seed in a punnet. That is not the full extent of propagating. There is another step beyond that. Sticking them in the ground is now an offence as well.

The Pest Plants and Animals Amendment Bill will also provide enhanced support for the implementation of the ACT weed strategy, as indicated by Mr Stefaniak. I would like at this point to congratulate the people who had the foresight to bring forward that weed strategy. This strategy, of course, establishes a policy framework of pest management and is underpinned by annual management programs.

Mrs Dunne: Are you going to update it when it expires later in the year?

MR HARGREAVES: Qu'est-ce que c'est tu dis?

Mrs Dunne: Are you going to update the strategy when it expires later in the year?

MR SPEAKER: Order! This is not a conversation.

MR HARGREAVES: Mr Speaker, though you, I would like to say in response to Mrs Dunne, who likes to consider that there are more things to the environment than getting rid of putrescible waste, watch this space.

Mrs Dunne: I was there 10 years ago, Mr Hargreaves.

MR HARGREAVES: Yes, but 10 years ago I was a mere 16-year-old lad.

THE SPEAKER: Order, Mr Hargreaves. Responding to disorderly interjections is equally disorderly.

MR HARGREAVES: The provision is built on the existing bush-friendly nursery scheme whereby nurseries have voluntarily agreed not to supply pest plants and have been recommending non-invasive alternatives to their customers. This innovative scheme has been adopted by other Australian jurisdictions as an important and effective

mechanism for raising community awareness of potential weeds and guiding the community in the selection of more environmentally friendly species for use in gardens. In 2003 this ACT initiative was recognised by the awarding of the Landcare Australia Local Government Award.

The bush-friendly nursery scheme is a success story of note. It has been embraced by both the retail horticulture sector and their customers and demonstrates strong community interest in reducing the impact of pest plants on our natural environment. The annual weed swap program is another example of community engagement in combating weed threats.

The Pest Plants and Animals Amendment Bill will enable the ACT to work in concert with New South Wales to achieve a high standard of pest management in a collaborative way. The collaborative approach addressing pest management issues will continue to be an essential component of pest management strategies. Private and public land managers, the horticulture sectors and the broader community are all stakeholders in achieving effective and sustained pest management outcomes. The government will continue to assist these groups through information and education programs and support for the design and coordinated delivery of extension and management programs.

Finally, I would like to express my appreciation to the arts, heritage and environment officers for the extensive and professional work which has culminated in this bill. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Standing order 117 (e) (ii)
Statement by Speaker

MR SPEAKER: Members, I would like to make a statement concerning the application of standing order 117 (e) (ii), which states:

> Questions shall not refer to … proceedings in committee not reported to the Assembly …

This arises from correspondence from Mr Smyth on a ruling which I made about 12 months ago. The intent of the standing order is to safeguard the activities of committees by protecting the confidentiality of evidence taken—especially when taken in-camera—and the deliberations of committees, and to prevent speculation on those deliberations and possible recommendations. On occasion I have had to rule questions out of order that directly referred to evidence taken by a committee. In doing so, I have at times given the member concerned the opportunity to rephrase his or her question so as not to transgress the standing order.

In applying the standing order, it would not be in the public interest to rule a question out of order merely because its subject matter coincided with that of a committee inquiry. I do, however, believe that I have a responsibility to ensure that matters raised in evidence are not used in the Assembly to pre-empt committee deliberations.

To balance the competing needs of public interest and safeguarding committee deliberations, I intend to allow questions which only coincidentally refer to matters which are the subject of a committee inquiry. The appropriate practice is to allow questions seeking information on public affairs for which there is ministerial responsibility, provided that such questions are not of a nature which may attempt to interfere with a committee's work or anticipate its report. For example, I will not allow questions which refer to evidence taken in camera, nor will I allow questions relating to evidence not yet authorised by a committee, nor will I allow questions which speculate on potential findings by a committee.

I will, therefore, continue to rule any question out of order which, and whether intentional or not, in my opinion is framed in such a way that it has the potential to adversely affect the operations of committees. This is subject, of course, to whatever course of action the house might in its wisdom wish to adopt in relation to this matter.

In framing questions I request members to give consideration to this statement so as to avoid potentially disruptive calls for my approval for the rephrasing of questions on the floor which may lead to disorder because of, firstly, the undesirable inconvenience and, secondly, the unnecessary interruption to business this can cause the house, not to mention the unintended consequences of a hastily redrafted question without notice.

Mr Smyth was invited by me to rephrase the question and did so in a form which did not directly refer to the unreported proceedings, therefore "merely coinciding in subject matter with current committee inquiries", as stated on page 540 of *House of Representatives Practice*. I table the following paper:

> Letter from Mr Smyth (Leader of the Opposition) to the Speaker, dated 31 March 2006.

Sitting suspended from 12.14 to 2.30 pm.

Questions without notice

Budget—functional and structural review

MR SMYTH: My question is to the Treasurer. Treasurer, as we know, the budget is set to report a series of deficits over the next few years. Has the government received any advice that the latest estimates show the deficit expanding out to $190 million in the outyears?

MR STANHOPE: No, I do not believe it has. I thank the Leader of the Opposition for the question. Certainly it is the case, as members are obviously aware, that the government has been deliberating and continues to deliberate on the budget, which will be delivered by me on 6 June. In the context of that, the government is seeking, of course, to address issues identified in the midyear review in relation to predictions—if

one might call them that, or at least suggestions—that budget deficits might be anticipated. In the context of what they are, I am simply trying to drag back to memory what the outlook forecast in the midyear review for the outyears was, but I do not have them in my mind. But, certainly—

Mr Smyth: 37, 108, 57, 17.

MR STANHOPE: I thank the Leader of the Opposition for that, which refreshes my memory. I was struggling to recall whether the figure of $190 million appeared in the midyear review. Having now been assured by the Leader of the Opposition, if I can take the numbers indicated in the Leader of the Opposition's interjection as the numbers that were indeed forecast in the midyear review as a likely series of deficits into the outyears, I can answer him now quite bluntly that, no, the government has not received any advice. The advice that the government has in relation to projected deficits is that included in the midyear review, and the government has received no advice to suggest otherwise.

To paraphrase, so that there is no misunderstanding here, the Leader of the Opposition's question essentially is: do the government have information or advice, additional to the midyear review, that has altered the midyear review prediction? We have not. I cannot recall any advice specifically that suggests that those numbers have changed, and I cannot think of a circumstance indeed in which the work that would have been necessary to change those predictions or that advice has or would have been done in any event in the context of our overarching focus now on working to deliver a budget.

It has to be said, too—this is something that has been lost in some of the debate and some of the commentary around the midyear review and the forward outlook included in the midyear review—that that is what it is: a forward outlook that essentially says that, everything remaining equal, nothing changing, parameters remaining the same, these are anticipated or expected results. But of course things change constantly. Things change from week to week, as they have since the midyear review was prepared and developed. The government, through the decisions that it will take in the context of the budget, will, of course, have a very significant impact on the ultimate look of the bottom line, and the government is currently in the midst of that process of developing its budget for the coming financial year. Of course, in the context of that, we are having very significant regard to some of the issues that the midyear review has raised, and some of the implications of those issues, in the context of the future of the ACT and of our budget.

MR SMYTH: I have a supplementary question, Mr Speaker. Treasurer, why then did Mr Michael Costello, in his briefings on the functional review to business groups last week, at which a member of your staff was present, tell those present that the government faced a deficit of $190 million in the outyears?

MR STANHOPE: I was not present at any briefing that Mr Costello gave to business groups or others in the context of the functional review, although I am pleased that Mr Costello and Mr Greg Smith, who conducted the review, were available to brief businesses, as well as unions and others, around issues that the government faces. It was appropriate that those briefings were given, but I cannot confirm or deny anything that Mr Costello said in briefings at which I was not present. I have not received a report on any of those briefings, and I have not received any information or advice around what it was or what it was not that Mr Costello may have said or the context in which he said it.

So there really is not an answer I can give to a question about why it is that Mr Costello may have said something, or indeed whether he did say it.

Having regard to the assertion that the Leader of the Opposition now makes, I would be more than happy, of course, to seek from Mr Costello confirmation of the suggestion that the Leader of the Opposition makes that the government is facing a deficit of $190 million—because, if it is, that is news to me. I guess what I am saying in this oblique way is that, whilst I do not know—

Mrs Dunne: It certainly is oblique.

MR STANHOPE: I guess it is the constant problem that we face on this side: the Leader of the Opposition stands up and states as a fact something that a third party said in a particular environment. I do not know what he said, so I cannot confirm or deny the truth or otherwise of a claim that the Leader of the Opposition makes as a matter of fact. But my immediate instinct is to not believe it, and I suppose that is what I am getting to. Just because the Leader of the Opposition stands up and says, "This is a fact," my instinct, after many years of sitting opposite the Leader of the Opposition in this place, is to immediately doubt the truth of what he says. But it is perhaps inappropriate for me to stand here and say, "Well, it's not true," even though that is my instinct, and at one level my belief. The difficulty is, of course, that I was not at the briefings. I do not know what Mr Costello did say and I do not know what he did not say. The Leader of the Opposition says, "Oh well, your staff were." Should I now just wander off to the back of the chamber and have a conversation with my staff, wander back and answer the question? I think it is fairer to say that, when Mr Smyth stands up and claims something to be a fact, my first instinct is: don't believe that, if it comes from Mr Smyth. The difficulty is, of course, that I do not know what Mr Costello said, because I was not there—

Mrs Burke: Something as serious as that and you don't know?

MR STANHOPE: I might receive advice during question time and we can go to the nature of the question and the information that the Leader of the Opposition has and his assertion as fact that the territory faces a deficit of $190 million; that the position in the midyear review in relation to the anticipated forward outlook for the budget has changed from the numbers included in the midyear review to a figure of a deficit of $190 million. Well, that is not advice that I have.

Schools—closures

DR FOSKEY: My question is to the new minister for education and is in regard to the discussion about excess capacity of schools and proposed school closures. Members are well aware of the strongly expressed views of the Chief Minister and the past and present education ministers that there is too much excess capacity in ACT schools, that it is costing the ACT government too much money and that some schools need to be closed. Minister, will you undertake to work with and consult with school communities, particularly those that might be deemed at risk of closure, on the educational, financial and social impact of closing schools before the government takes any decision to close them?

MR BARR: I thank Dr Foskey for my very first question. The answer is yes.

DR FOSKEY: Mr Speaker, I have a supplementary question. Could the minister then please advise the Assembly of the average cost of an empty desk to the ACT government, how that figure is arrived at and the estimated cost of relocating a student in order to dispose of such a desk?

Mr Corbell: Mr Speaker, I wish to raise a point of order. That is not a supplementary question; it is an entirely new question. The question that Dr Foskey asked was around consultation and so on, not financial issues.

MR SPEAKER: The question was about consultation in relation to excess capacity. The supplementary question is in relation to costs. I do not think it qualifies as a supplementary question.

Budget—midyear review

MR STEFANIAK: My question is to the Chief Minister and Treasurer. Chief Minister, when you announced the shared services proposal, you said that this would achieve savings of $10 million in the first year and as much as $18 million in subsequent years. In making these claims on ABC radio you also said that this initiative, by itself, would bring the budget back into surplus in the outyears.

Chief Minister, your government's own recent midyear review identified deficits for the next three years of $100 million, $57 million and $17 million, respectively. Further, according to advice you have received from Mr Costello, the estimated deficit for 2009-10 is around $190 million. Chief Minister, in view of the deficits that your government has estimated, how will you turn around a $190 million deficit and return the ACT budget to surplus?

MR STANHOPE: The comments I made on the ABC in relation to the Shared Services Centre have been quite grievously misconstrued. I put the position in two separate statements, and certainly in the second of those I referred to bringing the budget back into surplus in the outyears. That is what the transcript says; I have not heard the tape. But it was quite clear in the context of what I said that I was referring to the last of the outyears. Perhaps I should have said "outer year". The midyear review forecast deficit for the outer year, the last of the outyears, is, as the shadow attorney has just indicated in his question, $17 million.

My advice, the advice on which I have acted in relation to the Shared Services Centre, is that initially, because of a delay in start-up due to the very complex nature of the arrangements that will need to be put in place, the capital investment required in the first year for fit-out et cetera of a shared services facility will be in the order of $10 million, rising over the term of the outyears to about $18 million. We are continuing to refine those figures, and I am now advised that the savings will be in the order of $18 million to $20 million a year when fully established and operational.

What I said, and I was careful in what I said, was that my advice was that initially the Shared Services Centre would achieve savings in the order of $10 million, and I said

rising to $18 million. My advice now, as the proposal continues to firm, is that the savings that might be anticipated will be in the order of between $18 million and $20 million a year; $18 million is more than $17 million. The anticipated deficit in the outer year, the last of the years in cycle, is, as I think Mr Stefaniak just advised, $17.4 million. Between $18 million and $20 million is more than $17 million.

The point I was making, in the context of the position that the territory faces, is that the anticipated midyear—

Mr Stefaniak: It is illogical.

MR STANHOPE: It is not. The anticipated midyear review forecast deficit for 2009-10 is $17 million. In the year 2009-10, through the initiative of the creation of a Shared Services Centre, it is anticipated that savings of up to $20 million will be achieved. I was making the point—and it is a well-made point—that it gives some clarity and understanding of exactly what the government's budgetary position is. Of course the government will be making other decisions. We have not yet finalised our cabinet budget considerations.

I was making the point in relation to that particular position—that is, the outer year—that through a single reform initiative, if one were to look at that single proposed deficit in that outer year in the context of the decisions that would progressively need to be made to deal with a forecast position or deficit or an extent of deficit, the proposed or anticipated deficit in the earlier years would be significantly more than in later years as the budget came back progressively to surplus. It provides a perspective or a basis for consideration of the nature of the tasks that the government faces. Having said that—and I have been very open about it—the opportunity needs to be taken, and we are looking to take a range of decisions around structural issues that have essentially never been faced up to by any government since the advent of self-government

Mr Smyth: Gary Humphries tried and you stopped him. Why did you stop him?

MR STANHOPE: Mr Smyth interjects that Gary Humphries tried and did not succeed. That will be the epitaph of Gary Humphries's entire political career: he tried but failed. He is a trier. There is no doubt about that.

MR STEFANIAK: I ask a supplementary question. I am not sure if the Chief Minister understands. I will try again. Chief Minister, why did you state that savings of $10 million to $18 million, let us say even $20 million, would bring the budget into surplus when the savings required are 10 times that amount? Did you skip a zero in your brief or did you just fail to read it?

MR STANHOPE: I do not understand the maths of that question. I thought I did explain it. Mr Stefaniak, from what I have been hearing about the numbers you now have to take over the leadership, you really will need to do better than this. One expects a little more of the next Leader of the Opposition than a suggestion that the deficit in 2009-10 will be $170 million. It is actually $17 million, Mr Stefaniak. The anticipated midyear review forecast a deficit for 2009-10 of $17 million, not $170 million!

This, of course, goes to the heart of your lack of credibility and your lack of capacity and that of your Liberal colleagues to gain any traction or any notion in the broader community that you have any capacity to manage. You distort and dissemble. You create a range of numbers and throw them out there like chaff. We are talking, in fact, about a midyear review anticipated deficit of $17 million and all of a sudden, just with the click of a finger, the deputy leader transforms it into an anticipated deficit of $170 million. I assume he is responding to this new magic pudding figure of $190 million. He was referring to $190 million; it was not $170 million!

The midyear review predicts a 2009-10 deficit of $17 million. With a magic wand the opposition has just conjured up a magic pudding. They say the $17 million is not correct; it is actually $190 million. There is a typo in the midyear review, we now discover. Today in this place the Leader of the Opposition and the Deputy leader of the Opposition, for the purposes of the first two questions, claim that where the midyear review reads "17", read "190". How interesting! How intriguing! They claim to have some credibility as an alternative government, but for the sake of a question, for the sake of a point, for the sake hopefully of setting some rabbits running, they conjure up that the Treasury, in its midyear review, got it all wrong, that it did not actually mean 17 and that the midyear forecast deficit is, in fact, $190 million. It is just bizarre.

On what basis do the Leader of the Opposition and Deputy Leader of the Opposition now assert that the midyear review understated the anticipated deficit for 2009-10 by $173 million? The allegation inherent in this question is that the Treasury has deliberately fabricated a midyear review that understates an anticipated deficit for 2009-10 of $173 million. That is an outrageous allegation. They claim that the Treasury has produced, and the government has tabled, a midyear review that has deliberately understated an anticipated deficit of $173 million. That is an appalling allegation to make about the integrity of the government and the Treasury. I hope that you will table the basis on which you justify this outrageous allegation that we are lying.

Mr Smyth: Table the report.

MR STANHOPE: The midyear review has been tabled. You have a copy of it. You sit here now and insist through your questions that the government has deliberately understated by $173 million information in its possession. It is an outrageous allegation to suggest that the government is distorting to that extent Treasury information that is statutorily required. It is an outrageous allegation and it appals me that you can sit here and seriously claim that the government has deliberately tabled misleading information.

MR SPEAKER: The minister's time has expired.

Taxis—licences

MR GENTLEMAN: My question is to the Minister for the Territory and Municipal Services. Minister, there have been complaints about the lack of taxi services in the ACT. Can you explain what the government is doing to overcome the taxi shortage?

MR HARGREAVES: I thank Mr Gentleman for the question as it is time that we actually started to talk about the deplorable state of the taxi services in this town,

whether we are talking about wheelchair-accessible taxis or taxis for the general public. The current operator of the taxi system in the ACT has assured the government on so many occasions that I am sick of hearing it that the taxi network despatching system will be fixed. I am sure that in the time they have been addressing it people have been born, lived their lives and died. I am getting heartily sick of it.

The complaint that I hear most of all from people is that a taxi does not turn up or that it turns up late. I am absolutely convinced that there are not enough taxis on the road. The people who have been saying not to give us more taxis are doing nothing more than protecting a proprietary right to perpetual licence plates and the imagined value of them.

The government released defined rights for 10 transferable taxi licences at a ballot on Wednesday, 19 April this year as part of the release of up to 40 taxi plates over two years. Members will remember my advising the house of that. People who were in the industry said, "Oh, woe is me. You are not going to get that much interest." The interesting thing about that was that 121 applications were received in the first ballot. That indicates to me a strong demand to take up taxi licences. As a result, a further ballot for 10 licences will be held later this year.

This release program was developed following a decline in the performance of standard taxis, as I have already mentioned, but we still get a stream of complaints from consumers. Interestingly, one sector of the industry actually asked for 13 extra plates. We obliged with 10. We are going to fix that a bit later in the year. Unlike previous taxi licence releases, which involved the auctioning of perpetual taxi licences, these licences have been released by the government for a six-year term.

Most perpetual taxi licences are owned by passive investors and leased to taxi operators for a fee of between $20,000 and $25,000 a year. The government's releasing of leased taxi licences directly to taxi operators will give operators more control over their businesses. The annual fee for the leased licences will be $20,000, which is at the lower end of the range of lease fees currently charged in the market by private taxi licence holders.

I was devastated to overhear a conversation some months ago about somebody who said that they were only getting a 10 per cent return on their investment. I thought that most people I knew would be as pleased as punch with a 10 per cent return on their investment. The people who were holders of these perpetual licences were not even residents of this town. That was also part of the motivation to do something about that.

The road transport authority has approved new minimum service standards for standard taxi networks and they became effective in February this year. The minimum service standards establish enforceable standards for, amongst other things, taxi waiting times, telephone response times and complaints handling. A failure to meet the standards could result in disciplinary action being taken, including the imposition of financial penalties.

We have heard tales of woe coming out of Canberra Cabs about what will happen if we fine the industry. Bad luck, simply bad luck! The people of this town have waited too long for a decent taxi service. We will be releasing more plates as the demand goes ahead. We will be fining for lack of service standard adherence. Let me tell you that if that does not work, we will go and investigate having another taxi network for this town.

MR GENTLEMAN: I have a supplementary question. Minister, can you expand on how the allocation of these licences has been received by the rest of the industry?

MR HARGREAVES: I have to say that the system of allocating taxi licences was received with horror by those people who had thought that they were on a gravy train. It was not received with pleasure by the taxi network, because it actually put in a bit more freedom for the operators, but it was received very well by consumer groups. It was received particularly well by people who wanted to get into the industry but could not afford to pay $200,000 or $300,000 to do so.

It was also received very well because it will also be easier for people to exit the industry without incurring such financial loss that they would find themselves bankrupt or would have blown all of their redundancy payments, because it will be possible for people who have a six-year licence to operate that licence for a number of years and, if their circumstances change, to surrender that licence, which could be taken up by someone who was further down the list on the ballot. All in all, the general consumers out there, the general public, are quite pleased with these changes. The new people in the industry are quite happy with them.

I have noticed with respect to another part of the taxi reforms of this government, with respect to wheelchair-accessible taxis, that not enough is being done by the industry to lift its game. The waiting times are far too long. There is no predictability as to the service arriving at all. However, because of the reforms that the Stanhope government has introduced, we have seen 17 WAT operators on the road as opposed to the 8 or 9, or something of that order, at the bottom of the pit of despair in which the people depending on this service found themselves.

All in all, these reforms are positive, but let me send a message loud and clear to the industry that this is not the end of the reforms. This is the beginning of them. If people do not think that I am absolutely determined to levy fines for lack of service delivery, let them test me and then we will find out.

Public service—Shared Services Centre

MRS DUNNE: My question is to the Chief Minister. A whole-of-government publication was sent out to all ACT employees on 21 April stating, amongst other things:

> Across the ACT Public Service, more than 1,000 staff are engaged in delivering core corporate services, which include human resource management, finance, information technology and communication, procurement and records management.

Further, Chief Minister, you confirmed on 20 April that more than 800 staff would be transferred to the Shared Services Centre. How much will the Shared Services Centre cost to set up? When will the savings start to occur? Will the remaining 200 staff lose their jobs? If not, how many staff will lose jobs under your restructuring proposal?

MR STANHOPE: I thank the member for the question. Unlike the two previous questions from the opposition directed to me, Mrs Dunne has not distorted the numbers in the outrageous way that they did.

I would like to say, for the information of members, Mr Costello has just now confirmed that at no time, in any context, has he said there will be a deficit of $190 million. He denies absolutely the claims. It is not something that he has ever said or would say. In other words, the entire bases of the questions from the Leader of the Opposition and the Deputy Leader of the Opposition were false. They were a serious impugning of the reputation of Treasury officials and of this government.

To suggest that, in the space of three months, we would have deliberately brought into this place something as important as the midyear review, something required of the government statutorily, and that we would have deliberately lied is an absolute outrage. It is an absolute outrage for the Leader of the Opposition and the Deputy Leader of the Opposition to suggest that the government has deliberately lied in documents it is required to table in this place in relation to the state of the territory's finances. It is a disgrace.

Mrs Burke: On a point of order—

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

MR STANHOPE: Thank you, Mr Speaker. I thank the member for her question. In particular, I commend the member for her honesty, in stark distinction to that of others. You do not deserve to have been sent to Coventry in the way that you have, Mrs Dunne. You set a standard that your colleagues should seek to emulate.

Mrs Dunne: Can you answer my question, please?

MR STANHOPE: Yes, I can.

Mrs Dunne: You are making me blush, Chief Minister, and that is fun.

MR STANHOPE: It might be the first time ever, Mrs Dunne.

Mrs Dunne, you are correct. There are somewhat in excess of 1,000 staff across the ACT public service engaged in the delivery of a range of corporate support services, at an annual cost of somewhere between $145 million and $150 million. Of course, in the context of such a significant portion of the work force, representing such significant employee cost and cost of service delivery—in other words, over 1,000 public servants at a cost in the order of $150 million delivering corporate services—it is an obvious area in which a government seeking efficiencies and determined to ensure the delivery as smoothly as possible of high-quality government services would look for efficiencies and restructure. The services cover areas such as human resource management, finance, information technology, communications, procurement, records management and publishing.

The most significant numbers of staff engaged are: in human resources, about 350; in finance, about 300; in IT, just over 300; in procurement, of the order of 80; and in records, around 30. It has been anticipated that there is much fine detail to be done. The transfer into a single shared services arrangement, hopefully in a centralised location, is a

major undertaking. A range of issues are to be determined in relation to set-up cost, ongoing costs and the transitional cost.

To go to your question: it is anticipated at this stage that there will be an up-front capital cost of outfitting and refitting and set-up of the shared services agreement of the order of $5 million. We are anticipating additional costs of just over $2 million in other costs associated with the co-location of that number of staff.

It should be acknowledged, in the context of an overall shared services work force of the order of 800 or perhaps just over, that almost 400 of those staff are currently centralised in terms of arrangements that are already in place, particularly centred in InTACT.

MR SPEAKER: The minister's time has expired.

MRS DUNNE: Chief Minister, how will you achieve the savings that you have alluded to? Could you elaborate further on that?

MR STANHOPE: Thank you, Mrs Dunne. The Shared Services Centre will employ in the order of 800 or 800-plus. Somewhere around 400 staff are essentially already part of that organisation, centred essentially in InTACT. We are talking about a transfer ultimately of the order of 400 staff to join the 400 staff currently employed centrally or through InTACT. That is the broad brush in terms of numbers. There are over 1,000 corporate services staff now. The Shared Services Centre will employ in the order of 800.

Mrs Dunne: That means 200 will be losing their jobs.

MR STANHOPE: No, it does not mean that at all. Of the staff that will not be transferred to the Shared Services Centre—it is in the order of 220 or 230—the significant majority will be retained in departments as a vital part of the strategic work that is undertaken in all departments by some of those corporate services staff, particularly chief finance officers. Some of those finance staff that deal in a transactional way with issues of finance, those that pay the bills and undertake day-to-day transactions, will transfer to the Shared Services Centre, but the strategic finance officers and officials within departments will not. That is the rough breakdown of the numbers.

There are in excess of 1,000; 800 will be employed within the Shared Services Centre. The significant majority of the 200-plus that will not be transferred will remain. There will be a reduction in staff. At this stage, that has not been finally determined. At the end of the day, the reduction in staff in the Shared Services Centre, we anticipate at this stage, will be fewer than 70.

Public service—management

MR PRATT: My question without notice is directed to the Chief Minister. Chief Minister, during an interview on ABC radio on 19 April 2006 you were asked about the rapid growth in the number of public servants in the ACT government during your period as Chief Minister. In response to these questions you said:

> When I was first made aware or first realised what the rate of growth was of the ACT public service, I was somewhat alarmed.

Chief Minister, when did you first become "somewhat alarmed" that the ACT public service had grown like Topsy? Why, as the head of the ACT government, did you take your hands off the wheel in not being aware of the continuing growth in the number of public servants, particularly in some departments? Why don't you keep aware of broad financial data such as the total spending in the general government sector of employees to provide you with some insight into trends in the ACT public service?

MR STANHOPE: I thank the member for the question. Of course I should do everything, I should know everything and I should read every report. Indeed, I probably should manage every department—I am sure that there are others who can do so. It is a nonsensical question and it is a nonsensical assertion. It is an absolute nonsense. It is the sort of question that is dragged up in desperation from time to time—questions such as: "why didn't you read page 572 of this thousand-page report; why didn't you, as Chief Minister, accept the responsibility for ensuring that you understood precisely what the recruitment patterns in the department of health or in Urban Services were over the last two years; and how come you didn't know that the work force in the department of education had increased by 72 in the last quarter?" It is just patently stupid and absurd to suggest that I, as Chief Minister, should for a second be expected to understand and read and be advised about every recruitment action taken at any stage by any agency across the entire ACT public service.

Having said that, I was and remain surprised by some of the level of growth within the ACT public service over the last four years—actually over the last three years because it has not grown at all in the last year. Indeed, the ACT public service has reduced in size over the last 10 months to the order of, I think, somewhere around 430, essentially through attrition with some redundancies. As I have indicated, I anticipate and expect that that rate of slowing in the growth of the ACT public service will continue over the next year. The public service has reduced by 430 since 1 July last year. Of that 430 I think 115 employees have accepted redundancies. I assume that resignations or promotions would be the basis on which those other 300 or so jobs have not been filled.

So three-quarters of the reduction in the size of the public service in the last year has been as a result of attrition and one-quarter or thereabouts as a result of redundancies that have been offered. This is a redundancy rate that is somewhat less than was anticipated in last year's budget, and I think that is significant. I have to say it is very pleasing that the rate or level of redundancies anticipated or budgeted for, or for which allocation was made in the last budget, has not been realised; that a significant proportion of reduction is a direct result of attrition. I expect that to be the essential structure or nature of change that I anticipate will occur over the next year and that the ACT public service will continue to reduce at roughly that same rate for the next year or so. I then anticipate that it will again, of course, flatten. Hopefully we will reach a stage where we will remain quite constant or perhaps continue to grow again as we adjust very much to the economic cycle and—I had begun to touch on this—as we adjust to structural change which the territory needs to face up to.

There is no doubt that since self-government in 1989 successive governments, including Labor governments, have not taken decisions which I have no doubt every government since self-government gave serious and detailed consideration to from time to time but, for a range of reasons, including, of course, the difficulty of minority government, did not pursue or proceed with, and did not pursue or proceed with to the long-term detriment of the territory. I do not believe that there is a single government or a single member of a previous government that could claim honestly otherwise.

MR PRATT: Mr Speaker, I ask a supplementary question. Chief Minister, notwithstanding that you clearly have no insight into general trends in the ACT public service, what do you say to those people who have mortgages and other financial commitments and whom we have made redundant as a consequence of your government's poor economic management?

MR STANHOPE: I thank Mr Pratt for his question, which was preceded by the statement that I have no insight into trends within the ACT public service. Mr Pratt, I would like to challenge any other leader of a government in Australia to stand up and say that since 1 July last year there have been 115 redundancies in his public service and 315 departures through natural attrition, with a sum total reduction of 430. I would defy you to name any other leader of a government in Australia who could stand up in his parliament and tell you to within five the number of redundancies that have been taken and the number of other positions that have not been filled, the level of attrition or reduction in the public service. I would challenge any other leader—in fact, almost any other minister—in Australia to be able to stand up in their parliament and say, "This is how many redundancies, this is how many people have departed through natural attrition and this is the plan for the future."

You stand up and say, "You have got no idea." I have a precise idea. I have a very close eye on exactly what has happened within the ACT public service. I have just given you detail regarding the number, and in response to that you stand up and claim that I have no idea. Mr Pratt, you make yourself look foolish with those sorts of wild, mad assertions in the face of specific detailed information in relation to exactly what is happening in the ACT public service. The absurdity of your position is there for us all to see and I am surprised that you continue to embarrass yourself in the regular way that you do in the claims that you make in this place and elsewhere.

Be that as it may, I answered the question previously. Those are the trends and those are the details of what is occurring in an employment sense in the ACT public service. Since 1 July last year there has been a reduction in the ACT public service of in the order of 430 people. I expect that trend to continue into the future. Of those 430 people or thereabouts, 150 took a redundancy willingly, voluntarily, and in most instances gladly and with thanks. One of the great urban myths is that you have to beat people with a whip to take redundancies. The great difficulty with almost every government that has pursued voluntary redundancies is in fact dealing with those that vociferously seek but fail to achieve a redundancy; dealing in fact with the level of demand that always emerges within any organisation, not just government, when redundancies are available. There is the urban myth inherent in the question about voluntary redundees who are crying into their breakfast every morning. Let me assure you that this is not the case.

Of the 430 people who have left the ACT public service in the last year, 115 or so were voluntary redundees. The list of those members of the ACT public service who expressed an interest in a redundancy far exceeded by a significant order—I do not know how many—the number of redundancies that have been taken. All other reductions were a result of decisions that were taken to seek employment elsewhere, retire, resign, move on or take a promotion. The sort of urban myth that you seek to develop of a great cohort of disheartened redundees is just an absolute nonsense.

Mrs Burke: So they are not disheartened when you don't want them to be?

MR STANHOPE: Every one of them is a voluntary redundancy and far more people were seeking a redundancy than redundancies were offered. It has always been thus and it will always be thus in the future.

Government—financial responsibility and probity

MR SESELJA: My question is to the Chief Minister. Chief Minister, in your media release of two weeks ago, in which you announced your new ministry, you said:

> … financial responsibility and probity will inform the way forward, at the highest levels of government.

What problems have been identified in relation to financial responsibility and probity at the highest levels of government and what will be done to address these problems?

MR STANHOPE: None. I do not know what it is that the member is suggesting. In terms of integrity and perhaps probity and honesty, an example that has caused some concern for me today is the nature of the allegations made by the Leader of the Opposition and the Deputy Leader of the Opposition in this place—allegations that essentially suggest that the government and the Treasury are deliberately lying in documents which they have produced. That does bother me in the context of issues around integrity, probity and honesty—suggestions that this government is deliberately falsifying a document such as the midyear review. I am aware of that issue—it has come to light today—but in the context of issues around probity in financial management, I am aware of none, Mr Seselja.

Planning—development applications

MS PORTER: My question is to the Minister for Planning. Can the minister advise the Assembly how the planning reforms that this government has initiated to date have reduced the time for assessment of development applications?

MR CORBELL: I thank Ms Porter for the question. Yes, the number of development applications being determined by the ACT Planning and Land Authority within statutory time frames has significantly increased—and this is good news for the development and construction industry in Canberra, and good news for the Canberra economy because it means fewer delays when it comes to getting developments approved, assessed, approved with conditions and so on.

Let me just highlight some of the statistics. Eighty-three per cent of commercial and multi-unit development applications have been determined within time during March, compared with the performance target of the planning and land authority of 75 per cent—so well above the performance target. The authority's commercial and multi-unit DA teams have exceeded this 75 per cent performance target each month since July last year—a very strong result and one that indicates that the reforms the government has put in place are working. On top of that, 88 per cent of all single-dwelling development applications have been determined within time in March, compared with 80 per cent for March 2005 and the authority's performance target of 90 per cent. The authority has exceeded its single-dwelling DA performance target in three of the last six months, with 94 per cent of determinations within time in October, 92 per cent in November and 91 per cent in January. Overall, the single-dwelling performance figures for the latest quarter were markedly better than for a year earlier.

This is very encouraging news, and it highlights the very strong steps the government and the planning and land authority have undertaken to ensure that we get development assessment happening in a speedier way. This will only be built on with the government's planning system reform legislation, which will be debated by the Assembly later this year.

I would really like to draw to members' attention the comments made by the Master Builders Association of the ACT, because we often hear from Mr Seselja and those opposite constant criticisms about how the planning system is inefficient, takes too long et cetera, et cetera. Mr Seselja is over there shaking his head, saying he does not do that; but I can point out where he does do it. I am very pleased to highlight what David Dawes, the executive director of the MBA ACT said in a media release of April this year, responding to the release of these latest figures. It states:

> "As an industry we have worked hard to make the building regulatory process more efficient and the figures released by the Planning Minister, Simon Corbell provide real encouragement that we are headed in the right direction," he said.
>
> Mr Dawes said that the improving data released by the Government suggested that the ACT was moving towards becoming—

wait for it!

> one of the most efficient planning jurisdictions in the country and this was something which would only encourage higher levels of investment in the national capital.

This is strong praise indeed from one of the peak building and construction industry groups in Canberra and a very strong vindication of the steps this government has taken to improve the assessment of development applications in the territory to ensure they get a timely decision and to ensure that where development applications are successful they can move ahead in an efficient and effective way.

I would like to put on the record my thanks to the staff of the ACT Planning and Land Authority for the work that they have undertaken, particularly in the last 12 months, to dramatically improve development assessment times for both single dwellings and

multi-unit and commercial projects in Canberra. It is a vindication of the investment and the leadership the government has shown in improving the planning system in the ACT, and it is a vindication that this territory is indeed moving towards becoming one of the best practice jurisdictions for planning and development assessment in Australia.

Budget—functional and structural review

MRS BURKE: My question is to the Chief Minister. Chief Minister, some weeks ago you received the Michael Costello report on the functional and structural review. You have steadfastly refused to release this report, despite widespread calls for its release from business groups, unions, community organisations and, of course, this opposition. Despite your continued refusal to release this report, it is evident you appreciate that you are not being open and transparent. Those are your words as used recently on ABC radio. Why is it that you have permitted Michael Costello to provide briefings on his report to selected business leaders and representatives of trade unions? What parameters have you placed on Mr Costello in presenting these briefings?

MR STANHOPE: I thank Mrs Burke for the question. I think all members, particularly those who have served in previous governments, are aware that initially in the cabinet context a range of rules exists around confidentiality—and for very good reasons. I do not think there would be a single member of any cabinet—indeed I would hope that there is not a single member of any parliament—who does not fully understand and accept the sense of the rules that have been developed and implemented, acknowledged and respected in every parliament in Australia, and indeed throughout the world, that pursues a Westminster form of democracy and has embraced a cabinet government, about the need for cabinet to have available the best possible advice—frank and fearless advice, advice which from time to time is prepared specifically for a purpose of cabinet in a framework and in a way and with a content that would not have been possible to be pursued were the document to be prepared, presented or made available for public scrutiny.

Every member of any cabinet knows that to be a vital part of the cabinet process. Every member of a ministry that has been involved in a cabinet budget process knows it most specifically in relation to issues a cabinet will consider in the context of preparing a budget. It is in that context that the structural and functional review was commissioned. That is quite clear from the terms of reference. Term of reference No 1 of the functional and strategic review goes straight to the heart in the context of the budget by use of the words "for the purposes of the budget" et cetera. It is a part and a feature, I think, of all the terms of reference of the functional review that specific advice for the cabinet be prepared in the context of a budget—the budget which we are currently in the process of preparing.

That is the basis on which I commissioned the strategic and functional review, those are the terms of reference for the writing of the functional review, and that is the basis on which the commission was accepted by Mr Costello and Mr Smith. The report was prepared at my specific instigation for the purposes of cabinet in its budget deliberations. That is the way in which this cabinet-in-confidence budget document is being utilised. It has not been released, nor have its recommendations been released.

MRS BURKE: What about the briefings I have asked for?

MR STANHOPE: In her question, Mrs Burke asked about the nature of briefings provided by Mr Costello. I was pleased that he was able and willing—as was Mr Greg Smith, his partner in the commissioning of the review—to provide broad background briefings to business and the community around the issues facing the government and specifically issues facing the territory in the context of the structures of government and the capacity for the territory, through its governmental structures and governmental arrangements, to meet the continuing expectations and priorities of this community.

It was time, after seven years of self-government, for a review such as that which I commissioned to be undertaken by two eminently expert and experienced reviewers in Michael Costello and Greg Smith. As I indicated earlier, it is a review and there are issues which cabinet is currently considering in this process. I am the first to concede that minority government has not assisted in this process and that previous governments suffered from that but it is a process that is nevertheless overdue.

MR SPEAKER: The minister's time has expired.

MRS BURKE: I have a supplementary question, Mr Speaker. Chief Minister, I may be therefore heartened by your answer perhaps that you may not be making cuts to the community sector. However, why have you not agreed for Mr Costello to provide briefings, like he did to selected business leaders and representatives of trade unions, to representatives of peak community organisations?

MR STANHOPE: It is a fair question, Mrs Burke, and, to the extent that, of course, this is a piece of string to which there is potentially no end, the government has made a decision. As far as I am concerned, I do not intend to call on Mr Costello or Mr Smith to provide any further briefings. They have given detailed background briefings, in terms of context and issues, to business and they have similarly provided briefings to unions. We could go on forever briefing different segments and sectors of the community about a whole range of issues. The government, of course, is open and consultative in the context of the budget. We are talking—I meet regularly; I have over this last week—with a range of organisations across the community. I am satisfied with the consultation and the process in relation to the issues around the release of the document. It is a cabinet document; it was commissioned for cabinet. There are very good reasons why it should not be released.

In that context, of course, I do find it interesting to contemplate the response that Peter Costello would have given to a question from the opposition today of the order that has just been asked. Just imagine a member of the Labor Party in the House of Representatives standing up today and asking Peter Costello: "Treasurer, I understand, in the context of the budget that you have just put together and that you are about to deliver, that you received advice from a range of specialist consultants and internal advisers. Give us a look, will you, Pete? Hey, Pete, can you give us the breakdown of the advice that you took on the possibility of restructuring the tax system? Look, let's be open and transparent, will you, Pete; just give us all the documents that have been provided to you in the context of this year's federal budget—just slip them across." I wonder what

Mr Costello might have said in response to that question asked by a member of the Labor Party in the House of Representatives. Just imagine the response. Actually, it is interesting, isn't it, to dwell on this issue?

Mrs Burke: I raise a point of order, Mr Speaker, on relevance to the supplementary question. I just asked the Chief Minister why he had been selectively giving some organisations briefings and not community organisations. Can he get back to the supplementary?

MR SPEAKER: Order! I think it is relevant to make some comparisons on these issues.

MR STANHOPE: Let us pause and reflect. It is relevant for us to reflect—I might gain some insight here—on a member of the Labor Party in the House of Representatives standing up today and asking Peter Costello why he did not brief the ACTU on the contents of his budget. Just imagine the response that Peter Costello would give to a question asked of him: which unions did you arrange to be briefed on issues that you have taken into consideration in the preparation of your budget? It is informative, in the context of the approach that the Liberal Party takes to this particular issue of a cabinet-in-confidence technical document and report, prepared specifically for a budget cabinet deliberation, to ponder or contemplate that. You cannot even imagine an opposition in any other parliament in Australia asking the question. Any other politician in any other opposition in any other parliament in Australia would blush with the shame of a question foisted on them by their leader of the opposition: "Just stand up and ask the Treasurer: will he release all the cabinet-in-confidence documents on which the budget was based?"

Mrs Burke: One in the face, isn't it?

MR STANHOPE: It must be embarrassing, Mrs Burke, to be directed by your leader to embarrass or demean yourself in this way; to be required to stand up and say, "Treasurer, will you just slip us a copy of all the cabinet-in-confidence documents that you've utilised in putting together your budget." Put yourself in the House of Representatives; imagine a member of an opposition in the House of Representatives asking a federal Treasurer: "Will you just slip us all your cabinet documents on the budget that you're just about to release?" Can you imagine it!

Gungahlin Drive extension

MS MacDONALD: My question is to the Minister for the Territory and Municipal Services. Minister, can you tell the Assembly what progress is being made on the Gungahlin Drive extension? Why was it necessary to close Ginninderra Drive last weekend?

Opposition members interjecting—

MR SPEAKER: Order! Contain yourselves.

Mr Smyth: It is hard, Mr Speaker.

MR SPEAKER: If you find it so difficult to contain yourself, it might be an idea to go outside and gather yourself together before coming back in to listen to the question.

MS MacDONALD: The final part of the question is: does the minister expect any part of the GDE to be open to traffic in the near future?

MR HARGREAVES: Mr Speaker, I do not know what they have been smoking, but I want some! A consortium of three local contractors—Woden Contractors, Canberra Contractors and Guideline Contractors—is constructing the first package of works from the Barton Highway to Aranda. I consider that to be a fairly serious issue. We have a consortium of local people constructing the biggest roadworks project in the ACT's history. There are 215 local construction workers employed there at the moment. I think that that is a congratulatory perspective and not one for mirth.

The first package covers the section of the Gungahlin Drive extension from the Barton Highway to Aranda and includes seven kilometres of new road carriageway, five bridges, 10 underpasses, 900,000 cubic metres of general earthworks, 4,000 cubic metres of rock excavation, 16,000 metres of cabling, and the planting of 80,000 native trees and plants. It is interesting that the native trees are, in fact, progeny of the trees which had to be removed for the road to go through. We are actually putting back the same family of tree, which I think is significant. It is something that the Save the Ridge people ought to acknowledge publicly, which they have not done as yet.

Mr Pratt: They have acknowledged that.

MR HARGREAVES: They have acknowledged absolutely nothing. Package A, which is for Barton Highway to Aranda, is expected to be completed by mid-2007. The tender for the main construction packages, which cover the section of the Gungahlin Drive extension from Aranda to the Glenloch Interchange, closed on 16 March this year. The preferred tenderer has been identified and negotiations are proceeding with a view to letting the contract by mid-May. The completion time for the entire project from the Barton Highway to the Glenloch Interchange is mid-2008, based on current information.

Some traffic delays have been experienced at the Belconnen Way-Caswell Drive intersection. This area is the main crossover point for heavy dump trucks. The contractor has been reminded of the importance of maintaining adequate traffic flows for all road users. It is very significant, if one goes through that rather difficult intersection, to see the bridge emerging from the ground. People can actually see tangibly what we are getting.

There still remains a large amount of fill to be moved. As of last March, 384,000 cubic metres remain to be relocated and that will take approximately 16 weeks. That equates to 25,500 loads plus 25,500 return trips. Bridgeworks are progressing well, with beams being erected over Ellenborough Street earlier this month and over Ginninderra Drive last Sunday.

The erection of the bridge beams over Ginninderra Drive is a significant step towards having the section between the Barton Highway and Ginninderra Drive open for traffic before the end of the year. The erection of the beams was a complex operation. The

beams were transported to the site under police escort, with two large cranes then being used to lift them onto the bridge abutments.

Each beam is 40 metres long, has a depth of 1.8 metres, and weighs approximately 76 tonnes. The beams were manufactured in Newcastle and are the longest prestressed concrete beams available. It is anticipated that the Barton Highway to Ginninderra Drive segment of the GDE will be open to traffic before Christmas this year. The Ginninderra Drive to Aranda segment is still planned to be complete and open to traffic by mid-2007. Revised arrangements for Caswell Drive will soon be implemented. That will include redirecting traffic onto temporary roadway.

I think that people will have seen that there has been significant movement in the construction of this roadway. I thank the contractors for getting on with it and doing the job for the people of Gungahlin.

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

Personal explanation

MR SMYTH (Brindabella—Leader of the Opposition): Mr Speaker, I would like to make a personal explanation under standing order 46.

MR SPEAKER: Proceed, Mr Smyth.

MR SMYTH: During question time, the Chief Minister said that I had in some way insulted or misrepresented Treasury officials. If he had actually listened to the question, he would have known that I at no time mentioned Treasury officials. I asked whether the government had received any advice recently, not the midyear update that was released in February. Indeed, I direct the Treasurer to page 44 of the budget mid year review document that was tabled in this place on, I think, 14 February this year. There were actually mistakes, enormous mistakes, in the document that necessitated the then Treasurer to release a new document. The depreciation was double-counted, an error that in fact was against the government and would not have occurred under legitimate accounting standards.

Answers to questions on notice
Question Nos 999 and 1001

MR STEFANIAK: I request an explanation, pursuant to standing order 118A (a), on two questions that are on the notice paper today, questions 999 and 1001. The 30 days expired on 8 April 2006. They were both to the Attorney-General.

MR STANHOPE: Mr Speaker, I am required to respond. I apologise to the shadow attorney. The responsibility for the Attorney-General's portfolio has been transferred to one of my ministers. To the extent that there has been a delay, I would assume that it has been as a result of the transitional arrangements that we have endured over the last couple of weeks and the attorney will respond as soon as he is able, but I apologise on my behalf for the delay.

Paper

Mr Speaker presented the following papers:

> Study trip report—Mr Seselja MLA—Meeting of Shadow Ministers for Education and Training—12 and 13 April 2006.

Executive contracts
Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): 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:
> Bernadette Maher, dated 22 March 2006.
> Geoff Keogh, dated 9 March 2006.
> Graeme Dowell, dated 10 April 2006.
> Julie McKinnon, dated 11 March 2006.
> Karl Phillips, dated 14 March 2006.
> Margaret Cotton, dated 16 March 2006.
> Maureen Sheehan, dated 22 March 2006.
> Pamela Davoren, dated 30 March 2006.
> Penny Shakespeare, dated 16 March 2006.
> Stephen Ryan, dated 1 November 2005.
> Susan Barr, dated 16 March 2006.
> Long-term contracts:
> Graeme Dowell, dated 10 April 2006.
> Hilton Taylor, dated 16 March 2006.
> Philip Hextell, dated 10 April 2006.
> Robert Neil, dated 16 March 2006.
> Short-term contract:
> Bernadette Maher, dated 16 March 2006.

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

Leave granted.

MR STANHOPE: I have presented a set of executive contracts. These documents have been tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Today, I have presented four long-term contracts, one short-term contract and 11 contract variations. Details of the contracts will be circulated to members.

Administrative arrangements
Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): For

the information of members, I present the following papers:

> Australian Capital Territory (Self-Government) Ministerial Appointments Notice 2006 (No 1)—Notifiable Instrument NI2006-142 (S2, dated Friday, 21 April 2006).
>
> Administrative Arrangements 2006—Notifiable Instrument NI2006-140, dated 20 April 2006).

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

Leave granted.

MR STANHOPE: Mr Speaker, for the information of members, I have tabled revised administrative arrangements which commenced on 21 April 2006 and which implemented the ministerial reshuffle that I announced on 18 April.

As well as the appointment of Ms Katy Gallagher as Deputy Chief Minister and Mr Andrew Barr as a new minister, key changes include a number of new ministerial titles and some initial restructuring flowing from the functional and strategic review. Whilst the new arrangements have resulted in some departments reporting to more than one minister, functional reporting within agencies remains unchanged for the present time.

Amendments have also been made to update legislation. Three new acts have been added, namely, the Crimes (Sentencing Administration) Act, the Crimes (Sentencing) Act and the Casino Control Act. Nine repealed acts have been deleted, namely, the Administration (Interstate Agreements) Act, the Australian and New Zealand Banking Group Limited Act, the Bank Mergers Act, the Canberra Advance Bank Limited (Merger) Act, the State Bank of South Australia (Transfer of Undertakings) Act, the Community Advocate Act, the Nurses Act, the Tree Protection (Interim Scheme) Act, and the Defamation (Criminal Proceedings) Act.

Financial Management Act—instruments
Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): For the information of members, I present the following papers:

> Financial Management Act, pursuant to section 16—
>
> > Instrument directing a transfer of appropriations from ACT WorkCover to the ACT Planning and Land Authority, including a statement of reasons, dated 9 April 2006.
> >
> > Instrument directing a transfer of appropriations from the Department of Justice and Community Safety to ACT Health, including a statement of reasons, dated 26 April 2006.

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

Leave granted.

MR STANHOPE: Mr Speaker, as required by the Financial Management Act, I have tabled two instruments issued under section 16 of the act. The direction and the associated statement of reasons for the instruments must be tabled in the Assembly within three sitting days of being given.

Section 16 instruments permit agencies to operate against valid appropriations, reflecting the new ministerial responsibilities. The first transfer of appropriations under section 16 of the FMA will enable ACT Health to continue to support the Health Complaints Commissioner to function for the remainder of 2005-06 by adjusting the 2005-06 budgets of the Department of Justice and Community Safety and ACT Health.

The second transfer of appropriations under section 16 transfers the gas inspector function from ACT WorkCover to the ACT Planning and Land Authority to consolidate the building and gas inspection function in the ACT government. The details of the two instruments can be found within the tabled package. I commend the papers to the Assembly.

Papers

Mr Stanhope presented the following papers:

Independent Competition and Regulatory Commission—

Report 8—Final Report—Retail Prices for Non-contestable Electricity Customers, dated April 2006.

Report 9—Draft Report—Determination of ACTION Bus Prices for 2006-07, dated 12 April 2006.

Report 10—Draft Report—Regulatory Reference—ACT Ambulance Service Fees and Charges, dated 13 April 2006.

Mr Corbell presented the following papers:

ACT Criminal Justice Statistical Profile for the December 2005 quarter.

Petition—Out-of-order

Petition which does not confirm with the standing orders—

Erindale—Construction of a petrol station—Mr Berry (405 signatures).

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2006 (No 1)—Disallowable Instrument DI2006-66 (LR, 13 April 2006).

Casino Control Act—

Casino Control (Fees) Determination 2006 (No 1)—Disallowable Instrument DI2006-61 (LR, 10 April 2006).

Casino Control (General Tax) Exemption 2006 (No 1)—Disallowable

Instrument DI2006-63 (LR, 10 April 2006).

Casino Control Regulation 2006—Subordinate Law SL2006-8 (LR, 21 March 2006).

Electoral Act—Electoral (Commission Chairperson and Member) Appointment 2006 (No 2)—Disallowable Instrument DI2006-65 (LR, 11 April 2006).

Gambling and Racing Control Act—Gambling and Racing Control (Governing Board) Appointment 2006 (No 1)—Disallowable Instrument DI2006-53 (without explanatory statement) (LR, 23 March 2006).

Housing Assistance Public Rental Housing Assistance Program 2005 (No 2) (Disallowable Instrument DI2005-281)—Housing Assistance (Public Rental Housing Assistance Program) Review Committee Appointments 2006 (No 1)—Disallowable Instrument DI2006-57 (LR, 30 March 2006).

Legal Aid Act—Legal Aid (Commissioner (Bar Association Nominee)) Appointment 2006 (No 1)—Disallowable Instrument DI2006-69 (LR, 18 April 2006).

Magistrates Court Act—

Magistrates Court (Tree Protection Infringement Notices) Regulation 2006—Subordinate Law SL2006-6 (LR, 13 March 2006).

Magistrates Court (Utilities Water Conservation Infringement Notices) Regulation 2006—Subordinate Law SL2006-11 (LR, 30 March 2006).

Optometrists Act—Optometrists (Fees) Determination 2006 (No 1)—Disallowable Instrument DI2006-70 (LR, 20 April 2006).

Public Place Names Act—Public Place Names (Harrison) Determination 2006 (No 1)—Disallowable Instrument DI2006-67 (LR, 13 April 2006).

Public Sector Management Act—Public Sector Management Amendment Standard 2006 (No 5)—Disallowable Instrument DI2006-62 (LR, 6 April 2006).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2006 (No 3)—Disallowable Instrument DI2006-52 (LR, 23 March 2006).

Racing Act—Racing (Jockeys Accident Insurance) Regulation 2006—Subordinate Law SL2006-10 (LR, 30 March 2006).

Tree Protection Act—

Tree Protection (Advisory Panel) Appointment 2006 (No 1)—Disallowable Instrument DI2006-54 (LR, 28 March 2006).

Tree Protection (Approval Criteria) Determination 2006 (No 1)—Disallowable Instrument DI2006-55 (LR, 28 March 2006).

Tree Protection (Approval Criteria) Determination 2006 (No 2)—Disallowable Instrument DI2006-60 (LR, 6 April 2006).

Tree Protection (Criteria for Registration and Cancellation of Registration) Determination 2006—Disallowable Instrument DI2006-56 (LR, 28 March 2006).

Tree Protection (Criteria for Tree Management Precincts) Determination 2006 (No 1)—Disallowable Instrument DI2006-58 (LR, 28 March 2006).

Utilities Act—

Utilities (Electricity Transmission) Regulation 2006—Subordinate Law SL2006-7 (LR, 16 March 2006).

Utilities (Water Conservation) Regulation 2006—Subordinate Law SL2006-9 (LR, 30 March 2006).

Utilities Act and the Utilities (Water Conservation) Regulation—Utilities Water Conservation Measures Approval 2006—Disallowable Instrument DI2006-59 (LR, 30 March 2006).

Veterinary Surgeons Act—Veterinary Surgeons (Fees) Determination 2006 (No 1)—Disallowable Instrument DI2006-64 (LR, 10 April 2006).

Modern working conditions—impact on Canberra families
Discussion of matter of public importance

MR SPEAKER: I have received letters from Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Pratt, Mr Seselja and Mr Smyth 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 Mr Gentleman be submitted to the Assembly, namely:

> The impact of modern working conditions on Canberra families.

MR GENTLEMAN (Brindabella) (3. 52): Today I bring to the attention of members a matter of public importance revolving around the modern working conditions of Canberra families. Last night I heard from Sharan Burrow at a May Day dinner that working conditions have changed a lot over the last 100 years. Some of these changes have been for the better and some, most definitely, have not been for the good of Canberra families.

The achievements in productivity and working conditions over these years have been accomplished largely through collaboration and negotiation between workers, often represented by their unions, and employers, often represented by business representatives. It is through the work and leadership of the union movement that workers have been given a voice in their own workplace and it is that voice, the voice of workers, that I am here today to discuss.

Mr Speaker, to insist that workers have the right to work in a safe environment and to allow workers the right to collectively bargain with their employers are some of what the ACT government strives for. The work of the Australian Industrial Relations Commission members in facilitating and arbitrating on agreements and settlements is widely seen by workers and employers as of great assistance. Working conditions available to workers across the ACT have been improved by previous AIRC decisions.

Conditions such as the right to 52 weeks of unpaid maternity leave, granted in 1979, allowed working women the opportunity to care for an infant child rather than having to resign or go back to work earlier than desirable. The right to five days of paid carers leave to care for a family or household member was granted in 1995 and is now an established community standard. In 2005 and 2006 many awards have been amended to include the latest family test case provisions that enable women to request an additional 12 months maternity leave and a return to part-time work when they return to their job.

All these improvements are of great benefit to working families and the society generally in which we live. Unfortunately, these kinds of decisions may not occur in the future when the commission test case becomes a thing of the past under the new workplace changes that the federal government is forcing upon us.

Mrs Burke: I take a point of order under standing order 63, Mr Speaker. I would remind the member, through you, that we should not reflect upon a matter before a select committee at this time and I feel that we are getting a little bit close to that.

MR SPEAKER: I do not get a sense that Mr Gentleman is reflecting upon the work of a committee. He is referring to issues concerning the commission's test case, but I will keep my eye on that, Mrs Burke.

Mrs Burke: Thank you, sir. Would it not be the case that that some of the comments just made were reflecting upon the outcomes of the select committee?

MR SPEAKER: I did not get a sense of that, but I will listen closely.

MR GENTLEMAN: Mr Speaker, the ACT government strongly supports the view that the federal legislative framework governing ACT employers and employees should encourage industrial cooperation and facilitate simple and quick resolution of industrial disputes. Importantly, the legislative framework also should protect the rights of employers, employees and their representatives to negotiate industrial arrangements that suit their particular needs or requirements and should provide protections from unfair dismissal. That is what we would hope modern working conditions should provide for.

Research shows that in 2004 a very high percentage of private sector employees had signed an individual work contract. These contracts, or AWAs, had no additional family-friendly provisions and only 11 per cent included maternity leave, paid or unpaid. In fact, women fared worse than men on family leave, with 14 per cent fewer women having family-friendly provisions in their AWAs.

Mr Speaker, as you can see, it appears that women in the workplace are again the disadvantaged group in our society. In the past for Canberra workers it was the women that stayed at home to look after young children. Now, in our modern working world, it takes two incomes just to make ends meet and most women cannot stay home to look after their children.

Mr Speaker, this morning we heard Minister Barr give his inaugural speech. In that speech he spoke about the inability of this generation to afford to buy their own home. Not only are they unable to have their own home, but also the prospect of staying home to look after their children for an extended period is becoming impossible. Women are now often forced back to the work force and still have to care for their children.

Looking for available working hours, women often find employment in areas such as cleaning. A job as a cleaner is not something that should be scoffed at. In fact, I was once a cleaner in a second job, adding further financial support to my family. After working all day as a service mechanic at Phillip I would drive over to the Belconnen shopping mall to clean for four hours and then go back home to bed before getting up and starting it all over again.

Although the extra income was a great boost to my family, it was a hard way to earn it. My job was to clean the whole top floor of the centre at Belconnen on my own and that included the normal cleaning aspects of dust mopping, spot mopping, emptying bins and a full polish of the top floor every night. I was very lucky to have a good employer that treated me fairly, paid award wages and introduced the safety conditions that were needed in that industry.

Unfortunately, there are many cleaners that have unfair working conditions and OH&S issues that are barely worth mentioning. Cleaning is a task that lots of women take on as primary or secondary employment and is therefore an area which is fraught with unfairness in conditions and income. It is an area that supports a high level of employment for women as it allows them to be home for their children as well as earn some money to contribute to the family income.

Cleaning also tends to attract people from non-English-speaking backgrounds, as there is very little need for conversation in some of those lonely buildings in the late or early hours of the day. That causes a great deal of inequity also as it is easier to rip off those with limited use of the English language.

To help combat these and other issues arising from the inequity in the cleaning industry and to assist in the positive challenges of working Canberra families, the LHMU—the Liquor, Hospitality and Miscellaneous Union—launched its clean start campaign late last month. On Thursday, 20 April there was a gathering of many members of the cleaning industry, as well as Bishop Pat Power of the Catholic Archdiocese of Canberra and Goulburn, Minister Andrew Barr, the newly-elected Minister for Industrial Relations, the captain of the Canberra Raiders, Mr Clinton Schifcofske, and many of my Labor colleagues from the Assembly.

The clean start campaign is about ensuring a fair deal for cleaners and maintaining a positive influence on Canberra families. It is just the start of many of these types of campaigns now being supported by government and industry not only across the ACT but also across the rest of the country to protect the rights of working families to receive fair wages and conditions and to work in a safe environment.

Over the last five years, the Stanhope Labor government has introduced many new pieces of legislation to assistant Canberra's working families to be better protected in their places of work. It remains imperative for the ACT government that there be fairness in the regulation of workplace safety. Among the areas that have been included are the stringent occupational health and safety policies that have been implemented in many ACT workplaces and the industrial manslaughter legislation that was introduced to seek to protect workers and maintain their access to a safer workplace. OH&S and having safer workplaces are becoming areas in which the ACT is set to excel.

With the introduction of these key pieces of legislation, we are guaranteeing our working families a right to a happy, safe and a prosperous future. These conditions of safety have become increasingly apparent over the last week with the collapse of a mine in Beaconsfield, Tasmania. As we have heard, three miners were trapped nearly a kilometre underground after an earthquake caused a rock fall into the mine shaft.

On Thursday of last week, the small mining community of Beaconsfield in Tasmania was grieving over the death of Larry Knight. Larry was one of the three men trapped in the Beaconsfield mine. All fathers, these men were members of an industry that saw 229 deaths in 10 years. But on Sunday evening, the same community of Beaconsfield was rejoicing. Two of its sons, Brant Webb and Todd Russell, had been found alive after surviving five days trapped one kilometre underground.

Not far from the thoughts of Brant's and Todd's families were their grieving neighbours. The day an earthquake came to Beaconsfield will be embedded deeply in the memories of this community. So too will the tragic loss of their friend, neighbour and colleague. Beaconsfield has joined that unenviable club of communities which have had to pick up the pieces after a workplace death, and this club is not insignificant in its silence. It is just the tip of the iceberg, so to speak, with the possibility of many more injuries and/or deaths with the introduction of the federal government's radical new legislative changes.

Although the Stanhope Labor government is a strong, progressive government, it will not be long before the people of the ACT feel the negative impacts of these new laws. We as elected representatives of the ACT have a right to stand up and fight for the members of our community. We are expected to protect the positive working conditions for Canberra families. With the impact of modern working conditions on Canberra families becoming more and more apparent, it is the strength of working families and their rights to choose that keep them strongly together.

Mr Speaker, last night I had the honour of attending the 75th anniversary of the Trades and Labour Council in the ACT: 75 years of combining the efforts of workers and unions to protect their working conditions. It is through the efforts of these unions that we have heard about the positive effects of members of our community maintaining their employment.

In late March, the day after the new WorkChoices legislation was introduced, a Boral worker by the name of Tim Bollard was retrenched. I use the word "retrenched" as it has a much softer tone to it, but it still means the same thing, Mr Speaker: he was sacked. Mr Bollard was affected by the modern working conditions that affect other members of our community. Tim Bollard went home the night he was sacked and explained to his wife and five children that he would no longer be able to support them as he was unemployed.

Mr Speaker, the impact of the modern working conditions on a now well-known family in Canberra was huge. As Mr Bollard was a long time member of his union, he had the support of both union officials and his workmates to stand up and fight for a positive outcome, and that is exactly what occurred. In this case, Mr Bollard was reinstated and he has been able to continue to work to support his family as well as contribute to the ACT economy.

As previously mentioned, I attended the 75th anniversary of the centralised union organisation in the ACT. It was a wonderful evening, with many employees being present there to support what the unions are doing to help maintain positive outcomes in the workplace. I stand here today both to reaffirm my commitment to the community that elected me and to reaffirm my commitment to the union movement in the battle it is faced with to protect the working conditions of Canberra families and to compliment the Stanhope Labor government on the ACT's modern working conditions and the positive steps that have been taken to maintain the high levels of OH&S policies as well as fair working conditions.

MRS BURKE (Molonglo) (4.05): I note that this is the first matter of public importance introduced by Mr Gentleman in some time that does not include any direct reference to

industrial relations. However, and sadly, having listened to his speech, I note that it is yet again a thinly veiled beat-up of the yet to be felt outcomes of the federal government's WorkChoices legislation.

This I take as an indication that Mr Gentleman has progressed his patterns of thinking and shifted his ideological stance towards realising that in the ACT we do have a very differently organised work force that reflects the unique working patterns that Canberrans engage in, whether in the public or private sectors. The Chief Minister himself rallied behind the facts. The ACT has the lowest unemployment levels in the country. We have some of the best living conditions. Employment prospects could not get much better. I am tempted to put the notion out there that, looking beyond any impending cuts to the ACT public service, most Canberrans are in the enviable position of balancing work and their personal pursuits, family interests and lifestyle.

I sense, however, that this is a debate to allow further gazing into a crystal ball, the one that the Liberal opposition wishes it had. It is still clearly the intent of the ACT Labor Party to continue to provide a running commentary on some of the possible and at this point relatively unknown and untested impacts of the package of federal industrial relations legislation in the ACT.

At this point I will correct the public record and state that I intended to raise a point of order under standing order 130, not standing order 63. Standing order 130 deals with anticipation of business. My concern always about the matters that Mr Gentleman raises is that we may, in fact, be reflecting on a matter that is currently before a select committee.

The trouble is that without allowing a reasonable amount of time to pass the Liberal opposition finds it difficult to believe that the Stanhope government has amassed enough evidence to present the Canberra community with a comprehensive, accurate and well researched position that could in turn be debated, digested and commented upon. In fact, I would like to veer to a topic of somewhat peripheral interest which in no way should be given any less precedence in debate, and that is the pressure that Canberra families are faced with in their lives, not just those pressures surrounding flexibility of conditions in the workplace, which is in general fairly well established in the ACT.

I agree with most commentary that families where both parents are working full time are faced with some difficult choices in organising care for children during working hours. This has an ongoing impact on working conditions. If families do not feel secure in the knowledge that their children are receiving adequate, responsive and, ultimately, available forms of care, then naturally this could have negative spin-offs on work performance and/or productivity.

Mr Gentleman might be interested to know that I recently sought some advice from the federal minister for family services. I asked how difficult it would be for the ACT to be in the position to offer more funded childcare places in the ACT, and I hope Mr Corbell is listening to this. The response was quite simple. If an environment is fostered in the territory in which new childcare facilities can be given approval and then built, the commonwealth will follow through by providing a response to the flow of claims for any benefit that parents would be eligible to access. In other words, it could be as simplistic as the recent decision by the Minister for Planning that if you give the impression to the

community that you recognise the need to be responsive to the need for more childcare facilities, then as a government the impression is certainly given and should be recognised that value is placed on providing Canberra families with access to more childcare facilities.

Most people would have read in the *Canberra Times* this morning about Mr Corbell's fairly feeble attempt, it has to be said, all of a sudden to rush out there and release land. Let us face it. The minister is releasing land in Yarralumla, which is really not good enough, because it will merely replace the number of places lost by the forced closure of the Teddy Bears Child Care Centre. I think Mrs Dunne is going to speak more on this issue later.

Mr Gentleman is quite right in the assertion that there will be impacts on employment as a result of the changes to the legislation. Families face a number of pressures to balance the need to juggle a career, and in a lot of cases that will see both parents working to pay the bills. But we must not overlook the fact that the ACT government can provide an environment that aids in relieving the associated pressures in the workplace. Childcare is just one of those pressures.

I remind the ACT Labor Party that the most important thing to keep in mind is that the Howard government's WorkChoices package is part of a broader commitment to keep the Australian economy strong. This contrasts with an inability by federal Labor to release any comprehensive policy. To be frank, after nine years in opposition the Australian people still do not know what Kim Beazley and Labor stand for.

At the ACT level, only time will tell as to how the new industrial relations laws will impact upon what are quite positive working conditions currently in the ACT. However, Mr Gentleman does want to pluck little cases out one by one, and it is strange at this point because I have to say the government always prides itself on not talking about individual cases. So it is interesting here that we pick people out and make some big case out of them. Yet when it comes to things like pubic housing or disability services or family services, we do not talk about individual cases.

It must be a hard pill for ACT Labor to swallow to watch the Australian economy continue to grow and prosper with all Australians being given greater access to improved job prospects not seen in a number of decades. It must also be difficult to watch John Howard continue to maintain a steady hand on the wheel and not sway from a distinct position in relation to this topic.

The federal Minister for Employment and Workplace Relations has made it clear that the intention of introducing the WorkChoices package is to give more Australians the chance of a job. In fact, this package appears to be built upon the fact that since the federal coalition came into power over a decade ago, it has created an economic and social environment that produced a record 1.7 million new jobs, which in turn saw Australia's unemployment rate reduce remarkably, reaching a 30 year low.

The facts are before us. They cannot be denied. I guess it is imperative to note here that the Chief Minster would be happy with this kind of prosperous economic period, and I am glad to see him sitting in the chamber. Locally we have the lowest levels of

unemployment in the country. That is quite right. The Chief Minister has said so himself many times.

Any state or territory government that is courageous enough to deny the following point would, I hazard a guess, be flying solo in a policy vacuum. That point is that the Howard government has taken the chance—and that needs to be noted—to move us forward as a modern and competitive nation and economy in the 21st century. In terms of reform this is best served by instigating a single set of workplace relations laws.

If it is the wish of the Stanhope government, through instructing its backbench to constantly pull together matters of public importance designed to discuss federal matters, then some easily digestible points should be placed on the record in the Assembly about why the Howard government is prepared to take calculated risks and implement the obvious reform to workplace relations law that complements previous reform made to the taxation system in line with welfare reforms.

WorkChoices in Australia is on the move towards a better workplace relations system that allows Australia's employers and employees the freedom and the choice to sit down and work out the arrangements that best suit them. The Labor Party would have us believe that every worker out there is some sort of dummy, that they cannot speak for themselves or that they are not going to be able to come together with their employer and get a sensible work package and agreement together. I find that really insulting.

WorkChoices makes the necessary changes to move away from an outdated and inefficient system that no longer meets the needs of a modern Australian economy. WorkChoices moves to a system that gives employers and employees a tangible stake in what happens in their workplace. Is that right or is that wrong? At the end of the day a fair society relies on a strong economy with productive workplaces.

But of course Labor again want to labour the point that everybody is going to be left on the fringes; nobody is going to be able to debate their workplace package. I have said it before, and I am happy to say it now: not everything that is happening out there is good and positive. As Mr Gentleman has said, it is good that we have got people and organisations like WorkCover that stop accidents from happening. I fully and wholeheartedly agree with him.

It is a strong economy that enables employers to pay their workers in an equitable manner, that reduces unemployment and that delivers, just as it has done over the last decade, more jobs, improved conditions and higher wages for all Australians. WorkChoices is founded on the principle that the best arrangements are those developed by employees and employers at the workplace.

This is perhaps where the unions could come in. If people are members of unions, the unions could work in a more positive way with employers rather than in a negative way, as they always seem to want to do. Guilty until proved innocent are business people in the situation that Mr Gentleman poses. Let us make sure that the impact of modern working conditions on Canberra families is lessened and that we all try to move together in the same direction. Good people need to be looked after. Nobody would deny that. I do not think anybody is saying that people in a modern work force are not going to be

well looked after. In fact, any employer who has good employees is hardly likely to be turfing them out the door.

WorkChoices, as I have just said, is founded on the principle that the best arrangements are those developed by employers and employees. It is simply time that the Stanhope government recognised some of these points. It should take the time to reflect and, after a time, when the community has had the chance to fully realise the impacts of the changes to legislation, be they good or not so good, to agree bring forth constructive criticism of any deficiencies in the law through the proper channels.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (4.16): We have been living under the Howard government's draconian industrial relations system for just over a month. I therefore welcome the initiative shown by my colleague Mr Gentleman in bringing forward this matter of public importance today.

Mr Smyth: But I thought the sky was going to fall; the barbecues were going to end!

MR BARR: If the leader of the opposition has finished, I will continue.

MR DEPUTY SPEAKER: Mr Smyth, put your flak jacket on and quieten down, thank you.

MR BARR: As I was saying, I do welcome the initiative shown by Mr Gentleman in bringing this matter of public importance forward today. It is important that we debate the impact of this repressive legislation on the people of Canberra and on Canberra families in particular. As I stated this morning in my inaugural speech, I am concerned about the impact these extreme changes will have on the wages and conditions of many workers in our community. It is already apparent that it is going to lead to a reduction in choice.

Mrs Burke: I raise a point of order under standing order 130, which deals with anticipation of business for debate on the notice paper and under review by select committees. It is anticipation of debate.

MR DEPUTY SPEAKER: Mr Barr, the point of order has some relevance, but I am not going to be draconian about it. Could you just make sure you move back to the centre line?

MR BARR: Certainly. Thank you, Mr Deputy Speaker. Having a workplace that allows its workers to achieve a work/life balance is crucial not only to optimise job satisfaction for employees but also to achieve the productivity that comes with this satisfaction. It also minimises the level of social disruption in our community.

To achieve this, employers and governments need to be mindful of a worker's responsibilities outside the workplace. Whilst not perfect, past industrial relations systems have at least attempted to reflect these responsibilities. WorkChoices does not. Instead it rejects the empowering nature of collective bargaining; ignores the unpredictability of workers' lives; abandons any safety net for vulnerable workers and removes any element of job security for employees in small workplaces. This legislation

actually makes the ability to transfer from one type of employment to another a "not allowable matter". I would like members to consider this restriction in the context of a working mother returning to part-time work.

The federal legislative framework that governs employment arrangements in the ACT should encourage industrial cooperation and facilitate the simple and quick resolution of industrial disputes. Importantly, the legislative framework should also protect the rights of employers, employees and their representatives to negotiate industrial agreements that suit their particular needs or requirements and should provide protections from unfair dismissal. This is what modern working conditions should provide for. WorkChoices does none of these things.

This government opposes a system that will see some of our lowest paid workers struggle even more to balance work and family life and to make ends meet. To date workers have largely favoured and benefited from collective bargaining. Over the past century workers have improved their conditions collectively and have delivered excellent results in both quality and productivity. One of the reasons for these excellent results is the support of the union movement. Unions have fought for generations to build up protections for these workers. It is thanks to the union movement that workers have a voice and decent conditions. I oppose a new system that prevents unions from representing their workers.

The ability of workers to bargain during collective agreement negotiations will be curtailed under WorkChoices. The provisions in the legislation that promote individual contracts based on minimum conditions at the expense of collective bargaining will have a devastating impact on working families. The loss of control over rosters and hours of work through the averaging provisions of the legislation remove all flexibility and thus create unpredictability for families.

The impact of these averaging provisions will provide for a lower take home wage and such variants to working hours and pay that employees may find it increasingly difficult to meet their financial needs or to meet their family and social obligations. The introduction of WorkChoices will leave disempowered workers to negotiate individual improvements in an alleged better bargaining environment on a one-on-one basis with their bosses.

A parliamentary research paper published in 2004 confirms that AWAs are likely to result in increased working hours. The paper states, "AWAs are more likely to be used to extend working hours." The research shows that in 2004, 93 per cent of private sector employees on AWAs achieved no additional family-friendly rights in their agreements, and only 11 per cent of those AWAs included maternity leave, paid or unpaid. In fact, women fared worse than men on family leave with 14 per cent fewer women having family-friendly entitlements in their AWAs.

The ACT government is particularly concerned about the impact the changes will have on women in the ACT work force. Women comprise 48 per cent of the ACT work force. This is the highest female participation rate in the country. At a time of emerging skilled labour shortages, the ACT government believes that we need to be innovative in our approach to balancing work and family and to maintaining a high participation across our working age population.

Research shows that women on AWAs are paid 20 per cent less than men on AWAs and women on AWAs are paid 11 per cent less than women on collective agreements. This is a startling statistic and I find it appalling that in 2006 this is the case. This is yet another example of the Howard government wanting to take us back to the 1950s when women were not treated equally. I do not want to go back there and I do not think any female workers who work and raise their family want to go back there either.

But the Howard government has not stopped here. The WorkChoices provisions covering parental leave do not include the outcomes of the family provisions test case, which include the arbitration of a new provision giving employees a right to request a return to work on a part-time basis after parental leave at least until a child reaches school age. This is a particular issue in the ACT where the percentage of women with children under the age of four is 10 per cent higher than the national average. This is a missed opportunity and, in tandem with the changes to allowable matters, could make it even more difficult for women with family responsibilities to participate in the work force.

Of particular concern is the impact of the WorkChoices changes when they are combined with the Howard government's changes to the welfare system. These changes will result in the recipient of a parenting payment being forced to accept a job that only provides for the minimum conditions of the Australian Fair Pay and Conditions Standard. There will be nothing to improve the quality of life for those families, forcing already vulnerable parents to become a cheap source of labour for big business. This is a disgrace. These changes have the potential to have a devastating effect on ACT families.

This legislation will also have an adverse effect on award workers. Although the government often trumpets that a small number of workers are award reliant, the reality is that most workers who have an agreement in their workplace still have an award that underpins their agreement. In some cases the collective agreement only covers matters that the award does not.

Although only 15.7 per cent of men are exclusively award reliant, 24.4 per cent of women are in that category. Again, we see the potential for women to be adversely impacted. The 2004 ABS earnings data shows that the lowest weekly average earnings in Australia were in award-reliant industries. Of these lowest paid workers, three-quarters were women and many were from non-English speaking backgrounds. As a package, the WorkChoices legislation will render women more isolated and precariously placed than ever before. Awards are the primary mechanism for establishing pay for over 24 per cent of all female employees.

The AIRC has been able to increase wages annually for these workers and deliver improved conditions through test cases. The Australian Fair Pay Commission has stated that wages could fall in real terms as a result of its terms of reference. The AFPC cannot be considered a better outcome for working families as it does not have the capacity to deliver the beneficial outcomes that the AIRC has been able to deliver in the past century.

As I stated this morning, government has a role in protecting workers and ensuring that there is an independent umpire to deal with industrial disputes. The introduction of the

WorkChoices legislation, in particular the removal of the unfair dismissal requirements for workplaces with less than 100 employees, will have a negative impact on Canberrans and their families.

The federal minister, Mr Andrews, was asked if a worker could be sacked for no reason or sacked because the employer simply did not like the worker. His response was typically indirect but confirmed that a worker who was employed in a workplace with 100 or less employees could be sacked where, as Mr Andrews said, "personalities don't match". There have already been many examples of workers being sacked and being asked to reapply for their jobs at a lesser rate of pay or as a casual employee. It is clear that workers with families will fare worse under the new working conditions in the ACT.

MR DEPUTY SPEAKER: The member's time has expired.

MRS DUNNE (Ginninderra) (4.26): Mr Barr's contribution dovetails nicely with the remarks that I would like to make. This MPI is about the impact of modern working conditions on Canberra families and, as is predictable, those on the other side have run another "let us beat the Howard government over the head". But let us take up some of the themes that Mr Barr spoke about, both here and in his inaugural speech this morning—the role of government in many aspects of life both here in Canberra and across Australia—and let us think about the role of government in those issues that are very important to working families.

We have heard a lot about work/life balance. We have instituted family-friendly working conditions in the Legislative Assembly, or so people would have us believe. Mr Barr has confirmed some of the figures that I have been aware of about the proportion of women in the work force in the ACT, and it is considerably high. The participation rate figure that he used today for women with children under four in the ACT is 10 percentage points higher than the national average. He spoke at length about the problems of women returning to work and how governments need to be innovative to provide the right balance and to encourage participation in the work force. There is nothing in those remarks that anyone could take exception to.

So let us look at the track record of the ACT Stanhope government when it comes to this. Let us look at what ministers have done, or failed to do, for the people of south Canberra—more specifically for the working women of south Canberra with children under four—who are in search of childcare places. We have the sorry tale of the scramble over childcare places that we have seen mismanaged by the previous Minister for Emergency Services, the current Minister for Planning, who is now the minister for emergency services, and the "don't bring it near me" Minister for Women, now Deputy Chief Minister.

What we have seen since probably August last year is complete mismanagement of the leasing for the Teddy Bears Child Care Centre, an organisation that provides a service to about 80 Canberra families—80 families where there are women participating in the work force who have children under five; 80 families who are struggling to participate in the work force and to have an appropriate work/life balance.

What innovations have we seen from the Stanhope government? First of all, we have had a complete fiasco. What has happened in relation to the Teddy Bears Child Care Centre

has been no picnic for the families. Back in August last year the then Minister for Emergency Services, to whom Mr Barr was the senior adviser, peremptorily, with no warning, gave these people six months to quit. After a while he thought better of it and he gave them 18 months to quit and, when he was really and truly confronted by placard-waving tots, he thought more about it and said, "Okay, we will give you two months to quit"—a site that had suddenly become a security risk or something; we are not quite sure because the arguments coming from the Emergency Services Authority about how it was suddenly inappropriate to have a childcare centre on the same site as them changed from time to time.

Even when it was announced that the Emergency Services Authority would move its location to the airport, the previous Minister for Emergency Services was asked, "Well, how does that leave the teddy bears? Will the teddy bears be able to stay?" And I was told no. So there are 82 families who are struggling in south Canberra for their life/work balance and who have really had their concerns comprehensively ignored over a long period of time by this Stanhope government. Government members stand here on a regular basis and bleat about what the Howard government does; but they do not look to their own backyard, to their own childcare centres.

The current Minister for Emergency Services, who is also the Minister for Planning, has had some meetings with the families from the teddy bears centre and he made a valid point—that the job of the government is to ensure that there are enough places—and I agree with that. It is not the job of this government or any government to guarantee the continuation of a particular business. Various ministers have made a correct point that they are not in that business. However, the mishandling of this has created huge uncertainties for those families involved and the timing of the closing of one lease and the making of other land available means that it is almost certain that there will not be adequate places for childcare in the medium term in south Canberra.

It is almost certain that when the two-year lease expires for the Teddy Bears Child Care Centre there will not be a replacement childcare centre up and running to take on those children. This creates a huge level of uncertainly in the community. It means that the people who are currently clients of that service do not have the confidence of continuity of care for their children, which is an integral, important element in creating an appropriate work/life balance for women who have children, especially children under five.

As someone who has always worked and always relied upon childcare, I know how difficult it is. I would expect that the Minister for Women would also know how difficult it is. I have been constantly surprised at her lack of interest in this issue and her capacity to hospital pass this to other people without taking an interest in what is definitely a matter relating to her responsibilities in the areas of childcare, and in her role as Minister for Women she should take an interest in the issues that affect women who are trying to participate in the work force.

I have spoken to many people who have children in the Teddy Bears Child Care Centre and I have constantly been told that they do not know where they are going to be. They do not know whether they will be able to continue to work, because, if this childcare centre closes down before the new one comes on line, they will not have a place; there are no places. I have demonstrated to this place the level of concern by tabling a petition

of in excess of 590 signatures of people—family members and those close to those people—who are concerned about the future of childcare. This is no small issue when we are talking about work/life balance, but it has been a constant failure on the part of this government.

Mrs Burke touched on the issue of the catch-up notification of release of land in Yarralumla, which the Minister for Planning says will come on line to fill the gap. But even if, as the Minister for Planning says in his media release of yesterday, the auction for proposed land comes on line in October 2006, there is no way that that childcare centre will be built before the two-year lease on the teddy bear centre expires, and this will create grave issues.

I also will digress a little to pass some comments on the press release produced by Mr Corbell yesterday, to show how slapdash it is and how quickly it was put together. There are some startling errors that a minister of planning of such standing, and who considers his reputation so highly, should not have made in this press release. Mr Corbell says in the third paragraph that he has directed the relevant government agency to identify a site for development of a new childcare facility. Under the planning and land legislation, if the minister has made such a directive, that directive should have been tabled in this place six days after it occurred.

He also says, two paragraphs later in relation to the auction, that the land use will be restricted for the purposes of a childcare facility. We cannot restrict land use in this place, as you know, Mr Temporary Deputy Speaker Gentleman, as the chairman of the planning and environment committee, without the involvement of this Assembly. It is not something that this minister can do by himself. I suspect he means that the terms of the lease will be for a childcare centre, but it shows a sloppiness and a slapdashedness that typifies this government's approach to this very important issue of work/life balance, of making sure that the working conditions of people who currently use childcare facilities in south Canberra are made smooth. This is what a government can do—and this is what this government has failed to do.

MS MacDONALD (Brindabella) (4.36): I would like to begin by apologising to the house for not having been here earlier to listen to members' speeches and I will look with interest at the record of those in the *Hansard*, because this is an issue in which I have longstanding interest—that is, looking after the working conditions of people living in the Canberra region, and Canberra families specifically.

As members would be aware, I was the organiser for the Australian Services Union, clerical branch, which is now known as the United Services Union. I was the organiser for that organisation for five years, and I have some quite good memories of that time, but I also have some fairly shady memories of the behaviour of certain employers in the Canberra region—and, I have to say, that was under the previous industrial relations system.

I was around when Laurie Brereton was the federal minister for industrial relations and he changed the act. There was a lot of discussion amongst the union movement and employer organisations at that time about the changes and what the impact would be, and I was not necessarily one who was totally opposed to some of the changes that the federal minister, a Labor federal minister, was putting in. But of course I did not agree

with everything that Laurie wanted to put in place because I, as somebody working on the ground with those people at the coalface—I was doing that on a daily basis—believed it would make life more difficult.

On the other hand, I would also say that I certainly have never been one to suggest that the way that the industrial relations system is set up should be balanced so much to one side, so unfairly balanced to the employee side, that it would send small businesses, medium businesses or large businesses broke, because the fact is that everybody is affected by that. The people who own the businesses, whether they be small business owners or large shareholders, are affected, as well as the people that they employ. There is no point in sending a business to the dogs, should I say, because at the end of the day all you do is hurt the working families.

But, as I said at the start, I have recollections of some fairly shadowy behaviour from individual employers—and that was under the previous system. I worked there for five years from 1995 to 2000, so I was there when the first wave of changes were introduced by Peter Reith and I got to see the changes that Laurie Brereton put through as well. There are employers out there—I do not say that they are all like this—

Mrs Dunne: Such a concession.

MS MacDONALD: I am sure even Mrs Dunne will concede that there are employers who behave in a fashion that is not decent.

Mrs Dunne: If you concede that there are unionists who behave in that way, I will concede that.

Ms MacDONALD: Mr Temporary Deputy Speaker, I am hoping that you will direct Mrs Dunne not to interject, because it is disorderly, as she well knows. I did not interrupt her rant, even though she was carrying on about the Teddy Bears Child Care Centre, and I do not see how that relates to this topic at all.

Mrs Dunne: Well, you should have made a point of order about that.

THE TEMPORARY DEPUTY SPEAKER (Mr Gentleman): Mrs Dunne, order!

Ms MacDONALD: It does not relate to this topic at all, Mr Temporary Deputy Speaker, so I would ask Mrs Dunne to remain silent even if she does not agree with what I am saying, and I am quite sure that she does not.

The fact is that under the previous system—and I worked in the white-collar sector for both the trade unions that I worked in—I saw behaviour that was just abhorrent. I do accept that there are a number of times when employees, and members of my union, would behave in a fashion that I did not think was acceptable either, and I would tell them so. If they were not behaving in a fashion that was fair to the employer, I would say to them: "You have to be fair to the employer as well. You can't just behave in a fashion that is going to jeopardise your job and jeopardise the livelihoods of the other people that you work with, as well as the business of the place that you are working in. If you are required to turn up at a certain time, you have to turn up at a certain time. You cannot

think that you can get there five minutes before the shop opens, if you happen to work in a clerical setting in a retail area. You need to be there in advance of time."

There were plenty of times when I worked cooperatively with the employer, and as a general rule I walked in the door with the intention of trying to work cooperatively with the employer, to make sure that their job went smoothly, and that their role and those of my members ran smoothly, because I would rather see both sides win by my negotiating on their behalf. Certainly I was there representing my member or my members, but at the end of the day if I could help my members out by actually assisting the manager or the boss of whatever description I would do that. On many occasions I was complimented on the fact that I had done that.

Coming back to the original point: I saw conditions that were not acceptable, and that was under the previous system. Yesterday, as you, Mr Temporary Deputy Speaker alluded to, was May Day. I am from New South Wales originally and Labour Day in New South Wales is in October; it is not in May. But my other half, of course, is from Queensland, and he always views May Day as being Labour Day, because that is the way it is in Queensland.

Of course, yesterday we saw the start of the Fair Pay Commission, which I think was done deliberately as an insult to working families, to say: "Well, here you go, it is May Day, it is Labour Day, we will rub in these new conditions. We will rub it into you with this Fair Pay Commission," because who knows how they will be assessing things; they certainly do not give out too much information of how they will be assessing raises to the minimum wage. So I hold grave fears for what the future holds for working families in Canberra, and working families throughout this country, under the new industrial relations legislation. I noted last night that Sharan Burrow refused to call it WorkChoices, because there is no choice in there for employees. I would say that that is certainly a fair comment to make.

This is a matter that I believe is of grave concern for all of us in this place. It is all very well and good to say that we need to make it easier for business to operate. I think you will find that there are many people out there in the business community who think that this federal government has gone too far.

THE TEMPORARY DEPUTY SPEAKER: The discussion is concluded.

Adjournment

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

> That the Assembly do now adjourn.

New Italy settlement—political activity
Mr Andrew Barr

MRS DUNNE (Ginninderra) (4.46): Members may recall that the last time I rose in this place I spoke about the 125th anniversary of the founding of the New Italy settlement near Lismore and I spoke about the great pride in my family of that association. I wanted to sort of move on from that slightly because, although I did not make it to the 125th

anniversary celebrations, I was in communication with some people over it. I was caused to remark that, out of those 20 or 30-odd families that settled there, in my generation there have been two people who have entered politics. There is me, of course; and my cousin was, for a long time, a member of the New South Wales upper house.

That brings me on to the next topic, which is to congratulate Mr Barr on his admission to the Assembly, to the playground, and to comment that, coincidentally, both Mr Barr and I were born in Lismore. These two events have caused me to wonder, given the propensity of the New Italy settlers to produce politicians—more specifically, people from Lismore to produce politicians—whether there is something in the water; perhaps the New South Wales government might institute some research.

I congratulate Mr Barr—and perhaps we should also congratulate Lismore. Perhaps they got rid of us to somewhere else, but it was obviously fertile ground in the first place.

Aboriginal and Torres Strait Islander Consultative Council

MRS BURKE (Molonglo) (4.48): I just want to bring to the attention of the house an interesting matter, which I have been conversing with the Chief Minister about, relating to arrangements for the Aboriginal and Torres Strait Islander people of the ACT. I wrote to the Chief Minister a fairly lengthy letter on 11 April this year, and I asked him for an update following the consultation meetings held to garner viewpoints and outcomes in relation to the establishment of an ACT Aboriginal and Torres Strait Islander elected body.

I am left a little confused I have to say. I did not really get a full answer on this one. If the Chief Minister is listening, perhaps he will reflect on his letter to me, which was fairly short in comparison to the questions I asked him, in which he says:

> With the assistance of consultants, the Aboriginal and Torres Strait Islander Consultative Council has undertaken a community consultation process to elicit views about representative arrangements for Aboriginal and Torres Strait Islander people in the ACT.
>
> I expect that the Consultative Council will provide me with a report on the community consultation process in the near future. The report will be carefully considered, and a response provided to the Consultative Council. That response may involve a further community consultation process.
>
> Thank you again for your letter.

I have to say that there are no time lines attached to this. Great circus and theatre was made by the Chief Minister. This was some sort of issue that was put out before the Canberra community; there was absolute remonstration at the closure of ATSIC; we were going to have this great elected body and it was going to happen. Well, I have heard little to nothing about it. I do not know if other members have. If the Chief Minister or anybody in his office is listening, perhaps they would like to tell me now if they are any nearer to some more time lines. This letter I received, incidentally, from the Chief Minister on 24 April; so just a week ago.

Community consultations are so interesting. How much more do we need? How much more information does the Chief Minister need? He already has two consultative bodies that will be giving him information. It just seems ridiculous to me. We have to have more consultation; we applaud that in this place. Here is the Chief Minister; I am very pleased that he has arrived because he may be able to stand up and say something. We have consultation, but we have no time lines. The Chief Minister is going to be provided with a consultative council report—that is one thing—"in the near future". When is that? What does "the near future" mean? "The report will be carefully considered, and a response provided to the Consultative Council." How long is that going to take? "The response may involve a further community consultation process." With whom; and how many more people before the Chief Minister is going to make a hard decision here and set up a council that he set the Aboriginal community up to believe that it was going to have? Of course, they are not going to knock it back, even those who do not particularly want to see the devolution of two committees replaced with another super committee or whatever it might be. So I have to say that I am a little bit concerned that we may never see the setting up of this actual you-beaut body for the Aboriginal people of this community before this side of this year. I mean, when is it to be?

Perhaps the Chief Minister may reflect on his letter and be able to give me a much better answer, once he has read the *Hansard* and once he has reread his letter, and put some time lines to this issue that he deemed to be so important at the time. People will remember it appeared in the papers at great length. The Chief Minister said we were going to have this body. I have said to him that I would not dispute the need for adequate representation for and on behalf of indigenous people in the ACT. But it is my concern that, if the ACT government intends to fund such an elected body—and the keyword here, of course, is funding—it would be helpful if he would advise me as to how the intended elected body would be funded and what are the anticipated ongoing costs to maintain it. I have had no answers to these questions. So I just ask the Chief Minister again, now he is here, to please relook at my letter that I sent to him on 11 April, review his letter he sent back to me on 24 April and give me a little more clearer detail of the time lines on when this is likely to happen.

Death of Pat Ticehurst

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (4.53): Today I pay tribute to a long-serving member of my office who died last week, Pat Ticehurst. Most of you in the Assembly would have known Pat well. Few of you could possibly know the debt of gratitude I personally bear her and the depth of the loss to me and those who work in my office. For most of my time here in the Assembly, Pat Ticehurst was my gatekeeper, the public face of my station, both in opposition and in government.

People do not often ring a politician for a cordial chat; they ring because they are in distress or because they are angry or because they need help. They ring, at worst, to unload their feelings and, at best, to share them. They ring expecting instant access—and they sometimes deserve it—even when it is an impossibility. It takes an exceptional kind of person to pick up a ringing phone and deal professionally, cordially, warmly,

compassionately with whatever real and unique human drama is on the other end of the line.

In my life for the past six years Pat was that person, not just listening but ensuring follow through, reminding me daily that the only plausible reason for wanting to be in public life is that it creates an opportunity to have an impact on private lives, to make a difference, remedy a wrong and to share a burden. In my office, in the eyes of those who walked through my door or dialled my number, Pat was expected to be conversant with every news report in every medium. She was expected to be familiar with every piece of correspondence ever received, every nuance of every issue. No individual could be these things, but Pat came close, aided by a passion for record keeping that, at times, could be characterised as a fetish.

In opposition, then later in government, Pat was the membrane between me and the world, the one who absorbed many of the shocks intended for me, the one who averted many a crisis before it reached its potential. She listened; she truly listened. She cared. Even when, just occasionally, a tirade reached under her guard, she was respectful and professional. Sometimes she would ask politely if she could put a caller on hold; then she would take a deep breath or two, no doubt imagining that she was dragging on one of her beloved cigarettes, before returning to the call. And she performed the same essential, sanity-preserving role in the lives of every adviser who worked in my office, reducing the pressure not just on me but shielding, filtering and softening the working week for all of her colleagues. Her loyalty to the government, to Labor and to me personally was boundless.

Pat's funeral last Friday was a reminder that each of us lives multiple lives, lives that intersect in places but that are distinct, unique, worth celebrating and worth sharing. Pat Ticehurst lived many rich lives. To her parents, her brothers and sisters and those who knew her longest, she was Patsy Lawrence of Birregurra, captain of the Colac high school hockey team, too young for teachers college when she matriculated—not that that small consideration stopped her.

She might have been too young to train as a teacher but she simply became a teacher anyway, setting a generation of Birregurra infants and children on their educational journey until she herself was old enough to get the piece of paper that proved she could do it. Then she embarked properly on her teaching career at Manangatang in the Mallee. It was a career that would take her around the country, before bringing her here to the ACT. That was one Pat.

For Noel, the dashing serviceman, Pat was the woman who would become the steadfast love of a lifetime. For Kim and Lisa, she was a mother. For Carl, Rhys, Sandra, Chantelle, Stuart, Alana and Kristen, she was a grandmother.

From among the members of the Labor Party, of which she was a passionate and active member for many decades, tales of a different Pat emerge—the unstoppable fundraiser, the board member of the Labor Club, the long-time executive member of the Ginninderra sub-branch and delegate at many an ALP conference. For Pat, the party was more than a once-a-month sub-branch meeting.

The Ticehurst home was for many years a social hub for Labor Party members in Belconnen, a place where lifelong friendships were not only made but sustained. The Ticehurst lounge room was also a place where ideas, even strange ideas, could be entertained. It was in the Ticehurst lounge room over a drink or two that Frank Cassidy heard a friend of the family, a man who went by the unusual name of Chick Henry, first admit to his dream of holding a Canberra car show. She probably cannot take single-handed credit for Summernats, but Pat was definitely a woman who got things done.

If there was party fundraising to be done, Pat was in there doing it. If there was a community event to be supported, like the Belconnen Fun Run, Pat was there, not running but running the show—often in the cold, sometimes in the wet, always with good humour—a job which is more tiring and takes far more skill than putting one foot in front of another.

These are some of the identities of Pat Ticehurst, the identities I did not know enough about until last Friday. The Pat Ticehurst I knew, who was known to many in this building, was loved and will be desperately missed. I offer my deepest condolences to Noel, to Pat's brothers, Michael and Brian, to her sisters, Denise and Helen, to her daughters, Kim and Lisa, and their children. This Assembly shares, in some small part, in your loss.

National Folk Festival

DR FOSKEY (Molonglo) (4.58): I wish to endorse what the Chief Minister just said. I share his loss and the loss of the community of Canberra. I want to speak about another Canberra icon, but this one is an event. The National Folk Festival has been occurring in Canberra now for—I am not sure how long it has been located primarily in Canberra. I was lucky enough to attend one day of the festival over Easter, Good Friday.

It is such an important event that it deserves to be mentioned here. It is one that does not have the bells and whistles perhaps of Summernats, but it draws crowds of thousands every year, many of them from the Canberra community but other people coming from all over Australia to attend. The National Folk Festival is always at the one venue. Each year it takes a theme of one of the states of the commonwealth. This year it took the state of Queensland and invited musicians from there to come and play at the festival.

I commend the organisers of the National Folk Festival. Anyone who has been there knows that now it runs as smoothly as silk. Over the years there have been problems with some of the venues being too small, crowded and therefore a great disappointment. But the organisers have dealt with that by scheduling people a number of times, so that if you miss them on one day you catch them on the next. They now have rather a large number of large marquees as well as all the venues that already exist at the National Exhibition Centre.

Some of the performers who had been coming there for years and who liked the more informal atmosphere of the early days complained, but there is probably no going back now. It is relatively costly to enter the Folk Festival, but you can get around this by becoming a volunteer. Canberra has an army of volunteers at the folk festival. And it is

especially pleasing to see how many of them are young people, teenagers at college level or perhaps at senior high school level.

It is also interesting that a lot of these people would never ever listen to that kind of music and would never buy those CDs, but they go along to the festival, find themselves listening to the music and enjoying it and find it is not un-cool to listen to a folk singer. It is terrific to see how many young people are involved. We do not have the Big Day Out here in Canberra. We often hear young people complaining about the lack of music venues, but there is the folk festival and they are in it.

I conclude by mentioning their fantastic waste disposal system. A friend of mine Philippa Hartley initiated this. When you buy a coffee you get it in a plastic cup. When you are finished you put it in a special wire bin; it gets washed; and they keep on recycling them. There are no paper cups. There are also bins for compost material, bins for recyclables and bins for just garbage.

There does not seem to be any problem with contamination there, something that the government has said when we have asked that we have recycling bins and composting bins around Civic. It is an indication that when things are set up properly people will do the right thing. What it leads to is an incredibly pleasant venue, without rubbish.

I do not go to too many events at Natex. I do not think there would be too many where there is such a lack of rubbish on the ground and elsewhere; such a friendly atmosphere, with people walking around, buying things; and lots of colour, lots of music and all the really good ingredients. Canberra is very lucky that every year people do it all again.

Northern Territory budget

MR SMYTH (Brindabella—Leader of the Opposition) (5.03): Earlier today the Northern Territory Treasurer, the Hon. Sid Stirling MLA, delivered the 2006 budget for the Martin government. According to Mr Stirling, his budget will make great strides in delivering the Martin government's second-term agenda. The centrepiece of Mr Stirling's 2006 budget is a strong commitment to funding for the Northern Territory's tourism industry.

What does Mr Sterling say in his introduction to his 2006 budget? Let me quote him:

> This Budget grows the Territory's economy.
>
> It creates jobs for Territorians through strategic investment in key areas.
>
> Most significantly, Budget 2006 makes a strong commitment to the future development of the tourism industry.
>
> In 2003, the government responded to the then tourism crisis with a three-year tourism marketing package. Those funds [that is, an additional $10 million a year] helped turn around the tourism industry.
>
> I am pleased to announce that the Government will now commit these funds [that is, the extra $10 million each year] on an ongoing basis.

> In 2006-07, tourism marketing will receive a total of $27.6 million and the tourism budget will reach $38.3 million.
>
> Tourism supports a wide range of small business. It accounts for 7,500 jobs directly and thousands more indirectly."

Mr Stirling also commented that the significant investment in tourism will, and I quote, "help drive growth in our economy and support business".

It is quite clear that the Northern Territory Labor government recognises the value of the tourism industry. That industry contributes significantly to the Northern Territory's economic growth, to employment and to the health of other small businesses. They have a policy towards this industry in the Northern Territory that contrasts with the approach of the Stanhope government to the tourism industry in the ACT.

What we see proposed is a reduction in funding for tourism. The quote in the paper was, I believe, that it is funded at 173 per cent above the per capita basis. The evidence is overwhelming from across Australia that investment in the tourism industry generates strong benefits for an economy, and the contra situation also applies. Any fall off in investment in the tourism industry leads to a slow down in economic activity. I am very sad, Mr Speaker, that as a direct result of your government's financial ineptitude, such critical activities as tourism face very difficult times ahead.

Death of Pat Ticehurst

MS PORTER (Ginninderra) (5.06): I join with the Chief Minister in expressing my sorrow, and that of my staff, at the passing of Pat Ticehurst. I have known Pat for a number of years as a member of the Labor Party and as a member of our community and in the role of a member of the Chief Minister's staff.

Like many in this place, I was shocked to learn of her illness and now, all too soon, we stand here to recognise her premature death. I acknowledge her as the extremely fine person that she was. She was, as the Chief Minister has already said, a hardworking member of his staff. I experienced her as that staff member, not only as a member now but as a worker in the not-for-profit sector who needed to have dealings with the Chief Minister on a number of occasions over many years. I appreciated her professional and supportive approach to me and to those of my other staff in my then organisation. After my election, I also experienced that very same professional approach to her work.

However, people are more than their paid work roles. As the Chief Minister has already said, Pat was a wife, a mother of two daughters and grandparent of a number of grandchildren and was an active member of her local community and the wider Canberra community.

Noel, in particular, suffers this loss most keenly, of course, and I pass on my condolences to him and to Pat's daughters, grandchildren and other members of the family. However, all who knew Pat have lost out through her passing.

But Pat has left her mark on her family, her party, her community and her workplace, and this cannot be denied; nor can it be wiped away by her death. Neither can it be

forgotten. It has left its positive impact on all of us. I am sorry that I was unable to attend Pat's funeral last Friday, being overseas at the time, but I am sure, as I said, her positive impact on all of us will remain for as long as we all can talk about her in this place and in other places.

Criminal justice statistics
Death of Pat Ticehurst
Genocide

MR STEFANIAK (Ginninderra) (5.08): I raise several things. The first is a fairly mundane thing. I note, from the December 2005 quarter of the ACT criminal justice stats profile, all the even numbered pages are missing. It goes 3, 5, 7, et cetera. The data is there but the actual offences and the information on the even pages are not there. The minister might like to take that on board, fix that up and redistribute that. I looked at two copies, mine and one on Mr Mulcahy's desk, and there is a problem.

Might I also join with the Chief Minister and Ms Porter in briefly mentioning Pat Ticehurst. Whilst I obviously did not know Pat as well as members of the Labor Party, I had a number of dealings with her, especially when she was in the Chief Minister's office. I was always particularly impressed with her friendliness, her professionalism, her dedication to her role, also her cheerfulness. She was a very capable and a very bright and friendly person. I was deeply shocked to hear of her death. I also send my condolences to Noel and his family on the loss of Pat. She will be someone who will be very sadly missed not only in the Assembly but also in the wider community.

Along with the Chief Minister and Karin MacDonald, and I think Annette Ellis and Senator Humphries, I attended, as I usually try to, Holocaust Day at the National Jewish Memorial Centre at Forrest. It was a very moving occasion, as it always is. Relatives and survivors of one of the greatest manmade calamities in history lit six candles, in memory of the six million Jews who perished in World War II.

An interesting talk was given by a guest speaker—interesting in some ways which I perhaps will not go into because he added a few controversial things. But what particularly impressed me about his talk—and it is very worrying—is that genocide has not stopped with the horrendous events of World War II. This guest speaker rattled off a series of places where genocide had continued to this day, namely, Cambodia under Pol Pot and Rwanda. Genocide still, it appears, might be happening in parts of the Sudan in Africa. It is something that World War II has not erased from human nature. That is appalling. And we need to be particularly vigilant.

He mentioned the fact, too, that there are extremists in the Arab world who will not rest until Israel is pushed back into the sea and all Jews there are killed. Sadly, that extremism has been there since the mad mufti of Jerusalem from the 1930s onwards. It is sad to see that, whilst that dissipated for a while, it has not completely gone away. It is something we need to be particularly vigilant about.

The horrendous events of Nazi Germany, where one lunatic and his crazy followers systematically went about destroying an entire people, based on crazy, insane, racial theories, are not in most of our lifetimes but are so recent in our parents' lifetimes. This led, in a very short period of time, to the death of six million innocent men and women.

It is something that we should never forget. It always concerns me when I see anti-Semitism raising its ugly head. That is occurring in parts of Europe.

It was pleasing at this memorial service to see at least some of the governments in Europe now starting to do something to educate their people. I was particularly impressed to see that happening in eastern Europe, which has been a source of anti-Semitism for some time, in varying degrees, I might add. It was particularly concerning to see anti-Semitic acts being committed in western European countries, specifically France and a few others. That is something we all need to be particularly vigilant about. I do not think there is a more horrendous period of human history than those horrible events of World War II, when the Nazis attempted to exterminate an entire race and would have probably largely succeeded if they had not been beaten on the battlefield by the Allies. It is something that we must always be vigilant about.

I am pleased to see that at least the German people have certainly learnt their lesson and are certainly well aware of those horrendous events and do seek to make compensation. No compensation will ever bring back the dead but it is indicative that at least one country has realised the horrendous deeds of some of its forefathers. We should never forget that. It is important that it is taught in schools and that people are aware of just how inhumane people can be to other people and how we always need to be vigilant against rampant anti-Semitism and similar horrendous theories.

MR SPEAKER: The member's time has expired.

Question resolved in the affirmative.

The Assembly adjourned at 5.13 pm.