
# Debates

## WEEKLY HANSARD

Legislative Assembly for the ACT

## SIXTH ASSEMBLY

**17 OCTOBER 2006**

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**Tuesday, 17 October 2006**


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# Tuesday, 17 October 2006

### The Assembly met at 10.30 am.

*(Quorum formed.)*

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

## Legislative Assembly—webstreaming
### Statement by Speaker

**MR SPEAKER**: Members, I remind you that commencing from today the Assembly debates and public committee hearings are being broadcast in real time via the internet. These trial broadcasts, which were endorsed by the Standing Committee on Administration and Procedure, will operate until April 2007. The objectives of the trial—and it is a modest one at this stage—are to evaluate the effectiveness of webstreaming to provide improved community and ACT government access to the work of the legislature and to test the technology solution that is being implemented. This, of course, is in addition to the broadcasting by 2XX of question time and the adjournment debate.

## Petitions

*The following petitions were lodged for presentation:*

### Schools—closures

*By* **Ms MacDonald**, *from 617 residents:*

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> This petition draws to the attention of the ACT Legislative Assembly that the residents of the ACT are strongly opposed to the ACT Government's proposal to close Chifley Pre-School.
>
> Chifley Pre-School has been established for over 35 years and continues to significantly contribute to the ACT Community by providing quality early childhood education and a nurturing environment for children during the foundation year of their school careers.
>
> Enrolment numbers for Chifley Pre-School are static and are consistent with the capacity of the pre-school. It is expected that the pre-school will remain viable beyond 2006 due to the significant suburban renewal in Chifley and surrounding suburbs. Many young families are continuing to establish their home in Chifley and look to the pre-school as a centrally located venue for pre-school, playgroup and church Sunday school.

We strongly urge the Assembly to keep Chifley Pre-School open because it is a valued community asset and established educational facility for the ACT community. Help the Chifley Pre-School Parent Association Committee ensure a viable and valued pre-school remains open and available to Woden residents well into the future.

### Schools—closures

*By* **Ms MacDonald**, *from 475 residents:*

**To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

This petition draws to the attention of the Assembly that these residents of the ACT are strongly opposed to the ACT Government's proposal to close Melrose Primary School in Chifley.

Melrose Primary School has a proven reputation for providing quality primary school education with strong emphases on environmental studies. It forms an essential part of the community within Chifley and surrounding suburbs.

In partnership with the YMCA, the school provides additional opportunities and learning paths to Chifley Preschool, Melrose Primary School and Melrose High.

We implore the Assembly allow Melrose Primary School to remain open.

### Hospitals—pay parking

*By* **Mr Smyth**, *from 525 residents:*

**To the speaker and members of the Legislative Assembly for the Australian Capital Territory, this petition of certain residents of the ACT draws to the attention of the assembly the following:**

Your petitioners request the assembly to reconsider the imposition of paid parking and parking restrictions on patients, and visitors of patients, and workers of the Canberra Hospital, and the businesses on or near the hospital precinct.

*The institution of paid parking will deter users of The Canberra Hospital emergency department from attending and using the Valley Medical Centre as an alternative to casualty for general practitioner medical illnesses. Thereby the Valley Medical Centre will be prevented from assisting in he reduction of the demand on The Canberra Hospital emergency department.*

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and a copy of each referred to the appropriate minister, the petitions were received.*

## Legal Affairs—Standing Committee
### Scrutiny report 33

**MR SESELJA** (Molonglo): I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 33, dated 16 October 2006, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR SESELJA**: Scrutiny report 33 contains the committee's comments on six bills, 17 pieces of subordinate legislation and 10 government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## Planning and Environment—Standing Committee
### Report 22

**MR GENTLEMAN** (Brindabella) (10.33): I present the following report:

> Planning and Environment—Standing Committee—Report 22—*Exposure Draft Planning and Development Bill 2006*, dated 16 October 2006, including additional and dissenting comments *(Mr Seselja)*, dated 16 October 2006, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

**MR GENTLEMAN**: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

**MR GENTLEMAN**: I move:

> That the report be noted.

Today I have tabled the report on the exposure draft Planning and Development Bill 2006. The report is an outcome of a 14-week inquiry by the ACT Legislative Assembly Standing Committee on Planning and Environment. Whilst most of the submissions and feedback were positive, I would briefly like to acknowledge that there were some concerns about the short duration of the inquiry. Nevertheless, as the minister had indicated to the committee that he aimed to have the bill introduced to the Assembly by the end of the year, I am pleased to say that the committee worked intensively to meet that time line.

In addressing some of the issues of time frames, the committee has made several recommendations in its report aimed at extending some of the time frames provided in the exposure draft bill. The committee appreciates that broad-ranging participation strengthens territory governance, and people need to be given enough time to participate. For example, the committee recommends that:

- the draft bill be amended to enable the Legislative Assembly to extend the time available to an Assembly committee for inquiry and report on a draft plan variation beyond six months;
- other short time frames highlighted by the committee be reconsidered in view of the ACT government's community engagement manual, which include the minimum 15-day public inspection period for draft variations of the territory plan and background papers, subject to possible extension;
- the three-month limitation period for legal challenges on territory plan matters;
- the two-week minimum period for persons who made a representation to the authority to make a further representation on a new application;
- the 20 working days given to the authority to make a substitute decision or confirm a decision following a request for reconsideration, after which time the authority is taken to have confirmed the original decision;
- the 20-working-day time limit for comment on a draft scope for an environmental impact study;
- the minimum 15-working-day period for the provision of written representations about a draft plan of management for an area of public land; and
- the five-working-day period within which persons can be required to undertake rectification work.

The committee thanks the Minister for Planning, Mr Simon Corbell, and the senior ACT planning officials and stakeholders who assisted the committee during the course of this inquiry. The committee appreciates the substantial amounts of time and effort that were expended to produce detailed submissions within a short period of time. The committee derived considerable assistance from the high-quality submissions.

It should be noted, though, that due to the short time available for this inquiry this report only discusses selected issues and does not summarise all of the provisions of the proposed legislation, nor all of the issues raised in exhibits. It does, however, respond to most of the issues raised in submissions to the committee.

Other inquiries have examined and will be examining some of the issues that arose in this inquiry and may arise in the future. These include the Standing Committee on Legal Affairs inquiry into strict liability offences in the ACT; the review of the Planning and Development Bill 2006 by the Standing Committee on Legal Affairs, performing the duties of a scrutiny of bills and subordinate legislation committee, after the bill has been introduced to the Assembly, which is expected to be in November 2006; the ACT Auditor-General's 2005 report on the development application and approval process; and the ACT Legislative Assembly public accounts committee's review of the Auditor-General's report.

I will now raise some points to address some of the main objectives of the bill. The report examines the main objective of the draft bill and the functions and powers of the main institutions of governance that will administer the planning and development regime. It includes a review of the main planning instruments and processes administered by the ACT government entities and includes a chapter on the management of public

land. It summarises stakeholders' comments and in many cases the minister's preliminary responses to those, and presents the committee's views on issues raised.

Many stakeholders welcome the proposed reform package on behalf of their members. For example, the Property Council of Australia, ACT Division, welcomed the release of the bill as an important step towards achieving the goal of delivering a best practice planning system that encourages investment, growth and high-quality and sustainable development.

Similarly, the Housing Industry Association suggested that the proposed reform offers a framework to re-establish the ACT's reputation as a uniquely well-planned city. The association suggested that simplifying the planning system could reduce costs, encourage investment and improve housing affordability. It also welcomed the plainer language, clearer definitions and terminology in the draft bill.

The Law Society of the ACT welcomed the proposed consolidation of protocols and guidelines and the proposed track system for development assessments, noting the draft bill's general consistency with the development assessment forum model. The Australian National University welcomed the likely impact of the reforms in the City West area—known as the ANU Exchange—the benefits delivered through the earlier removal of the need for some preliminary assessments, and the withdrawal of some of the third party appeal rights.

The Conservation Council of the South East Region and Canberra said that the reforms would help achieve better natural and built environment outcomes in the territory. The Environmental Defender's Office agreed with the ACT Planning and Land Authority that under current law a disproportionate amount of time is spent assessing minor developments and that more significant developments should have their impacts scrutinised more closely.

However, there were some criticisms that should be noted. Dr Prest suggested that the implementation of the development assessment forum model would substantially and negatively impact on the community's democratic right to challenge major controversial developments. A practising barrister with expertise in town planning, Mr Richard Arthur, expressed the view that the draft bill is more complex than the current act and that various issues still need to be better thought through.

Although the Planning Institute of Australia expressed general support for the draft bill and its track assessment system, it also had some reservations because of its preference to consider the bill alongside the restructured territory plan and other provisions. The Housing Industry Association suggested that it would have been helpful to have the codes to consider with the draft legislation, but it accepted the ACT Planning and Land Authority's intention to have the bill passed in 2006 or early 2007 and then focus on the codes.

Finally, the report made several recommendations that all codes and guidelines under the act address the social aspects of sustainable development. It is recommended that all estate development plans be ecologically sustainable.

Further, the committee recommends that it be made mandatory for the ACT Planning and Land Authority to consult with the Conservator of Flora and Fauna and the Environmental Protection Authority when compiling the list of consultants for development plans and when drafting regulations under the act.

I would like to thank the committee for their efforts on this report. I would especially like to thank Dr Hanna Jaireth and the Committee Office for their hard work on this detailed report. I commend the report to the Assembly.

**MR SESELJA** (Molonglo) (10.42): I would like to say a few words in relation to the report and the bill itself, which we will obviously be debating later on. The committee worked very hard. There are a lot of recommendations here to try and improve this bill. I think there was a genuine effort from all three members of the committee to try and make this a better bill. There was an acknowledgment on the part of the minister and officials when they appeared—especially the second time—that, as this is an exposure draft, they were genuinely open to suggestions. We have certainly proceeded in that spirit, with a view to hopefully making this a better bill than that initially presented to the community and the committee.

The first thing I would say on planning system reform generally is that the Liberal opposition are supportive of the general thrust of planning system reform. The move to adopt the DAF model, moving to development tracks, has the potential, if properly implemented, to significantly improve the planning system in the ACT. To that end, we certainly support the basic idea behind the planning system reform process. We may differ on a lot of the detail provisions and of course in the implementation, which is going to be very important to ensure that this works.

Mr Gentleman mentioned issues around codes—code track, merit track and impact track. In relation to the code track, it is going to be very important that we get the certifying process and the codes right. Those codes need to be rigorous, but they also need to be understandable. That is going to take some work. Mr Gentleman mentioned that the HIA raised the issue that they would like to see the codes. The sooner industry can see the codes, the more we will know about how this may play out and how this legislation might work in practice.

The idea of territory plan simplification is good but, once again, we have not seen that because it has not yet occurred. How the rewritten territory plan looks is also going to be important. I support the general thrust of making it simpler, but exactly how that is done will be very important to ensuring that we have a workable planning system. The question arises that we are going to be simplifying the territory plan, which will make it less necessary for variations to occur, but at the same time it will no longer be necessary for all variations to come before the planning and environment committee. So I question the need to remove automatic referral to that committee, simply because I think there will be a lot fewer variations. That is something that the committee would probably be able to handle.

I will touch on a couple of specific issues of concern that were raised with the committee. I only made one additional comment. Most of the changes I wanted are

incorporated in the body of the report, but one that I felt it necessary to make some additional comments on was the issue around third party appeals.

With the changes there is a general improvement in the way third party appeals are covered in this bill. But one of the essential problems, or loopholes, is that standing is given for third party appeals on the basis of a group's objects or articles of association. The concern there is that there is a real loophole where front groups could be set up specifically to appeal big developments—or, of course, with such broad terms of reference that they could essentially appeal anything. You can imagine the "better planning group" or the "no more development in Canberra group" being established.

That has potential from the point of view not just of those who are genuinely committed to better planning in the ACT but also of commercial rivals—in particular, large developers. They would have the resources to put together groups like that. The legislation as it stands allows a significant loophole in that regard. That is why I have made additional comments in relation to that area. I draw that to the attention of the government.

Another issue which was raised with us and is reflected in recommendation 40 is the issue of use as development. The law society appeared before us, represented by Mr Alfonso Del Rio, a very well-respected property lawyer in the ACT. I will quote some of what he said to us as a committee. He said, "The society's position is that it is unable to support the bill if the concept of use as development remains." He noted: "This is the first time that statement has ever been made. It is not made without due consideration and regard."

Essentially, Mr Del Rio was arguing that the changes in planning system reform in relation to leasehold actually undermined leasehold as it has been understood in the territory—the idea of certainty that goes with the purchase of a lease. Our leasehold system has been based on the fact that when you purchase a lease you have a certain bundle of rights. You do not get freehold in the way you get it in New South Wales, but you get some certainty. The law society raised serious concerns to the extent that they said they could not support the bill if these provisions were not amended.

That should be brought to the attention of the government. I know the government is aware of it, but the committee felt strongly enough to put it in the report as something the government really needs to get right. If we are going to fundamentally change the leasehold system, I do not think that was the intention of this bill. We would want to have a broader debate about how we want to do that.

Recommendation 42 relates to clause 259 of the bill—another one raised by both the property council and the law society. Once again I will quote what the Mr Del Rio from the law society had to say in relation to this provision. He said:

> The effect of this provision is that it is illegal in the ACT for a couple who wish to buy a block of land and build a house on it to consolidate their credit card debt and their car debt, for example, into the loan. That is clearly a consistent practice. I would suggest to you that nearly every home owner in the ACT who has bought a block of land and built a house has breached this provision.

This is a provision that is existing in the land act that is going to be continued in the new planning and development act. The concern is that we are essentially making everyday transactions illegal or unlawful. I do not think that is good law, and the law society does not think it is good law. I think we need to look at the purpose of this provision. The purpose of this provision is to prevent land speculation. We can have a debate as to whether or not land speculation is a good or a bad thing, but the ambit of this section seems to go further than that and makes everyday transactions unlawful. That is a concern.

I raised this issue with the minister and officials when the committee spoke to them the second time. The minister indicated that the government may look at some sort of compliance or enforcement action in relation to this area. I think there would be significant concern in the community if that were the case. I do not think there is any case for us to be preventing those kinds of transactions where people consolidate their debts into their home loans. I think that is a reasonable way of raising capital or raising funds. There seems no good public policy reason to have that provision there as it currently stands, and, secondly, to be enforcing it. I think there would be significant concern, particularly over enforcement. I bring that to the attention of the Assembly.

Mr Gentleman touched on the fact that some of our witnesses raised issues about the general complexity of the bill. It is a 374-page piece of legislation. We are looking to simplify things, and I think there are some things in there that could easily be simplified.

Turning to some of the overarching statements, you have the statement of planning intent, the statement of strategic directions and the planning strategy. In fact, recommendations 33 and 34 deal with that and recommend that there be some simplification. Of course we have the overarching principles in the territory plan and the national capital plan as well. We have a lot of overarching strategies, principles and plans—perhaps too many.

I commend the report to the Assembly. I encourage the government to take notice of the recommendations, to take them seriously and, in the spirit in which the committee conducted these hearings, to take on board the recommendations and look to really improving this bill, because it is crucial that we get it right. This is the first time in the history of self-government that we have had this kind of process and have been able to consolidate things in this way. I think it is a good opportunity. It is important that we get it right. It will be a tragedy for Canberra if this legislation does not work, if we do not get it right, or if implementation of it proves impossible or very difficult.

Debate (on motion by **Dr Foskey**) adjourned to the next sitting.

## Legal Affairs—Standing Committee
### Statement by chair

**MR SESELJA** (Molonglo): Mr Speaker, pursuant to Standing Order 246A, I wish to make a statement on behalf of the Standing Committee on Legal Affairs. The Standing Committee on Legal Affairs is currently undertaking an inquiry into sentencing in the ACT. The inquiry's terms of reference include consideration of sentencing options and outcomes in the ACT and other relevant matters. During the course of this inquiry

committee members attended two relevant and informative conferences, one organised by the ANU's School of Law in February this year and the other organised by the Victorian Sentencing Advisory Council, held in Melbourne on Friday and Saturday 21 and 22 July. The council is chaired by Professor Arie Freiberg, a legal practitioner and academic of considerable prominence.

The date of the conference coincided with another conference, "Legislatures and Human Rights"—another area of significance to the legal affairs committee, albeit in its scrutiny role. Dr Deb Foskey and Ms Karin MacDonald attended the latter, while the previous chair of the legal affairs committee, Mr Stefaniak, together with the committee secretary, attended the sentencing conference. In fact, apart from the Victorian Attorney-General, Mr Rob Hulls, who opened the conference, Mr Stefaniak was the only politician in attendance. The other attendees were judges, legal practitioners, policy makers, police and academics.

The main focus of the conference was the role of public opinion in sentencing policy, how public opinion is measured or assessed, and, if deemed appropriate, how you incorporate input from the public into the sentencing process. Much of the Saturday sessions were spent in hearing about different systems for advising on sentencing policy and options and for the incorporation of public opinion, both internationally and within Australia.

Presenters were from as far afield as Strathclyde University in Glasgow, the United States, South Africa, New Zealand and all states of Australia. There was expertise from parole boards, academia, the courts, including the United States District Court, sentencing advisory panels and commissions from Australia and overseas. Conference attendees were also provided with a viewpoint from high-profile media commentators on the justice system.

I was not there but I am told that the conference was both interesting and informative. The committee is still awaiting the conference papers but a copy of the conference program is available from the committee office for information.

## Public Accounts—Standing Committee
### Statement by chair

**MR MULCAHY** (Molonglo): Mr Speaker, pursuant to Standing Order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts. On 15 November 2005, Auditor-General's report No 6 of 2005 entitled *Government procurement* was referred to the Standing Committee on Public Accounts for inquiry. Consequently, the committee received a briefing from the Auditor-General in relation to the report on 8 February 2006. The committee considered inquiring into the report and resolved that it does not warrant further inquiry.

On 19 September 2006, Auditor-General's report No 5 of 2006 entitled *Rhodium Asset Solutions Ltd* was referred to the Standing Committee on Public Accounts for inquiry. Consequently, the committee received a briefing from the Auditor-General in relation to the report on 11 October 2006 and resolved to inquire further into the report. The committee is expecting to report to the Legislative Assembly for the ACT on the Auditor-General's report as soon as practicable.

## Annual and financial reports
### Referral to standing committees

Motion (by **Mr Corbell**) agreed to:

That:

(1) the annual and financial reports for the calendar years 2005 and 2006, and the financial year 2005–2006 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* stand referred to the standing committees, on presentation, in accordance with the schedule below;

(2) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar years 2005 and 2006 and 2005-2006 annual and financial reports at any given time; and

(3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

| Standing Committee | Annual Report | Minister/s responsible |
|---|---|---|
| Public Accounts | ACT Auditor-General | Chief Minister |
| | ACT Cleaning Industry Long Service Leave Board | Minister for Industrial Relations |
| | ACT Construction Industry Long Service Leave Board | Minister for Industrial Relations |
| | ACTEW Corporation | Treasurer |
| | ACT Government Procurement Board | Treasurer |
| | ACT Insurance Authority | Treasurer |
| | ACTTAB Limited | Treasurer |
| | ACT Legislative Assembly Secretariat | Speaker |
| | Australian Capital Tourism Corporation | Minister for Tourism, Sport and Recreation |
| | Australian International Hotel School | Treasurer |
| | Chief Minister's Department[1] | Chief Minister |
| | | Minister for Indigenous Affairs |

| | | |
|---|---|---|
| | | Minister for Women |
| | | Minister for the Arts |
| | | Minister for Industrial Relations |
| | Office of the Occupational Health and Safety Commissioner and ACT WorkCover | Minister for Industrial Relations |
| | Commissioner for Public Administration | Chief Minister |
| | Cultural Facilities Corporation | Minister for the Arts |
| | Department of Economic Development | Minister for Business and Economic Development |
| | Department of Treasury | Treasurer |
| | Exhibition Park in Canberra | Treasurer |
| | ACT Gambling and Racing Commission | Treasurer |
| | Nominal Defendant | Treasurer |
| | Rhodium Asset Solutions | Treasurer |
| | Office of the Small Business Commissioner | Minister for Business and Economic Development |
| | Stadiums Authority | Minister for Tourism, Sport and Recreation |
| Legal Affairs | ACT Electoral Commission | Attorney-General |
| | ACT Ombudsman | Attorney-General |
| | ACT Policing | Minister for Police and Emergency Services |
| | Public Advocate of the ACT | Attorney-General |
| | Department of Justice and Community Safety | Attorney-General |
| | Office of the Director of Public Prosecutions | Attorney-General |

| | | |
|---|---|---|
| | ACT Emergency Services Authority | Minister for Police and Emergency Services |
| | ACT Human Rights Office | Attorney-General |
| | Independent Competition and Regulatory Commission | Attorney-General |
| | Legal Aid Commission | Attorney-General |
| | Public Trustee for the ACT | Attorney-General |
| | Victims of Crime Support Program (incorporating Victims of Crime Co-ordinator, ACT Victims Services Scheme, ACT Policing Victim Liaison Program and the Victims of Crime *(Financial Assistance) Act 1983* | Attorney-General |
| Health and Disability | ACT Health | Minister for Health |
| | ACT Health Promotion Board (Healthpact) | Minister for Health |
| | Community and Health Services Complaints Commissioner | Minister for Health |
| | Department of Disability, Housing and Community Services[2] | Minister for Disability and Community Services |
| | | Minister for Housing |
| | | Minister for Multicultural Affairs |
| Education, Training and Young People | Canberra Institute of Technology | Minister for Education and Training |
| | Department of Education and Training | Minister for Education and Training |
| | ACT Building and Construction Industry Training Fund Authority | Minister for Education and Training |

| | | |
|---|---|---|
| | Department of Disability, Housing and Community Services[3] | Minister for Disability and Community Services |
| Planning and Environment | ACT Planning and Land Authority | Minister for Planning |
| | Land Development Agency | Minister for Planning |
| | ACTION Authority | Minister for the Territory and Municipal Services |
| | ACT Public Cemeteries Authority | Minister for the Territory and Municipal Services |
| | Commissioner for the Environment | Minister for the Territory and Municipal Services |
| | Department of Urban Services | Minister for the Territory and Municipal Services |
| | Chief Minister's Department[4] | Minister for the Territory and Municipal Services |

Notes

1. Those sections of the Chief Minister's Department Annual Report concerning the environment (refer 2005–06 BP4 Output class 2: Arts Heritage and Environment. Output 2.1: Environment Management and Regulation; Output 2.2: Nature Conservation & Land Management), are referred to the Standing Committee on Planning and Environment with the Minister for the Territory and Municipal Services as the responsible Minister.

2. Those sections of the Department of Disability, Housing and Community Services concerning Housing are to be dealt with by the Minister for Housing.

   Those sections of the Department of Disability, Housing and Community Services dealing with the Office of Children, Youth and Family Support and the Official Visitor—*Children and Young People Act 1999* be referred to the Standing Committee on Education, Training and Young People.

3. Those sections of the Department of Disability, Housing and Community Services concerning the Office of Children, Youth and Family Support and the Official Visitor—*Children and Young People Act 1999*.

4. Those sections of the Chief Minister's Department Annual Report concerning the environment (refer 2005–06 BP4 Output Class 2: Arts Heritage and Environment. Output 2.1: Environment Management and Regulation; Output 2.2: Nature Conservation and Land Management).

## Human Rights Commission 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) (10.58): I move:

That this bill be agreed to in principle.

This bill makes changes to the structure of the Human Rights Commission. Essentially it removes the position of president from the commission so that every member of the commission will be a specialist commissioner.

The Human Rights Commission is created by the Human Rights Commission Act 2005. It is a new structure for statutory oversight in the ACT to deliver better quality services to the community and to government—both in oversight and advocacy terms and also by actively promoting improvements in the delivery of human services. The Human Rights Commission Act establishes a new statutory authority, which will have the functions of dealing with complaints about discrimination, health services, disability services and services for older people, as well as facilitating service improvement and developing awareness in government and the community of human rights.

The Human Rights Commission amalgamates the offices of the Community and Health Services Complaints Commissioner and the Human Rights Office and separates the position of Human Rights Commissioner from the position of Discrimination Commissioner. The commission also incorporates the Children and Young People Commissioner and will be responsible for oversight of services offered for children and young people.

Initially the government intended that the Human Rights Commission would consist of a number of specialist commissioners and a president, who would be responsible for administration for the commission and would be responsible for conciliating complaints. In this way, commissioners would be relieved of administrative tasks with a statutory division of the complaints and conciliation roles.

Consistent with a number of other budget initiatives to restrain costs, streamline administration and obtain the best value from funding, the government has decided to remove the president from the commission structure. This will allow the commissioners to decide, together, how to manage the operation of the commission. Conciliation will be kept separate from the process of considering complaints by having it carried out by trained staff of the commission or by specialist consultants engaged by the commission

where appropriate. A statutory requirement that conciliation of a complaint must be kept separate from consideration by the commission of the substance of the complaint will underlie the administrative decisions within the commission about how tasks are dealt with.

One of the amendments in this bill is to clarify the role of the commission as an independent third party in the conciliation process, whose task is to assist parties involved in a complaint to resolve the concerns giving rise to the complaint.

Mr Speaker, the decision to alter the structure of the commission is consistent with a number of decisions made in this budget to reduce expenditure on overhead expenses and to streamline administrative processes. While the community expects and deserves high quality services, a responsible government must ensure that the best value is obtained from public funds, and this amendment bill is consistent with these objectives.

The Human Rights Commission Act establishes the commission as an independent body consisting of members acting together in a collegiate manner. By distributing the tasks that would have been performed by the president among the other members of the commission and the staff of the commission, we can achieve a more effective use of the funds available. This is not, as has been suggested by Dr Foskey and others, a case of the government stepping away from its commitment to high quality and accessible statutory oversight services for the ACT. It is simply a matter of seeking to get the best value for the community from the limited funds available to the government. Although the amount allocated to the commission in the budget has been reduced, the intention is to obtain greater efficiency of funding rather than a reduction in services.

Only the president will be removed from the current commission structure. The range of commissioners' functions will be retained. As the government has made clear at all times in relation to the commission, it may be both efficient and effective to appoint one person to more than one commission role. Indeed, the Human Rights Commission Act explicitly provides for this to occur.

Mr Speaker, commencement of the commission has been delayed due to a number of factors, including the preparation of this year's budget and a need to arrange suitable accommodation. However, once the structure of the commission has been settled by this bill, we will move quickly to appoint commissioners. I intend to have the Human Rights Commission commence operation at the beginning of November this year.

This bill makes a number of straightforward and sensible changes to the Human Rights Commission Act. It allows for the implementation of a budget decision designed to reduce spending and increase efficiency without compromising the quality of the services delivered to the community. I commend the bill to the Assembly.

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

## Tobacco (Compliance Testing) Amendment Bill 2006

Debate resumed from 17 August 2006, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (11.04): Mr Speaker, I want to start by quoting from the tobacco control research and evaluation briefing document that was put out in August 2005. The document, which quotes a number of sources, says:

> Smoking is the single largest preventable cause of disease in Australia, costing around $12.7b a year in health care, loss of productivity, life and social costs. Most adults report having started smoking before the age of 18 years. Therefore, reducing and preventing adolescent smoking is a high priority.

And that is what we stand to address here today in debating the Tobacco (Compliance Testing) Amendment Bill 2006.

The bill is intended to permit young people to be used to establish whether retailers are prepared to sell tobacco products to people under the age of 18. Initially, I have to say I have some concerns, particularly about whether the bill constitutes some form of entrapment. We in the Liberal Party would never countenance laws that provide for entrapment and that involve having people break the law to prove the law. If such proposals are contemplated, you have to then ask whether the original law is appropriate or just silly. We will support this bill in principle because we believe, upon checking, that what is proposed is not entrapment and will in fact lead to greater compliance with the law and a reduction in the number of cigarettes being sold to those under the age of 18. I would like to thank the minister and senior officials for the very helpful information that they have provided.

What is of major concern is the extent of smoking among younger people, especially those under the age of 18. If they are smoking, you have to ask: where do they get the cigarettes? I was informed that 24 per cent of those under the age of 18 who smoke claim that they purchased the cigarettes themselves, and that is of major concern. A document by Tutt states:

> Reducing adolescent smoking is an area of highest priority. Maintaining high retailer compliance is a strategy which has been shown to be effective both overseas, and now in Australia. This study suggests that initial high retail compliance will affect 12 and 13 year old smoking rates, but will only produce substantial effects up to the 17 year age group if the compliance rate is maintained for a number of years. This strategy, and further policy to support it, such as tobacco retailer licensing, should be undertaken in all areas.

It is interesting to look at the effect of legislation around the country and the number of prosecutions for selling to minors. I think most members would be surprised to learn that in Queensland from 1998 to 25 January 2005 there were only 14 prosecutions for selling tobacco to minors, and that is fewer than two a year. In Victoria, from 2002 to January 2005 there were 22 prosecutions, and that is just four a year. In South Australia before similar legislation was introduced they had five prosecutions in two years. Tasmania must be doing it differently, because between May 2003 and February 2005 that state had 25 prosecutions, which is about 12 a year. Indeed, in the ACT, on the information supplied by the government, the police initiated two such prosecutions in the 1990s and there does not seem to be any record of a prosecution since. So we have a problem and what the government has proposed is a solution to that problem.

According to the information provided by the minister—and we have checked—smoking rates of people under the age of 18 continue to be a major concern. I do not think there is anybody who would disagree with that. Attempts to police the selling of tobacco products to minors have not been successful despite an extensive commitment of resources, and part of that is the problem that we are a small jurisdiction and the fact that most of the inspectors are well known to the industry.

Based on evidence from other jurisdictions, the regime as proposed in this bill seems to offer good potential to ensure and maintain compliance with the law regarding the sale of tobacco products. If you look at the evaluation of a recent survey carried out in South Australia you will find that in 2003-04 the percentage of organisations that sold tobacco to minors was as high as 24 per cent. So a quarter of those able to sell tobacco were selling that product to minors. Following the introduction of what South Australia calls controlled purchase operations, that reduced to six per cent, which I think is a substantial achievement and something that gives me faith that we can achieve the same result here in the ACT. Any reduction in smoking among young people will not only benefit the young person who does not take up smoking but also certainly help reduce that $12.7 billion cost to the community in respect of loss of life, injury and loss of productivity. And I think it will generally improve the environment that we all live in.

The critical issue with the proposed legislative regime is that no young person will be required to lie and no young person will be required to break the law, and that is very important. We do not believe that you should be teaching young people these habits. If retail transactions, or the potential transactions, involving tobacco products are entered into in accordance with the current law, no law will be broken and no punitive action will be required. So if a young person goes into a store that sells tobacco products and that young person is asked for their age, under this legislation they will be required to answer honestly. They will say, "I am 15" or "I am 16"—whatever age they are. Then, provided the young person answers honestly and the retailer does not attempt to sell any tobacco products to that young person knowing that the person is under age, no law will be broken. I think that is very important.

I think we also have to focus for a few moments on the young people who will be involved in this scheme. I am particularly concerned about any adverse consequences that these young people may suffer. Young persons who are used in this activity, as outlined in the bill, will be selected very carefully, using independent employment agencies. They will be screened as carefully as possible and will only be involved if the necessary agreement from at least one person who has parental authority over that young person is given. They will be fully briefed before any involvement in the approach to the retail premises. They will be accompanied by, or be in the vicinity of, an authorised officer at all times. They will be debriefed after the activity and they will have any other assistance, such as counselling, available if needed. Also, they will not be used in an activity in their usual neighbourhood, nor will the fact that a breach has occurred be made known to the retailer until a period afterwards so as to also cover the identity of the young person. According to the advice provided to me, there is no evidence available to date from any country or any jurisdictions in Australia that conducts these activities that reveals any issues that will adversely affect any young person involved.

Mr Speaker, as I have already pointed out, in South Australia we saw that the impact of these measures did enhance compliance. But at the same time, I think we have to say to the government and to everyone else involved in this issue—and that includes ordinary members of the community—that it is about us all doing as much as we can to alert people to the negative impacts of smoking. What we want to do is make sure that we get the impacts that were achieved in South Australia. But it will also involve—and I am sure that the minister will outline what the government is doing—publicity about illegal sales and compliance. We will need to work consistently with the retailers to make sure that they are aware that if we want to achieve a consistent reduction over a four or five-year period we will all have to be vigilant.

Mr Speaker, I also have concerns—and I have spoken to groups such as the Youth Coalition—about the impact of this legislation on the young people who will be assisting. They have some concerns, as do I and others. But I think I have been assured by what the minister's staff and officials have told me about the process that will be put in place to protect the young people. Certainly, we will be looking at how they will be affected.

I have some concerns about some of the consultation that was undertaken. I asked the minister's officials what consultation was undertaken and they provided a list. But some of the people that I have spoken to were unaware that the legislation was to be introduced. For instance, the Chamber of Commerce and Industry, the Retail Traders Association and the Australian Hotels Association had no idea that this legislation was being proposed. Indeed, the response we got from the Law Society of the ACT was that, although they were aware, they had concerns about not necessarily the impact on the law but how it would work in the courts.

The list of organisations that the minister's officials tell me they consulted includes all tobacco retailers. The minister might outline how and what was done. Was a letter sent out and, if so, did the letter have a paragraph that contained a whole lot of other information? We perhaps should have been much clearer in what we were telling the retailer. Did we get onto some of the peak bodies as well to get a coordinated response? I am sure the minister will mention that when she closes the debate.

I am disappointed that, for instance, contact with the law society related just to the nature of considerations by the Supreme Court and the Court of Appeal. This sort of legislation has been appealed twice in other jurisdictions. In both cases the appeals were on the basis of entrapment and those appeals were quashed. So I do not think there is any doubt that we can and should do this, but I think it would have been far better had the law society been more involved. Perhaps I have been speaking to the wrong person in the law society but the minister can clarify that as well.

I will move some amendments at the appropriate time. The South Australian experience used young people over the age of 14. In this legislation we have adapted the definition of "young person" from the Children and Young People Act 1999. That act defines a young person to be a person who is 12 years or older but not yet an adult. So it is somebody from the age of 12 to 18. In South Australia they used people from about 14 onwards. I have some concerns about very young people being used in this way.

Therefore, the first amendment that I will move will raise the age to 15 years or older—so it will be a 15 to 18-year-old.

The other amendments look at reporting. I note that this will be reported on by the chief executive. I think it would be a good idea to have the minister come back and tell the Assembly how effective this has been. I also believe that we should have a sunset clause. If this process is still working after two years it will be reasonable to keep it going. But if for some reason we find that it has not been successful in respect of compliance or that there have been negative impacts on the young people—and we are dealing with young people—then I think we should come back and discuss this legislation. I will move those amendments at the appropriate time.

Mr Speaker, our position is quite clear. The legislation makes it quite clear that if retailers and their staff act within the law there will be no problems for anyone. There will be beneficial outcomes, particularly for people who have not taken up smoking. Moreover, the use of young people, provided the arrangements are carefully supervised, to ensure compliance does not appear to create any difficulties for young people. Finally, the legislation seems to have beneficial effects in that it enhances the level of compliance. That said, the opposition will be supporting the bill.

**DR FOSKEY** (Molonglo) (11.16): I certainly support attempts to encourage compliance with the laws surrounding the sale of tobacco as one means to try and reduce smoking by young people. But I am afraid I cannot support the bill in its current state and, since I do not expect my one dissenting vote to carry the day, I will be supporting some of the opposition's amendments.

At present, whether we like it or not, cigarette smoking is one of the markers by which young people believe that they gain some kind of status in the community. Despite our increasing understanding of the impacts of tobacco smoking, its practice is still in some way glorified. We have all seen newspaper reports where time after time tobacco companies are revealed to be complicit in hiding the truth about the effect of their products. So there is absolutely no reason to condone any actions of tobacco companies, which still implicitly promote their products to young people. Let us face it: the earlier they get hooked, the more tobacco and cigarette products they will buy over a lifetime. What corporations or companies are doing is part of the practice of participating in a free economy.

I believe that if we want to attack smoking amongst young people, we have to go right there and attack the idea that smoking is cool—and it is still seen by them as cool—and we have to understand that young people will not identify with the older person that they see on the cigarette packets, because that is not them; I am sure that some people here can remember when they were young and how they felt about older people. Plus young people always think that they can stop.

Stopping smoking amongst young people is a mix of education, role models and policing the places where young people smoke—and I am afraid that that is still in schools. The Tobacco (Compliance Testing) Amendment Bill makes provision for a person under the age of 18, with supervision from a health officer, to walk into a shop and attempt to buy a packet of cigarettes, and if the purchase is successful the owner of that tobacco sales licence will be charged.

In investigating this bill, I have come across many issues and I will go through them briefly here. I understand that the legislation is intended to have a deterrent quality. The retailer will, it is hoped, never be certain that a person at their counter who looks young and is seeking tobacco products is not, in fact, an agent of the government. That is the sole way in which this bill will be effective: if more and more outlets refuse to sell tobacco products to people who look young—of course, some of them will be able to produce a form of identity to show that they are not as young as they look—we will somehow have a flow-on effect of reducing smoking amongst young people in the community.

There is little evidence that compliance testing reduces the amount that young people smoke. Compliance with the law on tobacco sales by some retailers will result in most young people who want to buy cigarettes simply going to a different outlet. Consider how young people begin to smoke. Usually, they are offered cigarettes by their peers—peers that they want to emulate the behaviour of. So it is going to be a particular sort of young person that walks into a shop and brazenly seeks to purchase tobacco. They will already have done the work to know that that outlet is likely to sell it to them. We also know that many of them have friends working in these shops and they will hope that peer pressure will ensure that they are sold to them.

I do not know how many of the members here have been to the Woden bus interchange early in the morning as the kids wait for the buses. I believe there is a roaring trade there in cigarettes. This is not anecdotal—I have seen it myself—and my concern is that this trade also puts young people in a position where they are offered other drugs as well as tobacco. So there are other areas that I would like to see the government target here.

Even if it was possible to achieve 100 per cent compliance, most young people do not get their cigarettes over the counter. The ACT secondary school survey in 2002 showed that fewer then 20 per cent of students who smoke bought their last cigarette. I am sorry we had to use the 2002 data set, but it was the most recent available. Cigarettes are more often obtained from friends or by asking someone else to buy them—and, dare I say it, even from parents.

We could presume, however, that the purpose of compliance testing is not to reduce youth smoking rates but to enforce the law. There are still issues with the way this testing is to be carried out. One such issue is that the practice of compliance testing may perpetuate a community view of young people as deceivers. This was raised with me by organisations such as the Youth Coalition of the ACT, which represents the rights of young people. There are many people who continue to see young people as troublemakers, loiterers, graffitists and the like. Creating a situation where a young person can be blamed for the doling out of a hefty fine or loss of licence may not be in the interests of their safety.

Scrutiny report 32 of the Standing Committee on Legal Affairs also examined the Tobacco (Compliance Testing) Amendment Bill with respect to young persons' safety. The committee revealed that, when reviewed from a rights perspective, a proposal to use children in compliance testing is controversial. The bill's explanatory statement does not mention the Human Rights Act and there is an argument that the bill may, in fact, contravene the act by the creation of a law that diminishes the child's right to protection.

From a legal point of view, there is also some controversy with compliance testing. By using young people to purchase cigarettes to test compliance, you are actually creating a crime that would not otherwise exist. Worse than that: this crime involves children. While this is not entrapment and there is legal precedent, this issue is not resolved. The overall view of the law society, for example, in discussion with my office, was that a process that artificially creates a crime that might not otherwise have taken place is either a silly idea or an abuse of process.

Finally, I would like to talk about young people. This bill is about young people. Young people are busy. They have to balance their studies, their home lives, their sports, their jobs and any other activities with their social commitments. I think they deserve to be reimbursed for their time, especially when undertaking an activity such as compliance testing, which has the potential to impact on their safety and wellbeing. We were told that there might be some movie tickets or something like that as a reward for participating in this, but I do not believe that that can be considered as payment. If this bill utilised the services of adults instead of young people, there might be more discussion about remuneration. It concerns me that, as far as I have been informed, not one young person was consulted in the development of this amendment.

I am sure that health officers will be able to find volunteers. There are so many young people out there who will give their time if they feel that they are doing a service for society. There are many young people who stand opposed to cigarette smoking and are horrified when they see their friends going to the corner of the playground where the cigarette smokers hang out. So I do not think getting young people involved will be a problem. But, even if they are willing to give their time, that does not mean that they do not deserve to be reimbursed for it; nor does it mean that a majority of young people would not want to be remunerated. The problem really is that they were not asked. If this bill had been developed properly in consultation with those it principally concerns, perhaps my response would be different on this issue.

This is a government that over recent years has become more and more convinced that it knows the right course of action. From the 2020 plan to reorganise schools and close a large number of them, to the shift away from neighbourhood planning or local planning committees, to the blunt destruction of a large slab of community housing and supported accommodation services in the ACT, the notion of partnership with members of communities affected by their decisions or with community-based service organisations seems to have been discarded.

I finish by making it perfectly clear that I do want to reduce the harm that smoking has on young people and I do believe in creating adherence to the law. But there are too many potential problems with the practice of compliance testing as it has been proposed in this legislation, and without any consultation having been attempted with young people—by that I mean a broad spectrum of young people—or with organisations that are set up to advocate for young people, for me to feel comfortable supporting this bill as it stands at the moment. I do note that in some states where tobacco compliance testing is in practice the young people involved are 18 and over, although, obviously, they would need to look younger. I think that provision would prevent some of my concerns about the use of children as proposed in this legislation.

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (11.29), in reply: I thank Mr Smyth and Dr Foskey for their contributions to the debate today. This is a difficult issue that the Assembly is dealing with today. On first reading about the use of purchase assistants in compliance testing, the immediate response of anyone who is concerned about young people is, "At the best, this is very problematic—and how would it work?" and concern about the message of essentially using young people to purchase cigarettes as a means of discouraging other young people from purchasing cigarettes, which is what we are trying to do with this bill.

It is a fraught notion and I agree with the comments from Mr Smyth around that. When I took over the health portfolio and when this issue was first raised by the previous health minister, I was totally opposed to it. But I took the time to sit down and look at what was going on in other jurisdictions, at some of the results of these compliance tests not only in Australian jurisdictions but across the world. Once you take a deep breath and have a look at some of those results, you cannot ignore that this is certainly one tool to discourage smoking or the uptake of smoking in young people. It is not one that we can ignore or say that because it is a fraught issue we cannot look at it in the ACT.

The response to this bill, supported by the comments of Mr Smyth, has been that we have taken a very difficult idea, put it into legislation and attempted to provide the safeguards necessary to ensure that young people are protected but that this can operate across the ACT.

The Standing Committee on Legal Affairs provided some comments on the Tobacco (Compliance Testing) Amendment Bill. It raised the issue of the right of a child to protection and discussed arguments in favour of and against compliance testing. Arguments against compliance testing are based on concerns ACTCOSS raised during the consultation process. ACTCOSS expressed concerns about involving children in committing an offence, securing convictions by using deception and inducing retailers to distrust children.

The bill indemnifies purchase assistants who act substantially in accordance with instructions given by the authorised officer supervising the compliance test. On the issue of entrapment of retailers to commit an offence, compliance tests do not induce people to commit crimes they would otherwise not commit. The young person is assessed to look under 18 and does not produce a false ID or lie about their age. Improved program procedures and a number of safeguards incorporated in the bill will ensure that compliance tests are appropriately conducted and not misused.

On the human rights issue, the bill complies with the Human Rights Act 2004. The committee also stated that clause 42E (2), which relates to informed consent by a person with parental responsibility, needs careful consideration. My response to this is that clause 42E (2) is consistent with the requirements of the Children and Young People Act 1999.

The purpose of the bill is to amend the Tobacco Act to enable the conduct of compliance testing as a tool to measure the compliance of tobacco retailers with the sales to minors provision, which prohibits the sale of smoking products to persons under the age of 18.

Monitoring and enforcement of this provision currently consists of investigating complaints and conducting covert surveillance of retail tobacco outlets. These strategies have not proved to be effective in detecting offences or in preventing tobacco sales to young people in the ACT.

As Dr Foskey mentioned, a survey of secondary school students in 2002 found that one-fifth of ACT smokers aged between 12 and 17, where the current rate of smoking is around 15 per cent, purchased their last cigarette, with more than one-third stating they have never been refused a sale or asked for proof of age. This is a significant proportion of the underage smoking population. So we know that making it easier to access cigarettes certainly perpetuates smoking behaviour in young people.

The compliance test involves a young person, as the purchase assistant under the supervision of an authorised officer, attempting to purchase smoking products from a person who sells tobacco. If the purchase is made, the evidence from this transaction will lead to enforcement action for an offence against the sales to minors provision in the act. The bill provides the minister with the power to approve a program and procedures for compliance testing. The program will target areas where it is necessary to deter the sale of smoking products to young people, including areas where a high proportion of young people are observed smoking or where they are believed to have purchased the smoking products themselves. Tobacco retail premises in close proximity to schools will also be included in the program.

I accept what Mr Smyth said about publicity and informing businesses about what is going on. That is certainly a key part: once this legislation passes, we have the responsibility to say to those retailers that there is a new program in town that can be used. We will encourage them to ensure that when a young person goes in to purchase a cigarette and they are concerned that the person is under the age of 18 they ask for proof of age.

The procedures for compliance testing protect the welfare, health, safety and anonymity of the purchase assistant, which I argue is paramount. They make certain that the purchase assistant is indistinguishable from other young purchasers, allow the purchase assistant to use a phone to contact family if necessary, allow the purchase assistant to withdraw from the compliance test at any time that they choose, and provide opportunities for debriefing or formal counselling for a purchase assistant, if required, following the compliance test.

The procedures provide that purchase assistants will be trained in all aspects of compliance testing and fully supported and supervised by authorised officers at all times. There are strict criteria for choosing an appropriate purchase assistant, and compliance tests will not be done in any areas where purchase assistants are likely to be recognised. Compliance tests are a fair test of a retailer's compliance with the law as they mirror an uncontrolled sale situation. To avoid any allegations or suggestions that the retailer is misled into selling tobacco products, rewards will not be provided to purchase assistants. I think that goes to one part of Dr Foskey's concerns. Purchase assistants will not be required to give evidence in court unless requested by the magistrate for the case to proceed. The authorised officer serves as a witness to the offence, which, together with the compliance of other evidence, minimises the chance of the young person having to give evidence.

Compliance testing is part of a comprehensive strategy involving demand reduction and supply control. This legislation will ensure high levels of compliance with the sales to minors provision of the Tobacco Act, which will in turn impact on the number of new young people who try to commence smoking. In the ACT, the most common age for young people to begin smoking is between 15 and 16, and there is strong evidence to show that if a person does not use tobacco regularly by the age of 18 there is only a small chance that he or she will ever do so. For these reasons, delaying the uptake of smoking, as well as discouraging it entirely, is a major public health goal.

I should say that this is only one element of our response to young people and smoking. There are efforts, both through the education department and the health department, to discourage young people from taking up smoking. And we cannot ignore the fact that we have the highest rate—I think it is coming down, from the last statistics I saw—of young women between the ages of 15 and 19 taking up smoking of anywhere in the country. It is happening here.

Reports from other jurisdictions indicate that compliance tests are successful in reducing sales of smoking products to minors. A report from the New South Wales Central Coast area health authority found that, since the introduction of compliance testing some 12 years ago, the rate of sales to minors has been reduced from over 30 per cent to nil in 2002-03. These are the sorts of figures that we cannot ignore. In 2005 the South Australian department of health reported a significant reduction in sales to minors since commencing their compliance testing seven years ago.

We acknowledge that we cannot directly solve the problem of nicotine addiction. However, provisions can be developed to regulate the supply of and access to tobacco in order to protect young people. It is our duty to produce a fair program of tobacco retailer education, training and compliance testing, and that will be done following the passage of this bill. Mr Smyth has indicated a range of amendments that he would like made. I just flag that the government certainly believes there is some merit in one of his amendments around ensuring that young people who undertake these tests are aged 15 and over; but we will not support the other amendments.

With regard to his concerns around consultation, I am concerned when I hear in debates that people were not spoken to or felt that they were not consulted properly. I understand that two of my advisers have spoken to the law society and they informed my office that there were no concerns with the legislation. All organisations on the list that Mr Smyth spoke about earlier were written to with the discussion paper attached. The AHA were consulted on this issue during consultations around further, more wide-ranging tobacco compliance issues we are looking at. Maybe they did not feel that they were consulted specifically on this bill, but there were discussions with them about pubs and clubs and outdoor areas and some of the other work that we are doing as well. I also understand that the Minister's Youth Council were provided with the bill and with the discussion paper.

I thank members for their contribution. I acknowledge the support of Mr Smyth and the opposition for this legislation. We will no doubt be discussing this further. I am happy to keep members updated—perhaps after the first round we can see how it is going—and I

look forward to working with everyone to ensure that we discourage the uptake of smoking and certainly young people's access to purchasing cigarettes in the ACT.

Question resolved in the affirmative.

Bill agreed to in principle.

## Detail stage

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

Clause 4.

**MR SMYTH** (Brindabella) (11.41): Mr Speaker, I move amendment No 1 circulated in my name *[see schedule 1 at page 3182]*.

All this amendment does is change the definition, which is currently quite broad and encompasses children from the age of 12 through to 18. The experience in South Australia was that children as young as 14 and two months were used; it seemed to work adequately in that jurisdiction. From the information I have, the number of offences proven involved a 15-year-old girl, a 15-year-old boy and a 16-year-old girl, so clearly it is quite able to be done with older children, and if there are any negative impacts we would not want to impose them on children of a younger age. I thank the government for their support for this amendment.

**DR FOSKEY** (Molonglo) (11.42): I will support this amendment, though I remind members that I believe that no-one under 18 should be used in this way. However, I certainly think that a 15-year-old child doing this work is marginally better than a 12, 13 or 14-year-old. For that reason I support it.

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.43): The government will support Mr Smyth's amendment. It is a sensible amendment and we are appreciative of his bringing it forward.

Amendment agreed to.

**MR SMYTH** (Brindabella) (11.43): Mr Speaker, I seek leave to move amendments Nos 2 to 4 circulated in my name together.

Leave granted.

**MR SMYTH**: I move amendments Nos 2 to 4 circulated in my name *[see schedule 1 at page 3182]*.

These amendments lead to some clarification of what reporting is to take place. In the current bill, the annual report about compliance testing, clause 42H, applies only to the chief executive and to the annual report. Whilst we believe that that is necessary, we also think it is appropriate in an area where there is some concern about what the bill may do that the minister should come back to the Assembly, and that is the nature of

amendment 3. It asks the minister to come back and report annually to the Legislative Assembly within three sitting days of the end of a financial year. It will force the minister to come back to the Assembly to tell the number of compliance tests carried out, the number of contraventions of section 14 that were detected, what action was taken and the effectiveness of the compliance test.

The minister herself has admitted that she had concerns when she first heard about this bill from the previous minister. I think we all have some concerns about how it will affect young people, and therefore it is appropriate that the government come back to the Assembly and say what effect it has had.

The fourth amendment is for a sunset clause, as we need to reassess this after two years of its enactment. The purpose of that is to have the debate again in the Assembly, to make sure that what we have passed is good law and does not affect the young people involved adversely. I do not think it is too onerous a requirement, when we are dealing with the lives of young people in the ACT, to reassess what we have done. I note the government will not be supporting amendments 2, 3 and 4, which is a shame because we have all expressed concern. Here is a way of addressing that concern, but the government simply says no.

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.46): As the minister has indicated, the government does not support these three amendments. The opposition seek to have a specific annual report on this issue. We do not see that as necessary, as the annual report of the department will contain reference to the efficacy of this process. Also, clause 42H of the bill addresses the issues that Mr Smyth raises, so I do not think it is necessary to support his second amendment.

With respect to the sunset clause, the worry that we have about that is that the whole thing would just disappear after two years. It should not disappear after two years. This is sensible legislation. The government, however, will flag that we are happy to review the matter after a period of three years, but we cannot support these three amendments.

**DR FOSKEY** (Molonglo) (11.47): I will not support that amendment, but I am very pleased to hear Mr Hargreaves say that the government is planning to review the legislation after three years or so. I would hope that when the legislation is reviewed we get a full set of data about the number of times a young person was used in this way, the number of prosecutions and so on. But the real problem is that we still will not know how many young people were prevented from getting access to cigarettes. In that sense, this is an extremely indirect way of tackling the problem. I support the three-year review, but I will not support that particular amendment.

Amendments negatived.

Clause 4, as amended, agreed to.

Remainder of bill, by leave, taken as a whole.

**MR SMYTH** (Brindabella) (11.48): I move amendment No 5 circulated in my name *[see schedule 1 at page 3182]*.

This is consequential on the first amendment having been successful; it changes the definition further in the bill.

Amendment agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## Statute Law Amendment Bill 2006

Debate resumed from 4 May 2006, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (11.49): The opposition will support this bill. It is a continuation of the technical amendments program started by the previous government. Consistent with the criteria for that program, the amendments are minor, technical and non-controversial. Therefore, of course, we will not be amending the bill. The bill will help to tidy up the ACT statute book, keep it up to date and also make it more coherent and consistent.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 11.50 am to 2.30 pm.**

## Visitors

**MR SPEAKER**: I welcome participants from Fiji, Papua New Guinea, Indonesia, Vanuatu and East Timor in the political party development course at the ANU Centre for Democratic Institutions.

## Questions without notice

### Bushfires—front-line vehicles

**MR STEFANIAK**: My question is to the minister for emergency services, Mr Corbell. Minister, you made a bold prediction on 7 October that the ACT was "light years ahead" of 2003 in terms of its preparedness and resources. On Friday, 13 October we had extreme weather conditions and that led to the declaration of a total fire ban. However, two-thirds of the volunteer bushfire trucks in the northern ACT, namely Molonglo 10, Molonglo 11 and Gungahlin 10, were unserviceable. Some of these vehicles had been waiting for repair for some time. Minister, why were two-thirds of the volunteer bushfire trucks in the northern ACT not available for duty last Friday when the ACT was

expecting extreme bushfire conditions, and why has Molonglo 10 been in for repairs for the past eight weeks?

**MR CORBELL**: I thank Mr Stefaniak for the question. In relation to the specific vehicles, I will, of course, take that element of the question on notice and provide further information to the member. But, in relation to the overall maintenance of the RFS vehicle fleet, there is no doubt that elements of the RFS vehicle fleet are increasing in age, and that means that a higher level of maintenance and servicing is required to ensure that those vehicles maintain their operational readiness. It is the case that a number of vehicles require additional servicing. That is due to the age of those vehicles, and that maintenance will be undertaken as soon as possible.

In relation to the protection of the north side of Canberra during the day of total fire ban: given that a number of those vehicles were not operational, arrangements were put in place for other vehicles, and indeed for other elements of the ACT Fire Brigade, to be available to respond to a fire in the event of that occurring during a total fire ban in those areas.

It is worth remembering that response in the built-up area is under the operational control of the ACT Fire Brigade and, in the event of a fire occurring in the built-up area of the ACT, it would inevitably be elements of the ACT Fire Brigade, along with, potentially, departmental units, who would be the first response in the event of a total fire ban. It would only be where the incident was of a size that was significant that volunteer units would then respond. Indeed, volunteer units are not usually the first attending units at a fire in the built-up area.

**Mr Smyth**: What about the non-built-up area?

**MR CORBELL**: It tends to be either the ACT Fire Brigade or a departmental unit such as the parks brigade.

**Mr Smyth**: But what about the non-built-up areas?

**MR SPEAKER**: Order, Mr Smyth!

**MR CORBELL**: These are issues of concern to me, but I am confident that the ESA, and the RFS in particular, are working through issues to do with the maintenance of parts of their vehicles.

**Mr Smyth**: Light years ahead.

**MR SPEAKER**: I warn you, Mr Smyth.

**MR CORBELL**: Further, I will be giving further consideration to what steps the government needs to take in future budgets as it relates to all ESA fleet issues, including the fleet of the RFS.

**MR SPEAKER**: Does the member have a supplementary question?

**MR STEFANIAK**: Yes, thank you. Minister, will you table, by close of business today, the memos advising of the unavailability of these vehicles last weekend; if not, why not?

**MR CORBELL**: No.

## Emergency services

**MR PRATT**: My question is directed to the minister for emergency services. Minister, why have you decided to deal with the bushfire and State Emergency Service brigade/units' bank accounts issue at the end of the bushfire season by forming a working committee, when you could take action now to rectify a minor administrative oversight?

**MR CORBELL**: The premise of Mr Pratt's question is incorrect. The agreement I have reached with the Volunteer Brigades' Association and the representatives of volunteer brigades—both the RFS and SES—is that we will deal with this issue now. To that extent, a working party has been formed. It met last Tuesday to discuss these issues and to agree on a process for resolving them.

Just a bit of background advice is needed on this issue. Members may or may not be aware that for many years it has been the usual practice for volunteers of the RFS and the SES to raise funds, which are then used for the purchase of equipment above and beyond that which is provided by the government and for social events in the brigade or unit. This occurs through things such as fund raising at shopping centres or accepting donations in return for providing labour at community events, fetes or other such things.

Advice was received from the Government Solicitor's office in relation to the status of these funds at the request of the Emergency Services Authority. That advice highlighted the view that, to continue to allow the management of these funds, it would appear—in the way that they are managed, which is through private bank accounts—on the face of it, to be a breach of the Financial Management Act.

The issue needs to be further explored. Obviously as minister in receipt of advice from the Government Solicitor that says that management of these funds would appear to be in breach of the Financial Management Act, I cannot ignore that advice. I must—as the responsible minister—take heed of that advice and work out the most appropriate way of addressing the issues that that advice raises.

I have indicated to the Volunteer Brigades Association that the range of issues needs to be worked through. For example, should the funds be instead managed in a trust account? Should the existing arrangements be continued with some modification to address the requirements of the Financial Management Act? Or indeed, do we need to clarify, through legislation, whether these accounts do—or should—fall into the application of the Financial Management Act?

I have asked the working party to work through these issues. The acting commissioner, Mr Clement, has met with representatives of the VBA and the volunteer brigades to discuss these issues and to work out the best way of addressing them. I offered to volunteer brigades that this issue not be progressed in any way until after the bushfire

season. I put that offer to the VBA. I said, "Volunteers are busy preparing for the fire season. Senior officers are busy preparing for the fire season. Do we need to have this debate now? Can we simply put everything on hold until after the fire season?" But the VBA indicated to me that they would prefer for the issue to be worked through now. I agreed. That is what we are now doing.

**MR PRATT**: I have a supplementary question. Minister, why have you allowed this matter to drag on for more than a week? Why don't you have confidence in the bushfire and SES brigades, given that they have been managing these accounts for so many years?

**MR CORBELL**: This is not a matter of confidence or otherwise in the Volunteer Brigades Association and the individual brigades and units. I have full confidence that all volunteer brigades and SES units manage their funds sensibly and responsibly, and I have indicated that from day one. But the issue is that the Government Solicitor's Office has told me that those funds must be managed in accordance with the Financial Management Act, and they are not.

**Mr Pratt**: This is backside covering.

**MR SPEAKER**: Order, Mr Pratt!

**MR CORBELL**: That is the advice from the government solicitor. Is Mr Pratt suggesting that I ignore advice from the Government Solicitor's Office that says that those funds are not being managed in the way that they should be under the Financial Management Act?

**Mr Pratt**: You can make a decision in two days on this, minister.

**MR SPEAKER**: Order! Mr Pratt, I have called you to order twice and you have ignored me. I warn you.

**MR CORBELL**: Imagine, Mr Speaker, what would happen if I had that advice and I ignored it. The question from those opposite would be, "Why are you allowing this to occur in breach of the Financial Management Act?" That would be the question then. The responsible thing to do is to have regard to that advice, to recognise that it raises an issue, and to work through the issue in a collaborative way and address it to the satisfaction of the brigades and in satisfaction of the government's legal obligations. Those are the matters that we need to work through.

At the end of the day, as I have said before and I am very happy to put on the record in this place, funds raised by brigades will continue to be within the control of those brigades and used in accordance with the decisions that those brigades make in relation to those funds. There is no question at all that there will be any arrangement but that, but we need to ensure that the requirements of the Financial Management Act are adhered to and that the government is not in breach of its obligations under that act.

## Bushfires—front-line vehicles

**MR SMYTH**: Mr Speaker, my question is also to the Minister for Police and Emergency

Services. Minister, the rural fire service, under pressure from your department, has declared a significant number of bushfire brigade front-line vehicles to be either unserviceable or has decided that these vehicles had to be removed from front-line duties—ie, relegated to just mopping up. This has led to a situation where up to 25 per cent of these front-line vehicles are unavailable for the use of firefighting. What caused these changes? When did you determine that the vehicles did not satisfy the relevant regulations? What is the nature of the regulations that have not been satisfied?

**MR CORBELL**: The premise of Mr Smyth's question is again quite wrong. I am happy to address these issues in some detail. It is not my department—some faceless bureaucrat in the Department of Justice and Community Safety—that has made this decision. It is the rural fire service that has made this decision. This is an operational decision made by the chief officer of the rural fire service—not by the chief executive of the Department of Justice and Community Safety; not by some faceless bureaucrat sitting here in Civic; but by the people responsible for the operational decisions about our rural fire service fleet.

It is not the case that up to 25 per cent of the fleet is unavailable for response. The advice I have before me today is that currently there are two vehicles that are unavailable because of a requirement for major suspension work, including the replacement of springs, on those vehicles. Those vehicles have been removed from service and, because of the nature of the work that needs to occur, that work needs to occur in Sydney. That major suspension replacement will be occurring. The first available transport and repair scheduling was for the week commencing 16 October. That is when that work will occur. The RFS has responsibility for managing its fleet and operational decisions about when vehicles are available and which number of vehicles are available is an operational decision for the RFS.

I take the advice, or indeed the information, of the RFS on these matters. It is not my decision, nor is it the decision of the chief executive of my department or some faceless bureaucrat, as the opposition would like to suggest. It is an operational decision by the chief officer of the rural fire service.

**MR SMYTH**: Mr Speaker, I have a supplementary question. Minister, how long has the RFS been aware of the need for this maintenance; how long have you been aware; and what action have you taken to ensure that these vehicles will be operational as soon as possible?

**MR CORBELL**: If Mr Smyth wants to outline which maintenance he is referring to, I am happy to try and answer his question.

## Schools—closures

**MR GENTLEMAN**: Mr Speaker, my question is to the Minister for Education and Training, Mr Barr. Minister, the save our schools group recently released a paper outlining research which purported to show that small schools benefit students from low socioeconomic backgrounds. Can you please inform the Assembly whether the ACT government school system will continue to provide quality education for all students now and into the future?

**MR BARR**: I thank Mr Gentleman for his question. The answer is clearly yes. Two years into this Assembly the stark differences between the government and the opposition on this issue are obvious. The government is prepared to engage in difficult reform to ensure that our public education system best meets the needs of students now and into the future. The opposition and others resort to populist tricks rather than engage in serious debate about the future of education in the ACT.

**Mrs Dunne**: No, we don't tell lies.

**Ms MacDonald**: I raise a point of order, Mr Speaker. Mrs Dunne just said that the government was telling lies. I ask that she withdraw that.

**Mrs Dunne**: No, I didn't. Mr Speaker, I said we don't tell lies.

**MR SPEAKER**: Order! I have to say that I chose to ignore it. Mrs Dunne said, "We don't tell lies." It can be said that there is an imputation that somebody else here does, so Mrs Dunne might withdraw that imputation.

**Mrs Dunne**: Mr Speaker, I withdraw any imputation that someone else might tell lies.

**MR SPEAKER**: Thank you.

**MR BARR**: Members may be aware of a media release from the save our schools organisation that touted the benefits of small schools for disadvantaged students, and this was used as a basis to attack the government's reform proposals. The background to the media release was a review of the evidence by Trevor Cobbold from the save our schools group. This interesting piece of work, which is largely based on research from the United States, raises a number of questions about the optimum size of a school. However, if you go to the research that Mr Cobbold has used as the basis for his claims you find a very different set of answers to the ones Mr Cobbold claimed to find. Out of the 12 pieces of research Mr Cobbold reviewed, all have different views on the impact of school size on student outcomes. The Washington School Research Centre, which is the first reference in Mr Cobbold's paper, says:

> Certainly, the multi-level findings of our study argue against the simplistic conclusion that reducing school and/or district size will automatically improve student achievement, or be more equitable.

Of course, when looking at the American research, there is also the problem of determining what is meant by a small school. The US Education Commission of the States suggests that the common definition of a small school ranges from 200 to 900 students, while the Rural and Community Trusts' examination of New York public schools asserts:

> The literature on the relationship between high school outputs and the size of a school's student body is unambiguous; schools with between 600 and 1,200 students show better outputs than other size schools.

However, Mr Speaker, the research that I find most compelling is from Linda Darling-Hamilton, who finds:

> Four factors consistently affect student achievement—smaller school size (300-500 students), smaller class size (especially for elementary schools), challenging curriculum, and more highly qualified teachers all relate to higher student performance.

That makes sense to me. While school size has been the subject of much discussion and debate in the literature in relation to the achievement of learning outcomes, student achievement is a wider issue. It relates to the quality of facilities, the quality of teachers, having a rigorous curriculum, and class size. It is important to note that at the conclusion of the government's reform process it is our expectation that the majority of schools in Canberra will fit within the small school range, as discussed in this research. The government will maintain its policy of maximum class sizes of 21 in the early years of schooling and that students will be operating under a new quality curriculum framework.

Mr Speaker, I am committed to an ongoing conversation and consultation with the people of Canberra about the future of our education system. But these conversations need to be based on fact, not on the misinformation spread by the save our schools group through Mr Cobbold's report. This government is committed to a quality, sustainable education system. That is what our reforms are about—ensuring that the education dollar goes to where there is real need and that all students receive the highest quality education that they deserve.

**MR GENTLEMAN**: I ask a supplementary question. Minister, are you aware of any other misinformation being spread in the debate surrounding public education?

**MR BARR**: Just this morning I was given a copy of the report prepared by Miss Margaret Starrs, the P&C association's independent consultant, into the 2020 proposal. This morning the president of the ACT P&C council, Ms Jane Gorrie, released a media statement making some assertions about what the government has and has not done. Of course, the devil is always in the detail, and if members take the time to read the report, they will see that Miss Starrs makes a number of comments about the 2020 proposal. On page 11, in the footnotes, she states:

> … the benefits of education are not usually considered in analyses of school closures … This is not the case with the *Towards 2020* … There are several papers on these topics available on the *Towards 2020* website. We have not reviewed them to prepare this report.

The independent report did not look at the educational benefits of the 2020 proposal. The P&C commissioned a report to look at the 2020 proposal but did not look at the educational benefits. It acknowledged that there is a series of papers available as part of the proposal, but it did not look at them.

On page 12 of the report the reviewer goes on to outline some of the benefits of the proposal as they apply to teachers. The report states:

> There is the potential for flexibility, greater interaction with other staff, improved teaching resources and facilities, and assistance with students with behavioural problems and administrative tasks.

On the same page an analysis of research on school consolidation reports:

> Once consideration was completed and two or three years had passed, the key stakeholders involved, including parents who were previously angry or concerned, believed the merger was beneficial for students.

That is from the P&C report. I encourage the P&C to include this report as part of their submission on the 2020 proposal. An informed debate on these matters is important, but blatant attempts by lobby groups to attack the credibility of the proposal by using half-truths and selective quotes does not assist school communities to respond in the consultation process and simply creates more fear in the community.

**Mrs Dunne**: And you did not selectively quote anything out of that scoping study?

**Mr Stanhope**: How shonky is this? How desperate is this mob getting now?

**MR BARR**: Of course, Mrs Dunne is no stranger to provoking fear in the community. Mrs Dunne has been rejected in her attempts to whip up terror in Charnwood. Her consultations with the residents of Ginninderra are not about listening to the views of her constituents; rather, they are an attempt to score cheap political points. As the parents of Charnwood primary say, Mrs Dunne is "fuelling uncertainty" and "doing more harm than good".

**Mrs Dunne**: Were you at Charnwood last weekend or the weekend before?

**MR SPEAKER**: Order! Mr Barr, resume your seat. Mrs Dunne, come to order, please. Chief Minister, cease interjecting.

**MR BARR**: Mrs Dunne's survey, which was distributed to residents in Ginninderra, contains a range of loaded questions. It is not designed to get information, but really is a form of push polling, a tactic not uncommon to the Liberal Party when in trouble. I encourage Mrs Dunne to go out and listen to her electorate and to the parents at Charnwood primary school when they tell her to butt out of the debate about Charnwood primary school. As the *Canberra Times* reported on 7 October, those parents do not want to be part of her political stunts. Perhaps Mrs Dunne should not follow blindly the writings of Mr Cobhold and the P&C, but read all the research and look at all the information contained in these reports.

For its part, the government will continue to work to improve the quality of public education in the ACT. That is our objective. There is one party in this chamber that is dedicated to improving public education in the ACT, and that is the Australian Labor Party.

## Community housing

**DR FOSKEY**: My question is to the Minister for Housing and is in regard to community housing. The ACT community housing sector is facing significant funding cuts, reorganisation and the requirement to meet additional costs. Could the minister please advise the Assembly of the basis for the proposed changes, most specifically whether

they were developed in consultation with the sector, whether they reflect best practice social policy or whether they are simply the result of a bureaucratic or ministerial preference?

**MR HARGREAVES**: We have to take a slight step backwards with this sort of thing, which is not unusual when dealing with Dr Foskey. Members might recall that the government ran some ministerial housing forums last year. One of them was about the viability of the community and social housing sector. It was brought up at that forum by the proponents and the deliverers of service in that sector that there were too many operators in the sector doing specialist work and there was a need to start thinking about amalgamation and that there was a need to start talking about the percentage of their funds that they were spending on administration. It turned out that one provider was spending 30 per cent of the funds allocated to it on back-end services. That is just not on. It was agreed at that forum that people would go away and think about how they were going to do it.

In the context of the budget, it was determined that the ACT was considerably overmatching funds, according to the commonwealth-state housing agreement, for no good reason. The government took the decision that those funds would no longer be available, because they were clearly going to an inefficient system which was not delivering outcomes to the people it purported to serve.

There has been an imputation or an inference on Dr Foskey's part that there is a draconian government going "whack" with a big stick and saying, "You are not getting any more money and that is the end of it. Just take that." That is not so. When the government decision was made, I had conversations with almost all of the organisations, as I recall. Certainly, the department has been having many conversations with people around changing the way that they deliver their services because, if they do not change and do not deliver their services efficaciously, the funds no longer will be provided to them. It is not the responsible thing to do to continue to fund an inefficient system.

Most of the people in that sector have come on board. Most of the people have spoken in detail with the department. I know that funds have been put aside—about $250,000, if my memory serves me correctly—to assist people with the transition. For example, we have out there a couple of very small practitioners or providers of services, each of whom has an administrative system. It makes eminent sense for those people, without losing their speciality, to combine their administration and cut their costs by almost 30 per cent. That makes sense. That is what we are asking the sector to do.

But we can no longer afford to continue to overmatch the funds provided to that sector when weighed up against the commonwealth-state housing agreement. That is just not on. The government has done a responsible thing. It has actually responded to comments put to it in the ministerial forum last year, it has responded to the comments brought forward in the housing summit and it is assisting those organisations to come to grips with this sort of thing. We have slipped into complacency about this. There is not a bottomless bucket of money. We will be working with these people to make sure that the service they provide are delivered and directed appropriately.

Mr Speaker, I do not think I can add much more to Dr Foskey's question at the moment.

**DR FOSKEY**: I have a supplementary question. Could the minister please advise the Assembly of the extent of the government's long-term commitment to community housing and whether it plans to grow the sector?

**MR HARGREAVES**: At the moment, the government is very committed to the notion of community and social housing. I say "at the moment" because there needs to be a fundamental change in that sector, a real-time fundamental change. There has to be an attitudinal change by the people running it. They need to start considering what they were actually created to do and start delivering to the people the services they purport.

Mr Speaker, I will just indicate to you some of the developments interstate. When the housing ministers get together and talk about these things, the attitude of the ministers from the different states is quite different. We know, for example, that Mr Schwarten, the Queensland minister for housing, if he is still there, has the view that community and social housing is an administrative layer that we do not need, that we should be providing those extra funds to the public housing sector and providing those support mechanisms within it, so that there should be no difference between community and public housing. Other ministers have varying approaches, some of them embracing that one but not quite.

We are concerned, for example, to ensure that housing services given to indigenous people are actually provided by indigenous housing experts and groups. Those sorts of things are important to the government. Let me reiterate the point I just made as strongly as I can so that Dr Foskey can go back to her friends in ACT Shelter and CCHOACT and tell them quite clearly that they have to lift their game because, if they do not lift their game, we will do it for them.

## QEII site—sale

**MR SESELJA**: Mr Speaker, my question is to the Minister for Planning. It relates to the sale of the QEII site in the city. Minister, in your comments to the media you stated that the disposal of the site had not been finalised and would be sold off by the end of the year by the Land Development Agency using one of the mechanisms in the land act. Can you categorically rule out that no deal or arrangement has been entered into with a particular developer regarding this site?

**MR CORBELL**: I can categorically rule out that the site has not yet been sold by the LDA.

**MR SESELJA**: Mr Speaker, I have a supplementary question. Minister, has the government received any offers relating to the QEII site and, if so, what were those offers?

**MR CORBELL**: As Mr Seselja is aware, the Land Development Agency is pursuing the options of a joint venture arrangement for the development of that site to achieve the best possible return to the taxpayer from the realisation of the value of that site. Those negotiations are ongoing and are subject to the LDA being successful in acquiring a major tenant to the site, which will increase the value of the site to the taxpayer in the return we get for it.

## Schools—closures

**MRS DUNNE**: My question is to the Minister for Education and Training, Mr Barr. Minister, as you already alluded to, the ACT Council of Parents and Citizens Associations today published a scoping study that deals with what should be done in deciding upon a course of action such as implementing major policy like *Towards 2020*—in other words what should be done as a cost-benefit analysis of such a policy. Minister, what cost-benefit analysis has been undertaken by you, the government in general or your department in relation to *Towards 2020*?

**MR BARR**: I thank Mrs Dunne for the question, although I disagree with her opening remarks. One needs only to go to the front page of the P&C's media release. They call it an independent report. They say that they have released an independent consultant's report. They are calling it a report, Mrs Dunne. They are referring to it as some devastating blow to the government's reform agenda in public education. They say that the plan is deficient. Mr Speaker, what is deficient? It is the P&C council on this report. That is clearly the case. I need only turn to page 11, to the footnotes—

**Mrs Dunne**: I raise a point of order, Mr Speaker. My question did not ask the minister for a critique of the scoping study but whether there was a cost-benefit analysis being done by the government. I would like the minister to answer the question: is there a cost-benefit analysis? He has already done a critique of the report.

**MR SPEAKER**: Well, you did refer to the scoping study, as you described it, so the minister is entitled to respond to your mention of it, but he should also come to the subject matter of the question.

**MR BARR**: Thank you, Mr Speaker. As I was saying, page 11 says:

> There are several papers on these topics—

That is, educational outcomes and quality—what is a key part of the government's proposal—

> available on the *Towards 2020* web site. We have not reviewed them to prepare this report …

Let us look in some detail, though, at some of the issues that are raised in the report. It outlines some options around what could be part of a cost-benefit analysis. It talks about distributional effects. Yes, the government has taken distributional effects into account. One of the key issues that the government sought to address is the funding inequity that currently exists within our system whereby resources are divided and dedicated to schools on the basis of their size alone, such that there is a small school subsidy; schools that may not have an educational need or a socioeconomic need for additional resources receive the subsidy for no reason other than that they are small.

What the government is seeking to do is to more fairly distribute educational resources. Our educational resources are significant but they are, of course, limited by the context of the ACT budget. However, one in every four dollars in the territory budget is

expended on education and training. It is the second largest area of expenditure in the ACT budget, but an area where we need to be conscious of ensuring that we get the best outcomes, that we have the fairest distribution of those funds across our system. That is clearly not the case, so in putting forward the government's proposal we have sought to address the distributional effects that are there between socioeconomic groups between different regions of the city.

The report raises a range of issues around the government needing to take into account one-off costs and benefits that would result from any closure of schools. Members would be aware, if they looked at the details on the *Towards 2020* web site and the financial costings that have been made available on that site, that there are significant amounts of money dedicated to one-off costs of closure of schools. That has been accounted for. That money is there and available as part of the process.

The report mentions staff relocation. We have a process under way to address that. Student counselling: we have individual transition plans to assist students who may be affected by the proposal. The consultant raises an issue around educational services and talks about the need for a broader curriculum. We are doing that; we have a curriculum renewal process under way, as Mrs Dunne has alluded to in media releases in this place. The report also mentions transport. We have a process under way with ACTION to look at school bus routes. Obviously, no decisions have been made; it is a proposal at this point. Once decisions are made, we will make the necessary adjustments to school bus routes to ensure that there are transport options available for students.

The report indicates that schools have different uniforms and there will be a one-off cost for students who are required to change schools. Again, through the government's transitional assistance funding we will provide money for students and families who may be affected by a school's closure and have to purchase new school uniforms. The report talks about rental incomes and school operating costs. Again, those issues are addressed in detail on the *Towards 2020* web site. There is a quote about the availability of detailed costs and that this precludes the need for statistical analysis and the associated uncertainty. It means it is relatively easy to make changes. *(Time expired.)*

**MR SPEAKER**: Do you have a supplementary question, Mrs Dunne?

**MRS DUNNE**: Yes, thank you. I think that the answer is probably no. Therefore, minister, why haven't you done more—as you say, one in four dollars is spent on education—to ensure that the costs of education and the costs of this policy do not outweigh the benefits?

**MR BARR**: We are addressing all of these issues, both in the development of the proposal and during a consultation period. I was cut off halfway through that quote from the report on page 9. It says:

> The availability of detailed costs by school appears to preclude the need for statistical analysis and the associated uncertainty. It also means that it is relatively easy to make changes to estimates for assessing the effect of individual school closures; this may be useful as part of the consultation process on the proposal.

Indeed! I thank the reviewer for reaching that conclusion. It goes on to talk at some length about educational outcomes and quality. The P&C accused the government of not taking that into account in putting the proposal forward. Of course, we are all now aware of the footnote on page 11 that the reviewer did not look at those issues but nonetheless felt the need to still make comments on page 12 about the need for increased opportunities for students, such as a broader curriculum, extracurricular activities, employment prospects for students, the quality of teaching and the teaching experience, and parental involvement. It talks about the benefits for teachers:

> There is the potential for flexibility, greater interaction with other staff, improved teaching resources and facilities, and assistance with students with behavioural problems and administrative tasks.

It goes on to quote:

> … once consolidation was completed and two or three years had passed, the key stakeholders, including parents who were previously angry or concerned, believed the merger was beneficial for students.

The report went on to say that that was an important conclusion with respect to forecasting the educational outcomes and quality. The government is taking all of these issues into account as part of a detailed consultation process. We have put forward an important reform for our public education system, one that is needed and one that will ensure quality outcomes for students in the ACT. That is the desire of the government. Those opposite seem to be hell-bent on using every possible argument about process, every possible argument about why the government should not address these issues. They are not really interested in debating the substance. They are not really interested in improving educational outcomes for students in the ACT. They seem to be running an agenda. In fact, Mrs Dunne said, last time we sat, that the government's $90 million injection into schools was throwing good money after bad. That is the attitude of the opposition—that investment in our schools is a bad thing. Interestingly, one needs only to contrast—

**MR SPEAKER**: Come back to the subject matter of the question.

**MR BARR**: Mr Speaker, one needs only to contrast Mrs Dunne's views on this issue with those of her federal colleague Senator Humphries, who—

**MR SPEAKER**: Come back to the subject matter of the question, or I will order you to sit down.

**MR BARR**: The subject matter of the question related to a cost-benefit analysis of the government's proposals, and investment in public education is a major feature of our proposals. I am simply contrasting the views of Mrs Dunne with those of her federal colleague Senator Humphries, who, when announcing a half-million-dollar investment in science facilities at Erindale College, indicated how important it was that governments invest in public education. I could not agree more. It is a pity that those opposite do not agree. If Mrs Dunne believes we are wasting money, she should go around to each of the 72 schools that will be receiving over 270 upgrade programs this financial year and tell them that they cannot have the upgrade; that the Liberal Party oppose it; that there is not

bipartisan support for it and they will undo it if they get into government. Is that what you are proposing, Mrs Dunne—that that investment of money in public education is a waste? That is what you are saying—and I reject that completely.

This government is investing a record amount in our public education system. We are doing it to improve teaching and learning outcomes for students and staff. We want to ensure that teaching environments are of the highest quality and that our students in the system have an opportunity to learn in quality learning environments and that we have a quality public education system. That is the government's objective. Those opposite seem hell-bent on trying to stop that happening.

## Wine industry

**MS PORTER**: My question is directed to the Chief Minister. A lot has been written and spoken about the Canberra region wine industry. Can you tell the Assembly how important the industry is to the region and detail some recent achievements?

**MR STANHOPE**: Indeed, in recent weeks there has been a very significant focus on wine and the importance of the capital region wine industry to the ACT, highlighted by a very significant wine competition last week—the Hyatt International Riesling Challenge. This follows on fairly quickly from the just recently completed Canberra regional wine show, in which the wines of the Canberra district region compete for accolades for the best wines of the region.

These two recent competitions—the international riesling challenge and the Canberra regional wine show—show the extent to which the wine industry in Canberra and the Canberra region has matured significantly over the last decade. From its beginnings just a couple of decades ago it has become a very important part of our community, the region and our attractiveness as a tourism destination. There has been a growing importance in wine. It is the fastest growing agricultural industry in Australia and the ACT has the capacity to be a part of that fast and still-growing agricultural industry.

Compare the potential of the Canberra region wine industry with other already established and highly regarded wine regions in Australia such as the Hunter. Most recent reports and estimates of the potential of the industry here in the region are that it is quite feasible and quite possible that, within the near future, the ACT will have potentially—there is capacity for—4,000 hectares of grapes in this region.

In the context of land, climate and other variables that go to identifying appropriately located and situated land for grapes we could, with 4,000 hectares, produce yields of anywhere between 28,000 and 40,000 tonnes, which is far in excess of the annual yield of the Hunter Valley, one of the recognised iconic wine growing regions of Australia.

It is all right to say that we have the capacity to grow that many grapes and produce that tonnage of grape and that quantity of wine, but what is important is the quality and the capacity for an industry such as the ACT's wine industry to present a face to the nation as a region of exceptional quality as well as capacity. We are seeing that.

There have been some wonderful success stories of recent times. Clonakilla, particularly with its shiraz Viognier, is now leading the nation. This wine is fast gathering iconic

recognition and status as one of the great wines of Australia. I was talking to Tim Kirk just recently. He informed me that he is now selling more Clonakilla in New York than he sells in Australia. It gives some indication of the extent to which the regional wine industry is going ahead in leaps and bounds with high quality, world-class wine.

The number of Canberra district five-star wineries represented in James Halliday's most influential *Australian Wine Companion* has increased from one in last year's edition to four in this year's edition. It might not sound like many, but it is very significant that James Halliday is now rating four local wineries as five-star wineries—a jump from one to four in just the last year.

The number of Canberra district wineries represented last week in the international riesling challenge grew from 18 last year to 27 this year. Indeed, the Canberra riesling challenge itself has grown from 100 exhibitors in just six years to just over 450 last week, including 100 international wineries—90 from Germany alone—now rushing to be part of this significant Canberra-based international wine challenge.

Similarly, in the last couple of years the region has experienced an enormous expansion in activities aimed at attracting tourism, such as the wine, roses and all that jazz festival, the Canberra district wine harvest and the fireside festival, which commenced last year. I am told that an enormously successful new event called the Murrumbateman moving feast will be another new event with Canberra at the table. This industry is important and it is growing exponentially.

**MS PORTER**: Mr Speaker, I have a supplementary question. Will there necessarily be a negative impact on the region's wine industry from the announcement by the Hardy Group that it intends to divest itself of the Kamberra operation?

**MR STANHOPE**: It is fair to say that the announcement by Hardy that it had proposed to divest itself of Kamberra initially sent something of a shudder through the wine industry. However, members of the industry thought their way through the implications of that. As a result of the significance and the strength of—and the confidence in—the wine industry in the ACT, there is a real confidence that the sale by Hardy's of Kamberra will not impact negatively on the industry.

There are some scenarios that would be of major concern if they were to come to pass. The possibility of an investor or an out-of-town winemaker buying Kamberra and essentially stripping it and removing the very significant wine-making capacity within the winery would be a problem. There are potential scenarios, the worst case being that Kamberra might be purchased by an out-of-town winemaker looking simply to divine, to remove—at perhaps a premium cost to himself—the equipment that is comprised in the winery.

It is a state-of-the-art, excellent facility. It is a very new winery with fantastic equipment and it has been an enormous boon to the development and stature of the industry in the territory. Hardy's has made an enormous contribution to the growth of the industry in terms of its stature, its quality and its professionalism. The investment by the ACT government and by the local wine community in Canberra has been a very worthwhile investment.

I think we probably would have preferred that the parties had maintained the investment and the interest, but it is a commercial decision, based very much on a current glut of grapes in Australia and around the world. It is a commercial decision that Hardy has taken to rationalise some of its business. As well as the decision it has now taken in the ACT to divest itself of Kamberra, it has recently sold its wine-making interests in the Margaret River region.

Hardy's has made an impression on the quality of wine-making, the professionalism in viticulture as well as in the making of wines. Over recent years Kamberra the winery has essentially scooped the pool in the context of the top honours at the Canberra regional wine show. This is an indication of the professionalism and the quality of the product that it has managed to deliver.

There is significant interest within industry—within leading players in the Canberra wine industry—in the future of Kamberra. It is vital. The government is committed to working closely with the local industry to ensure that Kamberra is retained as a functioning, working winery, and to ensure that the integrity of the Kamberra facility is maintained and protected for the sake of the future of the industry here in Canberra.

The ongoing issue of some concern—it is an issue around Australia—is of grape contracts that Hardy had with a number of grape growers in the region. That is a continuing matter of concern. I am advised that Hardy has been very open and sensitive in its negotiations about the future of contracts it has. But there is lingering concern, particularly by those growers, about their future in terms of a future buyer for the crops.

There are some significant transitional issues that the industry needs to grapple with in terms of the time of the sale and the outcome of the potential sale. As I say, the industry is strong and confident. I am sure it is working together—certainly with the full support of the government—so that the winery can be protected and maintained as a vital piece of infrastructure for the industry here in the region.

## Land tax

**MR MULCAHY**: Mr Speaker, my question is to the Treasurer. Treasurer, on an average-priced home, land tax rates in the ACT are significantly higher than anywhere else in Australia. Why is this the case? Has the government considered aligning the ACT more closely to other Australian jurisdictions? If so, what impact do you believe such a move would have on the territory's bottom line?

**MR STANHOPE**: I thank the shadow Treasurer for the question. This has been a very live issue—an issue around which there has been lively debate over recent weeks, or perhaps indeed since the most recent budget. Of course, in the most recent budget the government did not change the rate of land tax that applies within the territory. But it is perhaps a matter of some particular interest that there has been a very significant focus on land tax since the budget, in spite of the fact that the budget did not touch or increase the level of land tax within the territory.

It is very difficult, as I am sure members are aware, to compare jurisdictions on a like-with-like basis. It is very difficult to create an apples-with-apples comparison in

relation to rates, taxes and charges around the nation, or between jurisdictions. In the context of taxes and charges levied, I think it is more informative to go to some of those commentaries or analyses from, for instance, the grants commission or the Australian Bureau of Statistics in relation to taxation effort or revenue effort, or the extent to which different jurisdictions tax and the level and rate at which they tax, their relative revenue and the relative effort they put into revenue raising. The fact remains that, traditionally—indeed, until this budget perhaps—we had not exercised the same level of effort or energy in terms of our taxation capability or capacity as other jurisdictions around Australia.

When one compares the full suite of charges, including land tax, across the nation with all other rates, charges, taxes and fees that are levied, the ACT is not a high taxing or high charging jurisdiction, despite the fact that we have traditionally delivered government services at around 20 per cent above the national average; and considering, of course, relative levels of disposable income within the territory.

There is a whole range of charges—I am more than happy to make them available; indeed, I am sure the shadow treasurer has them—in which one can compare levels of land tax. But then again, of course, it does not take into account the fact that in Victoria, for instance, which there is some fondness for comparing the ACT's land tax rate with, there are different mechanisms in place and different rules applying to the adding together or incretion of properties so that the tax threshold is reached far more quickly. The land tax in the ACT is levied on individual properties and there is no adding together of the value of a range of properties that an investor might have for the purpose of land tax, unlike Victoria.

In Victoria the sum total of property subject to land tax is added, the threshold is reached immediately and land tax changes dramatically. You cannot just say, "Land tax in the ACT is this amount or this per cent and in Victoria it is this amount or this per cent" without taking into account a range of other aspects of the way in which the charge is computed and the way in which it is required to be paid. The best basis on which to compare revenue effort within the territory is, of course, to look at the full suite of taxes, charges and fees that are levied and compare that as a full suite of taxes and charges against the full range of taxes and charges which apply in other jurisdictions. One finds, on that analysis, that this is not a high taxing regime. Our revenue effort is essentially the same.

Of course, different constituencies will argy bargy around, "Reduce land tax"—those within the property industry will say—"and charge it somewhere else." We see the property council now, for instance, waging a quite vigorous campaign. "It is all very well to apply a fire and emergency services levy to households domestically; just do not apply it commercially."

The property council says, "Look, we are really happy for you to impose a fire levy, just do not impose it on commercial property owners." That is the property council's solution to the fire levy—a levy which is applied in every state in Australia. I think the only place in Australia that now does not apply a fire levy is the Northern Territory.

**MR MULCAHY**: Mr Speaker, I have a supplementary question. Does the Treasurer believe that land tax reform would encourage more investment in the rental market in the ACT?

**MR STANHOPE**: I accept this as a legitimate and moot question. I accept the question as a legitimate issue in relation to issues around investment in housing and property in the territory. It is one of the issues—one of the leaders—in relation to, say, affordability that we need to take into account. I made the point to the property council last week that if there could be some objective basis on which it could be shown that land tax is the bogey, then of course the government would be moved to look at how we might then adjust the package or suite of taxes, fees and charges that apply.

Of course there are a lot of anecdotal views out there. Most certainly the property council, and perhaps the real estate institute, have a view around land tax. They have painted land tax as the bogey. They have said, "Here is the reason for the issues or difficulties in relation to affordability, which of course then leads to issues in relation to vacancy rates and levels of rent."

You can move on. You can go down to the Housing Industry Association. They will say, "No. We do not think land tax is the problem. We think stamp duty is the problem." But there is also a significant body of opinion around that moves made by the commonwealth some years ago in relation to stamp duty and the first home buyers arrangements in fact exacerbated the affordability issue—dragged purchases forward and did more harm than good—a concept of which Mrs Dunne is very aware. I believe it is now almost accepted across the industry that there was a very significant negative to some of the levers the commonwealth pushed in relation to first home buyers.

You can walk around the territory and get different responses. The property council and the real estate institute will say, "The problem is land tax." If you go down to the Housing Industry Association, they will say, "No. The problem is not land tax; the problem is stamp duty." You can then go out to the developers, many of whom are separately represented these days, and say, "What is the problem?" They will say, "The problem is land supply." Then you will go somewhere else—you will perhaps go out to the airport—and the problem is the LDA. It depends on who you talk to.

I can walk around the town and talk to half a dozen groups. I will variously be told, "The problem is definitely land tax; the problem is definitely stamp duty; the problem is definitely land supply; the problem is definitely ACTPLA and the LDA; the problem is definitely the legislation." It depends who you talk to. It depends what the particular vested interest is. But it is not a good way for governments to take decisions around the particular levers that might be pushed in relation to seriously addressing issues around affordability. That is why I appointed the affordability task force. We wanted a more rigorous analysis of what the range of pressing points might be in relation to affordability.

To some extent, of course, it is also about the market. It is about the fact that we have 2.7 per cent unemployment; it is about the fact that the economy within the territory is booming; it is about the fact that the commonwealth public service is expanding as significantly as it is.

*Opposition members interjecting—*

**MR STANHOPE**: These are issues. One of the pressure points certainly in the territory in relation to affordability is the fact that the commonwealth is employing and employing, which is wonderful. It also contributes to the fact that our unemployment rate is now 2.7 per cent, traditionally the lowest level of trend unemployment in the history of Australia. Then you may say, "Oh well, the commonwealth is employing another 5,000 people. Unemployment is on 2.7 per cent, so let us fix the problem in relation to affordability by removing land tax." I do not think so. But we will look at all of these issues.

Of course, the government would acknowledge in the face of an objective, rigorous assessment that land tax is inhibiting investment, but none of the statistics show that. In 1990, before land tax was introduced, the proportion of housing in the ACT that was owned by investors was—guess what?—20 per cent. In 2006, guess what the proportion of housing in the ACT owned by investors is? It is 20 per cent. And in the middle, land tax was imposed. *(Time expired.)*

## Schools—closures

**MR STEFANIAK**: I thank the government for allowing me to ask a question for Mrs Burke.

**Mr Stanhope**: Only on the basis that she does not interject.

**MR STEFANIAK**: She will have trouble interjecting, Chief Minister. She has a bad throat. It would be a silent interjection.

Mrs Burke's question is to the minister for education. It relates to the process of analysing submissions made to the government as part of the *Towards 2020* process. Minister, who will undertake the analysis of submissions received during the consultation process? How will the submissions be analysed? What methodological framework or tools will be used to reliably interrogate and draw conclusions from the data? Finally, do persons undertaking the task of collating and analysing submissions have the requisite training and skills?

**MR BARR**: I thank Mrs Burke, through Mr Stefaniak, for the question. In the last sitting Dr Foskey asked me a very similar question. My reply has not changed. The Department of Education and Training will be assessing the submissions, and the highly qualified staff within the department will be providing that information to cabinet, where the final decision-making process will occur.

**MR STEFANIAK**: I ask a supplementary question. Minister, what reassurances can you give the parents of Canberra schoolchildren that the material they put forward will be fairly considered and the outcome will not simply be a fait accompli?

**MR BARR**: I can give every assurance, as I have gone around now to, I think, nearly 80 schools across the territory and held nearly 100 consultation meetings with school

communities, that the approach that I have taken to this consultation round will continue to the conclusion of the consultation and to the decision-making process.

In spite of any assurances I might give, I am sure that those opposite and the community will, in the end, make their judgments on the government's final decisions. We will, of course, seek to examine all the issues that are raised with us in some detail and with an open mind. I have done that so far throughout the consultation process. I can give a personal undertaking that I will continue to do that. I am sure my colleagues in the government will do so as well.

However, I acknowledge that, in the end, those opposite and those in the community will draw their own conclusions on the basis of the government's deliberations, the information that we publish and our final decisions. It is certainly my intention to continue what has been a significant and comprehensive engagement process in which we have sought to hear the views of all in the community. It has been a process that has been very important for our public education system.

There has been a need for a genuine debate about the future of our system and how we can strengthen it. One of the real positives that have emerged from this process is that, in spite of all the doom and gloom from many in the debate, there has been an increase in enrolments and interest in government schools for next year. Certainly there has been an increase in enrolments for year 7 and into our college system.

The ANU Secondary College, for example, has been very popular, with increased student interest. We have also seen increased interest in the high school application process within the community. I am very pleased to see that, in spite of all the doom and gloom about the end of our public education system, we have seen increased interest. That is fantastic and it is something that the government seeks to build on.

**Mrs Dunne**: An increase in first round offers is not an increase in enrolments.

**MR BARR**: Mrs Dunne, you may seek to talk down our public education system. You take every opportunity to do so.

**MR SPEAKER**: Order! Mr Barr, direct your comments through the chair, please.

**MR BARR**: Every time there is a little bit of good news, Mr Speaker, about how we might be able to turn around our public education system and address the decline in enrolments and the drift into the private system, Mrs Dunne comes out and opposes it and has something bad to say. Time after time she seeks to talk the system down. Fortunately, the people of Canberra are not listening to her.

We are seeing increased interest in our system. The government is investing money in innovative educational models and new ideas, such as the ANU Secondary College. It is a fine example of how we have sought to work with the university to create an innovative educational product that is attractive to students. Look at what has happened. We have had an increase in enrolments in the college sector as a result of that initiative, amongst others. It is very important that we continue to be innovative and to invest money in our education system. That is what this government will do.

## Mental health

**MS MacDONALD**: Mr Speaker, my question is to Ms Gallagher in her capacity as the Minister for Health. Minister, last week was mental health week. Could you update the Assembly on the activities that occurred in the ACT to celebrate good mental health and the work the government is doing in this area?

**MS GALLAGHER**: I thank Ms MacDonald for the question. As members would know, mental health is a critical area of the health portfolio and it has received a great deal of attention both locally and nationally, particularly over the past year or so. Mr Speaker, one in five Australians will experience a mental illness at some stage of their life. We know from recent research that depression is the leading cause of work force disability and loss of work productivity. We also know that, alongside cancer and heart disease, depression is one of the most significant disease burdens facing our community. We also know that, unlike those who are sick with cancer or heart disease, 60 per cent of people who have a mental illness do not necessarily seek the appropriate services or support for assistance for that illness.

Mental health week, which is held annually across Australia, aims to raise community awareness of the importance of mental health and the services and support available. I think members would be aware of a lot of the activities that occurred across the ACT last week. This year's theme in the ACT was to signify the importance of looking after our own mental health as well as our own physical wellbeing; of taking time out to do some exercise; of making healthy food choices; of taking some time out to be with family and friends; and also of being aware of all of the support services that are available in the ACT.

Last week, along with Mr Smyth from the opposition, I opened mental health week at St Mary's in the Anglican parish centre in Calwell. The winners of this year's mental health awards were announced at this function. On Tuesday in the ACT we celebrated world mental health day with, for the first time, the mental showcase series. I attended this fantastic event. For an entire day everyone who works in mental health—government and non-government—had the opportunity to stand up in front of others and let them know what services they ran. This covered a whole range of services in the non-government area, community health, acute mental health services and forensic mental health services. It offered the opportunity for people who work in the area to get a full understanding of the range of programs that are on offer.

This is important because we often hear the criticism that people are so busy offering their own services that they do not have time to be aware of what else is going on and what other opportunities exist. Some of the programs shown through the showcase were the children of parents with a mental illness project, the better general health for people with mental illness project, the new older persons mental health inpatient unit, collaborative therapy, and the consumer and carer participation project.

Since 2001, mental health has been made a key priority area of the government. We have virtually doubled the spending on mental health, going from around $27 million in 2001 to $52 million in this year's budget. We are focusing our energy this year on prevention,

promotion and early intervention. Some of the $8 million that we have provided in this budget has been targeted towards that area.

The ACT recorded significant achievements in the national mental health report for 2005 that was released by the Australian Institute of Health and Welfare. It shows that the ACT has had the highest positive change in mental health spending over the past 10 years, with a 62 per cent increase in spending. It can be seen from figure 9 of the report, which is an interesting report which people should take the time to look at, that we have gone from being the lowest in per capita spending in 2001 at $80—although that had risen from a base of $69—to the third highest in per capita spending in 2003 at $103, behind only WA and Victoria at $107 and $113.

Mental health expenditure as a proportion of the ACT health budget has risen from 5.8 per cent to seven per cent in this year's budget. I think members can see the priority that we have given to mental health from our investment in it. Whilst there is still quite a bit of work to be done, mental health will remain a key priority of the ACT government. Mental Health Week has been a great success and I look forward to working with people in the sector to continue our reform process.

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

## Papers

**Mr Speaker** presented the following papers:

> Annual Reports (Government Agencies) Act, pursuant to section 15—Annual Report 2005-2006—ACT Auditor-General's Office—Report No. 7/2006, dated 25 September 2006.
>
> Quarterly travel report—non-executive MLAs—1 April to 30 June 2006.
>
> Study trip report—Ms Porter MLA—37th British Islands and Mediterranean Regional Conference—Malta, 23 to 29 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:
>
> Marion Wands.
>
> Pauline Brown, dated 12 September 2006.
>
> Peter Matthews, dated 31 August 2006.
>
> Long-term contracts:
>
> Jill Circosta, dated 23 June 2006.
>
> Stephen Ryan, dated 7 June 2006.
>
> Tom Elliott, dated 7 June 2006.

Short-term contracts:
Anita Hargreaves, dated 17 August 2006.
Annie Glover, dated 2 and 9 August 2006.
Anthony Polinelli, dated 8 August 2006.
Grant Carey-Ide, dated 27 July 2006.
John Clifford, dated 29 August and 8 September 2006.
Jon Quiggin, dated 25 Sepember 2006.
Kaaren Blom.
Karl Phillips, dated 22 and 23 August 2006.
Kuan Yian (Sky) Sim, dated 16 August 2006.
Lisa Holmes, dated 22 August 2006.
Michael Lai, dated 14 September 2006.
Pauline Brown, dated 12 September 2006.
Phillip Thompson, dated 30 June and 5 July 2006.
Rosemary Kennedy, dated 26 June 2006.
Tracey Lee Bessell, dated 19 and 31 July 2006.

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

Leave granted.

**MR STANHOPE**: I have presented another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all executive contracts and contract variations. Contracts were previously tabled on 19 September. Today, I have presented three long-term contracts, 15 short-term contracts and three contract variations. The details will be circulated to members.

## Financial Management Act—instrument
### 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 18A—Authorisation of expenditure from the Treasurer's Advance to the Chief Minister's Department, including a statement of reasons, dated 27 September 2006.

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

Leave granted.

**MR STANHOPE:** As required by the Financial Management Act, I have tabled an instrument issued under section 18A of the act. The direction and a statement of reasons for the instrument must be tabled in the Assembly within three sitting days. This instrument provides funding of $77,490 to the Chief Minister's Department to meet rental payments to Dytin Pty Ltd for the period 1 October to 31 December. Provision of this funding is consistent with the Narrabundah Long Stay Caravan Park land swap agreement.

## Territory-owned corporations—statements of corporate intent
### 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:

> Territory Owned Corporations Act, pursuant to subsection 19 (3)—Statements of Corporate Intent—
> ACTEW Corporation Ltd—2006/07 to 2009/10.
> Rhodium Asset Solutions.

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

Leave granted.

**MR STANHOPE**: As required by the Territory-owned Corporations Act, I have tabled statements of corporate intent for Actew Corporation Ltd and Rhodium Asset Solutions Ltd. I am required under section 19 (3) of the act to table the statements of corporate intent for those two entities within 15 sitting days. A copy of the statements has been issued to all members of the Assembly and, as such, I draw members' attention to the detail in the respective statements. I commend the papers to the Assembly.

## Restorative justice—first phase review
### Paper and statement by minister

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): For the information of members, I present the following paper:

> Crimes (Restorative Justice) Act, pursuant to section 75—Restorative justice—First phase review.

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

Leave granted.

**MR CORBELL**: Today, I have presented a report on the first phase review of restorative justice. In 2004, the Stanhope government introduced legislation that saw the expansion of restorative justice options for the criminal justice system in the ACT. This was the fulfilment of a promise the Labor Party had made to the community as part of its 2001 election platform. It was also a key crime prevention and sentencing strategy of the ACT criminal justice strategic plan 2002-05.

The model of restorative justice adopted in the ACT was formed after extensive consultation with all relevant government and justice sector agencies as well as agencies in the community sector. Experts in the field of restorative justice also assisted my department to finalise the model.

The Crimes (Restorative Justice) Act 2004 was drafted to support and guide the operation of the expanded scheme and it commenced operation on 31 January 2005. The act created a small, dedicated restorative justice unit which functions as a central point for referral, assessment and delivery of conferences.

ACT Policing had conducted diversionary restorative justice conferences in the ACT since 1994. I am pleased to note that ACT Policing's commitment to conferencing has continued under the new administrative arrangements, with police officers working within the unit to convene police-referred matters.

The government is introducing the new model of restorative justice in two phases. A phased introduction is being followed to allow the legislative framework and administrative protocols to be developed. The act provides for a review to be conducted after the introduction of each phase and sets out the indicators against which the review is to report. The first phase currently in operation is the subject of this review. It applies to less serious offences committed by young people. The second phase opens the scheme to adult offenders. Serious offences, including domestic violence and sexual assault, are also included in phase 2.

I have delayed the implementation of phase 2 to enable the findings of this review to inform the introduction of the next stage. I am aware that there is concern amongst community sector agencies about domestic violence and sexual assault offences being included in phase 2. I have asked that my department consult with those community sector agencies to address the concerns being raised about victim safety for these matters.

I have also asked for guidelines to be drawn up that will clearly set out how those risks are to be managed for domestic violence and sexual assault matters. It is important that the relevant community sector agencies are consulted in the development of those guidelines. Once those guidelines are prepared, I will consider the implications for introducing phase 2. In the meantime, the findings of this review that I have tabled today are very encouraging.

Restorative justice brings those most affected by crime together, with their supporters, to talk about what happened, how people have been affected and what should be done to repair the harm caused by the crime. At conferences, agreements are formed between victims and young people responsible for offences whereby the young people agree to do something to repair the harm they have caused.

Criminal justice agencies, particularly ACT Policing but also the Director of Public Prosecutions and the Children's Court, are using restorative justice to meet the needs of victims and to address offending behaviour of young people. Victim satisfaction with the scheme is very high, with 92 per cent of victims reporting they were satisfied with the outcome of their conference and 98 per cent saying that the agreement formed between them and the young person responsible for the offence was fair.

Victims have received written and verbal apologies for what has happened to them, financial restitution for their losses, and community work aimed at repairing the harm done to the community. Victims are reporting decreased levels of fear, anxiety and anger

as a result of their participation in the conferences and nearly all victims reported that they were able to say what they had wanted to say in their conferences. Over 93 per cent of victims said that they would participate in another restorative justice conference if the opportunity arose, and 94 per cent would recommend it to other victims—strong results indeed.

Restorative justice also looks after the needs and best interests of young people responsible for offences. They, too, are reporting high levels of satisfaction with the process. Nearly all young people, 98 per cent, said that they were treated with respect during their conference and that the terms of their restorative justice agreement were fair. Over 98 per cent said they will participate in restorative justice again and 97 per cent would recommend it to others.

I am particularly pleased to report that 98 per cent of young people have complied with their outcome agreements. These agreements are entered into voluntarily and young people are demonstrating their sincerity by doing what they said they would do to make up for the harm that they have done. This high compliance rate also indicates that the agreements are fair and achievable for young people.

I would like to point out that, contrary to many people's perceptions, victims have not been looking for retribution at conferences. They are demonstrating that the best interests of young people are a high priority for them and they are agreeing to tasks in agreements that are aimed at restoring the young people as valuable members of our community. As a result of their conferences, young people have completed 938 hours of tasks that were aimed at addressing their offending behaviour or were aimed at reintegrating them into the community. These tasks include residential drug rehabilitation programs, alcohol and drug counselling, anger management courses, vocational programs, and sport and recreation programs. Victims have even offered work experience and, indeed, employment to young people as a result of meeting them in a restorative justice conference.

Given that, I think it is fair to say that the benefits to our community that restorative justice offers are difficult to measure but should not and cannot be underestimated. It provides an opportunity for people to have a voice in our justice system and, because of that, it assists them to overcome the harm that has been suffered as a result of crime. Restorative justice has proved to be a worthy addition to our justice system, and the Stanhope government is proud of the achievements that are detailed in this report. I commend the report to members. I move:

> That the Assembly takes note of the paper.

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

## Territory plan—variation No 229
### Paper and statement by minister

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): For the information of members, I present the following paper:

> Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No. 229 to the Territory Plan—Adaptable housing, dated 13 September 2006, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

**MR CORBELL**: Variation No 229 to the territory plan introduces mandatory requirements for providing adaptable housing in specific circumstances. Adaptable housing is housing that can be easily modified to be suitable for use by people with diminishing mobility.

The new adaptable housing requirements will mean that 10 per cent of multiunit development proposals for 10 or more dwellings in residential, commercial or entertainment accommodation and leisure land use policy areas will be designed—indeed, must be designed—to meet the relevant Australian standards for adaptable housing. These requirements will ensure that over time a greater range of suitable housing options will be available to meet the community's changing access needs.

The current requirements for adaptable housing are contained in the ACT planning guidelines for access and mobility. Although the ACT Planning and Land Authority must consider the relevant provisions of a planning guideline when assessing a development proposal, guidelines do not have the same statutory effect as the territory plan.

The draft variation was released for public comment in July 2004 and dealt with both supportive housing purposes and provisions for adaptable housing. Six written submissions were received. The consultation report and the recommended final variation were forwarded to the Assembly's planning and environment committee in May 2005.

In its report of July 2005, the planning and environment committee made three recommendations in relation to the draft variation. Following further consideration, the planning authority has reviewed some of the provisions for supportive housing, including issues raised by the planning and environment committee. These revisions, together with additional proposed revisions and a site-specific change to the land use policy for block 23 section 117 Kaleen, were included in a draft variation, No 263, which was released for public comment in July this year.

The government is now of the view that there is a need for further research into the proposed definitions for supportive housing and approved provider and amendments to other definitions. The proposed changes to definitions have been deleted from variation 229 until further studies are carried out. Therefore, the current territory plan definition for supportive housing is being retained.

The current guidelines for adaptable housing will now have statutory effect in the territory. As mentioned, this will require that 10 per cent of the dwellings of any multiunit housing development consisting of 10 or more dwellings must be designed to meet the relevant Australian standards for adaptable housing.

Shortly I will table the government's response to the planning and environment committee's report on the draft variation. Briefly addressing the recommendations of the committee, the committee recommended that the Minister for Planning require the Planning and Land Authority to consult further with the Department of Disability, Housing and Community Services in relation to the issues raised by the ACT Council of Social Service and ACT Shelter on the proposed definitions for approved provider and supportive housing.

In response to this recommendation, as a result of the further consultation, the ACT Planning and Land Authority is of the view that there is a need for further research into the proposed definitions for supportive housing and approved provider and a number of other amendments to the other definitions. The proposed changes to definitions have been deleted from variation 229 and the current definitions in the territory plan have been retained.

The committee's second recommendation was that the reference to Australian standard 1428 for accessible housing standards should be amended. The wording has been amended in the final variation and there is no reference to the accessible housing standards. The document now refers to meeting the relevant Australian standard or building code for adaptable housing or other guidelines adopted by the authority for adaptable housing.

Finally, the committee recommended that the word "objectives" in the proposed amendments to the territory plan for area A11 be replaced with "controls". The change in the wording as recommended by the committee has been made as the territory plan written statement now properly reflects what was contained in variation 174 for adaptable housing for area specific policy A11.

I thank committee members for their detailed review and report on this variation and I commend the variation to the Assembly.

## Planning and Environment—Standing Committee
### Report—government response

**Mr Corbell** presented the following paper:

> Planning and Environment—Standing Committee—Report 13—*Draft Variation to the Territory Plan No. 229—Supportive Housing and Adaptable Housing Provisions and Other Minor Amendments*—Government response.

## Papers

**Mr Corbell** presented the following papers:

**Annual reports 2005-2006**

Annual Reports (Government Agencies) Act, pursuant to section 13—

ACT Building and Construction Industry Training Fund Authority, dated 6 September 2006.

ACT Electoral Commission, dated 6 September 2006.

ACT Emergency Services Authority, dated 15 September 2006
ACT Gambling and Racing Commission, dated 13 September 2006.
ACT Government Procurement Board, dated 14 September 2006.
ACT Health Promotion Authority (Healthpact).
ACT Health, dated 7 September 2006.
ACT Human Rights Office, dated 22 September 2006.
ACT Insurance Authority, dated 1 September 2006.
ACT Ombudsman, dated 11 September 2006.
ACT Planning and Land Authority, dated 22 September 2006
ACT Planning and Land Authority (Revised), dated 12 October 2006.
ACT Policing, dated 22 September 2006.
ACT Public Cemeteries Authority, dated 20 September 2006
ACT Public Cemeteries Authority (Revised), dated 20 September 2006.
ACTEW Corporation Limited.
ACTION Authority, dated 14 September 2006.
ACTTAB Ltd, dated 1 September 2006
Australian Capital Tourism Corporation, dated 8 September 2006.
Australian International Hotel School, dated 18 September 2006.
Chief Minister's Department (2 volumes), dated 4 and 19 September 2006, including a corrigendum.
Commissioner for Public Administration, dated 22 September 2006.
Commissioner for the Environment, dated 18 September 2006.
Community and Health Services Complaints Commissioner, dated 22 September 2006.
Cultural Facilities Corporation, dated 21 September 2006.
Department of Disability, Housing and Community Services (2 volumes), dated 11 September 2006.
Department of Economic Development, dated 4 September 2006.
Department of Education and Training, dated 13 September 2006.
Department of Justice and Community Safety (2 volumes), dated 22 September 2006.
Department of Treasury (2 volumes), dated 15 and 20 September 2006.
Department of Urban Services (2 volumes), dated 18 September 2006.
Exhibition Park in Canberra, dated 31 August 2006.
Independent Competition and Regulatory Commission, dated 18 September 2006.
Land Development Agency, dated 21 September 2006.
Legal Aid Commission (ACT), dated 5 September 2006.
Office of the Director of Public Prosecutions, dated 11 September 2006.
Office of the Occupational Health and Safety Commissioner and ACT Workcover, dated 15 September 2006.
Office of the Small Business Commissioner, dated 30 June 2006.
Public Advocate of the ACT, dated 22 September 2006.
Public Trustee for the ACT.
Stadiums Authority.
Victims of Crime Support Program (incorporating Victims of Crime Co-ordinator, ACT Victims Services Scheme, ACT Policing Victim Liaison Program and the *Victims of Crime (Financial Assistance) Act 1983*), dated 15 September 2006.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Health Act—Health (Fees) Determination 2006 (No. 3)—Disallowable Instrument DI2006-213 (LR, 21 September 2006).

Public Place Names Act—

Public Place Names (Franklin) Determination 2006 (No. 1)—Disallowable Instrument DI2006-215 (LR, 4 October 2006).

Public Place Names (Jerrabomberra & Majura Districts) Determination 2006 (No. 1)—Disallowable Instrument DI2006-211 (LR, 14 September 2006).

Public Place Names (Oaks Estate) Determination 2006 (No. 1)—Disallowable Instrument DI2006-210 (LR, 14 September 2006).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2006 (No. 6)—Disallowable Instrument DI2006-214 (LR, 3 October 2006).

Radiation Act—Radiation (Fees) Determination 2006 (No. 1)—Disallowable Instrument DI2006-209 (LR, 14 September 2006).

Utilities Act and Utilities (Water Conservation) Regulations—Utilities (Water Restriction Scheme) Approval 2006 (No. 1)—Disallowable Instrument DI2006-212 (LR, 21 September 2006).

## Sustainable water supply
### Discussion of matter of public importance

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

> The importance of securing a sustainable water supply for the future.

**MR GENTLEMAN** (Brindabella) (4.05): Mr Speaker, the subject of water has been a pressing issue since the arrival of the First Fleet in 1788. The new settlement at Sydney was reliant on the Tank Stream until it became too polluted and a new source had to be found. Fortunately, nowadays we do not have a problem with polluted water sources, but we do have a problem in ensuring a sustainable supply into the future.

The Stanhope government has been more innovative and more responsive in recognising the pressing need to secure our future water supply than any other jurisdiction. Today's *Herald Sun* carries a tale of Victoria's perilous position, with new figures from the state's water authorities showing that the water shortfalls predicted early last year have grown significantly in recent months. It is now estimated that Victoria's water supplies are drying up at more than double the rate predicted just 18 months ago, with the amount of water flowing from streams and rivers into reservoirs dropping by up to 60 per cent compared with the 100-year average.

The ACT has been planning and managing its water needs in an integrated and practical way. The ACT government implemented a water resource management strategy, "Think water, act water", in April 2004. The strategy is both a short to medium term and an ongoing long-term approach to water supply and demand management in the ACT.

The strategy established six objectives and a series of actions and was budgeted for in the 2004-05 budget. The major objectives bear restating. They are: to provide a long-term, reliable water source for the ACT and region; to increase the efficiency of water usage;

to promote development and implementation of an integrated regional approach to ACT and New South Wales water supply and management; to protect the water quality in ACT rivers, lakes and aquifers; to maintain and enhance environmental, amenity, recreational and designated use values and to protect the health of people in the ACT and down river; to facilitate incorporation of water sensitive urban design into urban, commercial and industrial development; and to promote and provide for community involvement and partnership in managing the ACT water resources strategy.

Our commitment to infrastructure investment was highlighted just yesterday with the Chief Minister announcing a $15 million extension to the innovative Cotter-Googong bulk transfer system, an investment that will deliver Canberrans up to 85 megalitres of water a day.

I would like to focus on how the second objective, increasing the efficiency of water usage, is being implemented by the government. The strategy has set water targets to reduce per capita use of mains water by12 per cent by 2013 and 25 per cent by 2023 and increasing wastewater reuse from five per cent to 20 per cent by 2013. Since the release of the strategy in April 2004, much has been done to reduce our water usage on a practical level.

The ACT's water efficiency incentives program has successfully delivered a number of programs across residential, government and commercial sectors. More specifically, the program includes the introduction of residential water efficiency programs providing rebates for water efficient products such as dual flush toilets and showerheads and expert advice for saving water in the home and garden; rebates for rainwater tanks with internal plumbing connections; publication of guidelines for grey water use; commercial water audit programs to assist businesses to identify water shortage and wastage water audits for 20 schools participating in the sustainable schools pilot program and investigation into the extension of a successful COMTROL irrigation system to schools, sports grounds and urban parkland.

To date 5,744 Canberra households have participated in the WaterSmart homes program, the old indoor tune-up program, and 1,566 households have participated in the GardenSmart program, the old outdoor tune-up program. Over 340 households have received a rebate for the replacement of single flush toilets with more efficient dual flush toilets. A new program targeting residential automated irrigation systems is currently being considered to encourage more efficient outdoor watering in home gardens.

Over 1,000 rainwater tank rebates have been provided to householders. The focus of the program is now on providing a financial incentive for residents to connect rainwater tanks to their toilets and washing machines, which delivers the highest savings. Grey-water and rainwater tank guidelines have been produced and are very popular publications with the community, providing practical and regulatory advice. An audit program for the commercial sector has been popular, providing information and recommendations on water efficiency measures for approximately 70 of the ACT's high water-using businesses and buildings.

The sustainable schools program commenced in December 2005 and will deliver comprehensive indoor and outdoor water audits of 40 schools over two years. Funding will also be provided to schools to implement recommendations to reduce water

consumption. An analysis of the water savings delivered through COMTROL, the government's centralised irrigation system for sports ovals, revealed that on average a water saving of 40 per cent has been achieved since its installation in 1991. A project is being developed to increase the number of irrigated sports ovals and urban parkland sites irrigated within the COMTROL network. This project is expected to cost-effectively deliver significant further water savings while adequately maintaining the ACT's irrigated public assets. The project scope also includes the conversion of school irrigation systems to the more efficient control system.

In our own government businesses we are taking steps to conserve water. As a result of the installation of its new linen processing equipment, Capital Linen Service made massive water savings at its laundry in Mitchell. The $2.39 million investment to upgrade Capital Linen Service's infrastructure was a practical demonstration by the ACT government of its commitment to sustainability by reducing water and energy usage. The new equipment will provide savings in water usage equivalent to 10 Olympic swimming pools, savings in energy and reduced manual handling by staff. Capital Linen Service recently received a 2005-06 Australian Service Excellence Award and was a finalist in the 2006 ACT Training Excellence Awards. I have had quite a bit to do with Capital Linen Service over the years and I would like to congratulate them again on their employment conditions as well as on this service excellence award.

The government has also funded a water recycling project at the Yarralumla Nursery, another longstanding successful government business. This water recycling project will significantly reduce consumption of water from Lake Burley Griffin and, ultimately, the Murray-Darling Basin. The new water recycling system collects run-off from existing drains and redirects the water into two existing holding and settling ponds from which water is then pumped through the irrigation system. The water recycling system will benefit the nursery, reducing costs as well as reducing the run-off into the river system.

"Think water, act water" requires review and evaluation. A progress report for 2004-05 on "Think water, act water" was released earlier this year and is available on the "Think water, act water" website. Work is now being done to gather and analyse usage data at the household and end use level so as to improve and better direct our water efficiency programs. As part of increasing water efficiency, a scheme of permanent water conservation measures was developed and introduced. These measures, which began in April this year, have been successful in saving water.

The temporary water restrictions scheme has also been revised. The scheme applies according to a number of criteria, principally water storage levels and future rainfall prognosis. For much of 2006, like in most other parts of Australia, it has not rained. Therefore, stage 2 of the temporary water restrictions scheme will commence on 1 November. A community promotion and awareness campaign will be undertaken by ACTEW. Other efficiency measures include participation in the national water efficiency labelling scheme, WELS. Legislation underpinning the scheme was passed by the Assembly in early 2005. The ACT has also drafted water sensitive urban design guidelines to be incorporated into urban, commercial and industrial development. These have already been released in draft form for community comment.

The ACT's water strategy and measures are innovative and have taken into account best practice measures and what is happening across other parts of Australia, where

appropriate. The ACT has a well-developed water management strategy that involves all sectors of the community. The early results from this mix of measures are demonstrating the reduced water usage in the ACT. Of course, these measures need to be maintained and evaluated. Other measures under "Think water, act water" will be introduced in the near future.

With regard to our rural sector and the drought, I point out that the ACT rural sector is small by any measure. However, ACT farmers still need to grow crops and pasture. They still need to water and feed their stock and they still need to control weeds and feral animals. They still need to make a living and get a viable return from substantial investments. In this sense, ACT farmers are no different from others elsewhere in the country. Drought does not distinguish between an orchardist in the Riverina, a cattle baron in the Queensland outback or a fat lamb producer in the ACT.

Approximately 16 per cent of the ACT is held under rural lease. Broadacre rural land is a significant landscape element of the territory and contains substantial cultural heritage and nature conservation resources. I have been involved personally in assisting Greening Australia in many plantings on rural leaseholds around the ACT. So far those plantings have been very successful, with a survival rate of somewhere near 80 to 90 per cent. These plantings by Greening Australia and volunteers, up to 500 at a time, will assist those farmers with their water strategies, too.

ACT farmers are an important component of the territory's firefighting resources. Developing niche industries increasingly contributes to our tourism attractions. The government recognises the ACT rural sector as an integral component of our economic base and land management resources. It is apparent that despite some relief in spring of last year the drought continues. Special arrangements are in place to foster a viable and sustainable rural sector and the government is examining ways to augment assistance measures for rural lessees to help them get through this drought.

The Prime Minister recently announced an extension of exceptional circumstances provisions for the region because of the continuing drought. The ACT government is intent on leading the way through many of these smaller scale initiatives through to major capital works investment in our water infrastructure. But we cannot work in isolation. We are part of a city, part of a region, so we will work with our neighbours to ensure the big-scale projects that secure our water well into the future are also undertaken. It is on all these fronts, at the local, regional and national level that the Stanhope Labor government will continue to lead the way and set the benchmarks for others.

**MR MULCAHY** (Molonglo) (4.19): Mr Speaker, I welcome the opportunity to speak today, as I believe that securing a sustainable supply of water for the future is a matter of extreme importance. Having only recently assumed the role of shadow minister for water, I was fortunate enough last week to meet and receive a briefing from the Hon. Malcolm Turnbull who, as Parliamentary Secretary to the Prime Minister, has responsibility within the federal government for water. This means that he heads up the recently announced National Office of Water Resources, which, along with other national bodies, will be at the forefront of developing and coordinating a nationwide plan for sustainable water usage.

One of the things that were immediately evident during my meeting with Mr Turnbull was the seriousness of the water situation across Australia. We have, coincidentally, seen extensive media of this topic in this past week. For example, the recently released report *Australian Water Resources 2005* found that, across the country, water resource planning and water resource development can only be considered to be of an adequate to poor standard with considerable room for improvement. Even though here in the ACT we are fortunate not to be in as serious a position as some of the well publicised and dire situations in other regions, this does not mean that securing a sustainable water supply is an issue that can be ignored. I am sure there will be no dispute in the chamber about that proposition.

I believe that water is such a major issue that cooperation is needed in this area of policy. Political point scoring will certainly not solve the serious issue of ensuring an adequate water supply into the future. That is why I believe that the ACT government should take advantage of the resources available at a national level, especially with the Office of Water Resources, to ensure that our forecasts and the data that we are relying on are as accurate as possible and tested as thoroughly as possible by the best available scientific resources this country can provide.

One of the issues that Mr Turnbull highlighted to me during our meeting was that some jurisdictions are relying on 100-year rainfall averaging data. These records fail to take into account the step reductions now coinciding with global warming. As I am sure we all recognise, global warning is happening. The world is heating up and it is getting drier, and this obviously impacts on the availability of water. Relying on long-range historic data may distort long-term water supply plans. If a region is to rely on such data, a decision, for example, not to invest more heavily in water infrastructure based on the anticipation that the existing dams would adequately service the population well into the future may well be flawed.

Mr Speaker, I seek leave to table three separate graphs for other regions that Mr Turnbull provided to me to illustrate the dangers of relying on 100-year forecasts.

Leave granted.

**MR MULCAHY**: I present the following papers:

> Water inflow—Graphs—
> Perth's Annual Storage Inflow GL (1911-2005).
> River Murray System Inflows (including Darling)—Annual Totals.
> Lal Lal Reservoir levels.

The graphs deal particularly with the situation in Perth, in Victoria and in the Murray-Darling Basin. If members care to look at the graphs, they illustrate that for Perth, for example, a 100-year historical projection on rainfall levels or inflows gives an average level which has dropped quite dramatically since 1975 and is showing further dramatic step-downs from 1997. What might have seemed a comfortable measure in times gone by and served as a reasonable basis for making long-term projections is in fact now being dramatically distorted because of changes in rainfall levels.

I have other charts that were provided to me by the parliamentary secretary that show a dramatic fall in rainfall levels primarily in the populated areas of Australia. Some of the highest recordings of rainfall are in the least populated areas of the country. In one of these charts, which have been prepared by the bureau of meteorology, the lowest on record figures have been recorded in significant areas across eastern Australia, in parts of eastern Tasmania and on the fringes of Western Australia. Some of the highest on record rainfalls have been achieved in parts of the Northern Territory and in northern Western Australia.

The problem basically is that the rain is not falling in the populated areas; it is dramatically down, and governments and cities must take into account these changing weather patterns. Whatever debate might be out there about their cause, the fact is that things are getting hotter and the rainfall will not provide us with the resources we need to service our communities. We must ensure that we are relying on contemporary science. I guess basically I am encouraging the territory government to submit to the National Office of Water Resources material that is related to our future water needs, especially the assumptions on further requirements and infrastructure, to ensure this data is as accurate and up to date as possible.

Whilst I realise that there is a high level of expertise available to the ACTEW Corporation, I do not believe that we can ever be too thorough in confirming projections and understanding what the likely requirements will be for this territory in the period ahead. If we get it wrong, there will be terrible consequences for our population. It will inhibit growth in this community and will not be well received by the people of Canberra.

I asked Mr Turnbull if his officers were willing to provide that service to the territory. They were very positive and indicated that they will be responsible if that approach is taken by the territory. They indicated that they would be happy to review the material and, if necessary, work with the ACT to ensure that the water policy of the territory is based on the best available data that is available and examined by the best minds available, both at the commonwealth and territory level. This is an indication of the level of cooperation that I believe is necessary to ensure that the ACT secures a sustainable source of water, and I certainly encourage the government to explore this option.

Another element must be considered in developing water policy in the ACT. It is the need to balance water conservation with increases in tariffs and abstraction charges. I publicly welcomed yesterday the prudent measure of water restrictions in the current climate. I think it would be foolish to do otherwise, given the data that I am citing here, and I am confident that the people of Canberra will once again respond quite positively to the need to conserve water in a period of dry weather and low water inflows. However, I do repeat my call that this level of responsibility must be matched by ACTEW and, ultimately, the territory's government.

I will comment briefly in a moment on the appropriate use of dividends received for water, but I wish to say simply that the people of Canberra should not be gouged with further increased prices for water and abstraction charges to compensate for the reduced consumption which they are observing at the request of their government. The people of the ACT should not be punished for conserving water in a time of shortages by a cash-

strapped government that needs to protect the dividends it receives from ACTEW. The Prime Minister said recently that water should not be a device for state and territory governments simply to raise money, and this is a sentiment that I wholeheartedly agree with. The first priority for the income generated by the sale of water should be to invest it back into water infrastructure. It should not be used by government to cover its daily operating expenses.

The federal government, for its part, has led the way in showing its understanding of the importance of developing water infrastructure with its $1 billion national water initiative. This is a level of commitment, not financial but in spirit, that the ACT needs to match. The Chief Minister boasted recently that his government has spent $70 million on infrastructure over the last couple of years. However, it must be noted that the estimated dividend from ACTEW for the 2005-06 financial year alone was over $57 million. In addition, the government's decision to dramatically increase the water abstraction charge will increase the revenue it received from the WAC by about $14 million in 2006-07.

Quite clearly, then, water is a significant source of income for this government, and it is a source of income that they have no problem increasing to cover other costs. In seeking to understand why the government has considered it necessary to increase charges for water, let us not forget that this is a government that, through its poor management of the economy, has driven the ACT budget to a crisis point that it is now attempting to reel back from. The budget deficit that this government, after more than four years in office, has handed the people of Canberra is impacting on all areas of life. Standards of education, health and municipal services, to name just a few, have all suffered as a result of this poor economic management.

My purpose in delving briefly into the overall budgetary position of the ACT is simply to attempt to make the point that the government cannot continue—and pardon the pun—to go to the well to cover its inability to manage the ACT economy. I have no issue with the government charging an appropriate amount for water. It is, after all, a valuable resource. There is a problem, however, if the government continually increases the charges, not to reinvest in water infrastructure but to pay for its financial errors and poor planning. Securing a sustainable water supply is clearly a matter of public importance. I do not claim to be an expert or to have all the answers, but in my short time as shadow minister in the opposition responsible for water policy I have already come to appreciate just how important and complex is this issue.

Because the issue is so important, because the impact of any miscalculation would be considerable, the first thing that needs to be established is that any plan is based on the most recent, credible and accurate data. Essential to any plan should be a willingness to invest in water infrastructure. I acknowledge that the government's recent announcement of a $15 million extension to the Cotter-Googong bulk transfer system is a positive step and I hope that it represents a long-term willingness to focus the dividends and revenue that the government receives from water charges back into investment in infrastructure. Water, despite its value, should not be resourced to fund an ailing government. The people of the ACT should not have to pay increasing amounts for water if those amounts are not being used to fund further developments in water infrastructure.

Finally, crucial to the issue of securing a sustainable water supply is cooperation. The ACT government must be willing to cooperate at the national level with the federal

government. This goes beyond simply seeking national water initiative funding and should encompass continuous dialogue and communication with the Office of Water Resources, the National Water Commission and other relevant national bodies and learned institutions.

Developing and maintaining working cooperative relationships with these groups will assist in ensuring the accuracy of any sustainable water plan. I am quite confident that the people of the ACT would have that expectation because it is an issue which I have become very quickly aware attracts a whole level of interest amongst the people of our community from many different perspectives and is one that I feel confident is up there with economic management. People have an expectation that it must be handled properly and professionally and in a constructive fashion. I certainly know from my meeting with Malcolm Turnbull last week that this is a view shared by the federal government. I encourage the territory government to entertain the same view.

**DR FOSKEY** (Molonglo) (4.33): This is indeed a matter of public importance as we spend at least the third year of very severe drought. The spring rains have failed us and it is not possible to predict when it will rain again. We seem to be in a permanent El Nino effect, which is enhanced by climate change as the ocean warms. It is fitting that we are talking about this matter today. The ACT is the beneficiary of a very well chosen site. When Scrivener went out in the early days, he was looking for a site with abundant water, and he chose one. He found one here and we are reaping the benefits of that and the government is reaping the benefits of that.

Mr Gentleman talks up the ACT government's actions on water and Mr Mulcahy talks up the federal government's actions. It is all quite predictable. What do the Greens talk about? I guess we talk about—

**Mrs Dunne**: Talk to yourself.

**DR FOSKEY**: Could you repeat that?

**Mrs Dunne**: No. That would be disorderly.

**MR DEPUTY SPEAKER**: Order!

**DR FOSKEY**: The Greens talk about communities. We think that neither the federal government nor the ACT government have the complete answer. I must say that I am a very great opponent of the new dam that I believe the Liberals are still talking about. I did not hear Mr Mulcahy mention it today. It might conveniently drop off the agenda without any great announcement. There is no doubt that there would be a lot of ruined farms and an empty space there right now if we were building that dam.

Mr Speaker, it is an alarming time. The Murray-Darling Basin, which produces 70 per cent or so of our agricultural produce at this time of the year is only 36 per cent full compared to its average of 75 per cent at this time of the year. There are suggestions from CSIRO scientist Albert Van Dijk that the Murrumbidgee is facing a 50 per cent drop in water levels. We know the Murrumbidgee is our river of last resort, and that drop would represent a very severe threat to a secure and sustainable water supply. Groundwater, while a very useful resource, should be kept until a time of absolute

scarcity. It is not a renewable resource. We do not know enough about the movement of water in our aquifers and we cannot be assured that it will always be there.

I read in our own *Canberra Times* a letter from someone who had just travelled to Bourke and observed the greenness of the lawns in that town. I have heard about that in Western Australia as well. In the middle of deserts we have towns with green lawns—we would probably never tolerate them here—all at the cost of groundwater. While it may be under one's own block of land, it actually is a community resource.

One of the issues that the Greens have raised a number of times is the need for an upper Murrumbidgee catchment authority. We sit here in our little territory in the middle of the Murray-Darling Basin and in the middle of New South Wales. We need to be working much more with the other municipalities around us. Having travelled down the Murrumbidgee to where it joins the Murray, I believe that we look after the water that flows through our territory better than the surrounding territories. I think the water benefits from its sojourn within our borders.

Although it may not be directly obvious, many issues in the ACT relate to water. One such issue is the expansion of the zoo. I believe the decision to allow that to go ahead was based on environmental studies, but we were not shown those environmental studies and I do not know what they say. They might have said it was a bad idea. At the moment we are just told that they were favourable. I always get suspicious when I am not allowed to see documents.

We also supply water to Queanbeyan under an historical arrangement, which may or may not have been wise. It certainly has led to some tensions and will lead to more tension as water scarcity deepens. But I do note that Queanbeyan's program of water efficiency has been much more extensive than ours. Dual flush toilets were not subsidised; they were given away. There were quite a lot of other measures as well. It is interesting that, as buyers of our water, they have decided to take those measures and, as sellers of the water, this jurisdiction is still, I believe, dragging the chain on those issues.

I just wonder at what point we will recognise that we are in a situation where drastic action needs to be taken. I believe that we live in a kind of fool's paradise where we believe it might rain again next week—maybe we do not believe that any more—or next year, at least, and people like Paul Perkins suggest rationing in the middle of a 30-year cycle of drought. We know that climate change is changing everything in ways that we do not know, and the precautionary principle applies to water as much as anything else. There are things that we can do and I believe that they would put us at the cutting edge.

I think that there is a good opportunity to develop a cutting edge sustainable industry sector based on water efficiency. I have met quite a number of people out there in the community with small businesses based on various aspects of increasing water efficiency around households and other buildings. We could create a market here with regulations. We could also put conditions on the supply of water to neighbouring towns. Why not use the profits from water sales to assist in the establishment of an industry to pay for dual flush toilets and to help people with grey-water cycling?

Water tanks are just, as we know—excuse the pun—a drop in the ocean. Canberra is an inland city, and those tanks do not mean as much as if we were stopping water flowing to

the coast. It is a good idea. It is a good principle. It makes people understand how much water they use. But it is a very small measure. Let us take ourselves beyond self-congratulation on how we are managing our water catchment. I think we have said enough here to know that we have not always managed it well, and our recovery after the fire was actually very, very slow. It took the government a very long time to listen to the advice of scientists and quietly decide not to replant pines. They did make that decision, though, and I commend them on it.

In Castlemaine they have just introduced water restrictions that prohibit the use of water outside the household, and we have new dwellings being built with swimming pools. I have really got to question the wisdom of that. I am always surprised at how few people in Canberra relate to the environment that they live in, who believe that their green lawn is more important than an environmental flow in a river. One is always having that argument. But it is not just a nicety any more. The crunch has come.

I briefly want to mention an amazing report from the Business Council of Australia, which sees water as a market resource only. It also quotes Mr Turnbull, with whom Mr Mulcahy spent so much time. It is worth a read. *(Time expired.)*

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (4.43): The subject of this debate is very important and it is very pleasing to see members engage in the debate in the thoughtful way that they have been. This community and the rest of the nation have engaged to a very high degree in the debate around water issues—water supply, water security, water use and water recycling—in Australia. The drought we are experiencing, which may be just part of a cycle, and the level of awareness and acceptance now of climate change and the implications of climate change have led each of us to focus on issues of water and water supply to a degree that perhaps one would not have imagined even five years ago.

This government and all other governments around Australia are working very hard, vigorously and cooperatively to deal with the drought issues and the implications of climate change for the nation in the context of the Living Murray initiative, the discussions which have been a feature of the meetings in relation to water trading and water reform, and the quite rigorous assessment which for many years has been consuming the time of the Murray-Darling Basin Commission and ministers of all jurisdictions that are members of that commission. We now have the commonwealth's investment of $1 billion in the national water initiative and the establishment of the national water council and, indeed, a separate office within the Department of the Prime Minister and Cabinet to lead on the issue of water.

I think it is fair to say in any debate on water that the ACT can take some pride from being the most active, and certainly the most innovative, of any of the jurisdictions around Australia. That has been a matter of pride for some years, not just since we have been in government, and is reflective of the history of the ACT and of Actew. To some extent, that has been forced on us by the fact that, by inland standards, Canberra is a large city. It is by far the largest inland city in Australia and that does impose a certain

discipline on us that the coastal cities, the other large cities of Australia, perhaps have not faced as forcefully or as bluntly as inland cities have been forced to face.

In any debate or consideration around attitudes to water, attitudes to recycling and the value of water, it is the inland cities that perhaps are more confronted and historically have always been more confronted by the significance and the value of water as a resource. In that context, it is interesting that Mr Mulcahy—it may have been Dr Foskey—pointed to those reasons for the establishment of Canberra in this place. Certainly, the defining criterion was the catchment and the capacity of the catchment to supply the city into the future.

It is quite interesting to look at that catchment and look at the ACT government's governance or management of the catchment and of water within this region. The fact is that the ACT has a water resource capacity of some 386 gigalitres in a normal year flowing into it from New South Wales via the Murrumbidgee. On average, historically, 386 gigalitres have entered the ACT from New South Wales and 386 gigalitres have passed down the Murrumbidgee, left the ACT and returned to New South Wales untouched. The ACT, as a catchment on its own, generates 494 gigalitres of rainfall annually, on average. Of that 494 gigalitres which falls as rain within the ACT, 55 per cent, or 272 gigalitres, is set aside for environmental flows to guarantee the health of rivers, most notably the Murrumbidgee River.

Of the remainder, the 222 gigalitres of rain which falls within the territory that is available for consumption, the ACT historically takes 65 gigalitres gross for urban water supply. Of that 65 gigalitres of a total in excess of 800 that is available within the territory, we return over 30 gigalitres to the Murrumbidgee through the lower Molonglo water control centre. In short, when one does the sums, of the total amount of water potentially available to Canberra, we take three per cent. We take three per cent of the water that flows into the ACT or the water that falls onto the ACT. Indeed, we take only seven per cent of the water that falls within our catchment, our water. Of our water, excluding the water that flows in from the Murrumbidgee, we take just seven per cent.

It is relevant that we return to the system over 55 per cent of all the water that we use. In other words, when one looks at the issue of our use of water and the extent to which we do value this resource, we recycle over 50 per cent of all the water which we take, the most significant recycling effort of any place in Australia. We need to look at it in the context of the catchment as a whole. We need to look at the fact that we are recycling in toto over half of all the water that we take and returning it in very good order, essentially potable, to the Murray-Darling Basin system—and rightly so, as a good citizen of the catchment and the major city within the catchment.

We are a good corporate citizen through the water policy which we have established and which we are implementing, "Think water, act water". We have set targets of a 13 per cent reduction by 2013 and of 25 per cent by 2023 and we do have in place a raft of policies and positions to ensure that we do meet the targets that we have set. We have adopted water sensitive urban design. We are committed to environmental flows. We are undertaking research to better understand and better plan for groundwater use in an environment in which we have imposed a moratorium to ensure that we do that. We have moved to the equitable allocation of available groundwater. We are committed to ensuring that the water which we take leaves the territory of a quality that it enters, that

we do not have wasteful practices in place and that we are facing our responsibilities in a serious way in the context of acknowledging and recognising the value of this resource. At one level we are reflecting that, of course, through the steps that we have taken to ensure that we do move to price water appropriately—hard decisions for government that other governments around Australia have shirked.

In relation to the issue of water supply and securing the supply, we have worked, I think, more innovatively and more vigorously than any other place round Australia as well. We did inherit good infrastructure at the time of self-government. We have not been complacent. In the last three years, through Actew, we have invested over $70 million. Yesterday, I announced that we would invest an additional $15 million as a minimum, taking our investment in infrastructure in the last three years or so to $85 million. We have, through some most innovative engineering and thinking, created the capacity for and possibility of transferring water en bulk from a high-performing, high-flow catchment to a low-flow catchment.

We have already moved 10 gigalitres, one-sixth of our annual requirement. With the initiative I announced yesterday, we will have the capacity to move 24 gigalitres a year across to Googong, more than one-third of our annual capacity, by the simple expedient of upgrading our water treatment facility and transferring water en bulk to a performing catchment. We have done the necessary investigations, the necessary science. We have pursued vigorously, relying on the best scientific advice available to us, our needs into the future, taking into account all the variables and all the parameters of climate change, historic flows and population growth. We are doing the work and will continue to do the work.

**MRS DUNNE** (Ginninderra) (4.53): This MPI in National Water Week is an important matter that requires constant revisiting by this Assembly to ensure that we do have the best possible policies for the ACT. The Chief Minister is right in saying that the ACT has a proud history of being at the forefront of water efficiencies and water management policies since before self-government. There are many measures that this government has undertaken which are good as far as they go. As the shadow minister for the environment and water over a long period, I have been unstinting in my criticism of the government for its failure to be really innovative, to be really at the cutting edge, to come up with absolutely the best policies. They are doing okay, but there is much more that can be done.

Mr Gentleman has come along with a speech that someone has prepared for him listing the litany of wonderful things the Stanhope government has done. I suppose that is the job of a backbench member of a government, but we should be a bit more realistic about what has in fact happened. There has been a fair amount of stinting by the government when it comes to water policy. We have to look at that in the context of this matter of public importance, which is about the importance of securing a sustainable water supply for the future.

The Chief Minister finished his presentation by talking about some of the capital investment that the government has made and the reason for its particular path. The Cotter-Googong bulk transfer system is pretty whizzy technology. It has been without a doubt quite an innovation and the people who came up with the idea should be applauded for their attempts to make the situation better. But it always strikes me as strange that,

while we are talking about securing a water supply for the future, we can look at everything except the possibility of building a dam. One of the things that we have seen in this debate is an absolute, complete reluctance on the part of the government to engage in the issue of whether we actually need another dam.

I will come back to that. But, before I leave the Cotter-Googong bulk transfer system, the minister has said that we are now in a situation, or very soon will be in a situation, whereby we will be able to transfer from one catchment to another a third of our actual water supply needs in each year. That is fine while ever the Cotter catchment is producing at its current level. But, from the government's documentation and other documentation elsewhere, we know that by five years after the 2003 fires—2008—the productivity of the Cotter catchment will decline radically as the vegetation that is regrowing following the fires really takes hold and that vegetation takes up considerably more water than is currently the case, as was definitely the case before the fires.

The science is unclear and we do not know exactly but, if you just read the government's documentation, from year 5 after the fires to year 20 or 25 after the fires we can expect to see about a 25 per cent reduction in the outflow from the Cotter catchment. We have just spent $70 million so that we can siphon water out of the Cotter catchment into the Googong catchment but, beginning in 2008, we may not have enough water to siphon. That will be $70 million that will go to waste. It will be $70 million for a project which will be effective for only five years. That is why I criticise the Stanhope government for its failure of policy.

Getting back to whether we should build a dam, one of the things that all the climate change science tells us, if you believe the models, is that we will see less rainfall, which is a matter of considerable concern. Everyone here today has touched upon that. The other thing that we will see is that there will be bigger gaps between the rainfall and when you actually have rainfall you will have big downpours, big rain events. If you do not have the capacity to trap and store that when it occurs, we will have long-term water security issues. The issue is that, if you have big events with long spaces in between, you need to have more water storage capacity—more water storage capacity than we currently have.

The projections for water storage and our demands on water done by Actew were by Actew's own admission, before they were got at a bit by the government, that we would need a new dam by 2017. Evidence was given to committees in this place in the early stages of 2003 that by 2017 we would need a dam. Somewhere along the line, someone has got at them and they have decided that they do not need to do that. But the population projections remain the same and the storage capacities of our dams remain the same.

If all our dams are full—they are not full now and the prospects of them being full before 2008 or 2017 are not great—all that points to is that we will need to harvest another catchment. The Cotter catchment is highly at risk of becoming unproductive in the way that the Googong catchment has become. The issues in relation to why the Googong catchment has become unproductive have not been addressed by this Chief Minister. The principal reason that the Googong catchment is not as productive as it once was is that there is too much extraction of groundwater, there are too many bores, there are too many surface dams and the runoff that we used to have no longer comes into the river

system and runs into the Googong dam. There has not been the substantial decline in rainfall that some people say that there has been, but there has been a substantial decline in runoff.

We are seeing a failure of this government to secure a sustainable water future. They have done a number of things. Some of those have been good, but some of them have been just daft. The amount of time, effort and encouragement that this government puts into rainwater tanks and small-scale recycling plants is the wrong appropriation of money. I have done the calculations and I have circulated the calculations time and again. If every Canberra household installed a 10,000-litre tank, the cost in terms of subsidies from the government and outlays by the consumer would be equivalent to the cost of building the Tennent dam.

If every household in the ACT installed a 10,000-litre tank at a cost of somewhere between $3,500 and $5,000, now that the minister requires it to be plumbed back into a house, we would store one per cent of the capacity of the Tennent dam. Economically, encouraging people to put tanks in their backyard is highly inefficient. We have to remember that for that $3,500 to $5,000 outlay for a 10,000-litre tank it costs about $12.50 to fill it up. It is about $12.50 worth of water. If we are talking about the value of water, that is madness.

The government also talks about its wonderful innovations in recycling, but the Chief Minister has already pointed to the fact that the people of the ACT, through the lower Molonglo water quality control scheme, recycle and deliver back into the catchment 50 per cent of the water that they extract upstream, high-quality water, and that has been the practice for a very long time.

As to encouraging people to have their own household-based recycling system, people may feel warm about that and feel that they want to make that contribution—and I would not discourage them from doing so—but it should not be mandated because it would drive up the cost of housing and drive up the cost to families of getting into houses when we already have a much more efficient, a very economic, system of water recycling. Securing a sustainable water supply for our future is an important matter, but I think that the Stanhope government has a long way to go in achieving that.

**MR DEPUTY SPEAKER**: The time for the debate has expired.

## Supreme Court (Judges Pensions) Amendment Bill 2006

Debate resumed from 17 August 2006, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (5.04): The opposition will be supporting this bill. I must say that I wish members of this place had a scheme such as the judges pension scheme, which is probably more generous than the federal parliament scheme. I would actually settle for a CSS scheme for this place.

This bill clears up problems with Supreme Court pensions and restores consistency with those of Federal Court judges, which I understand has been an issue—hardly one that is

earth shattering to the average Joe out in the street, but an issue nonetheless—for some time. It will enable the ACT Supreme Court to be competitive with the commonwealth and other judicial situations. I suppose you could say that it is good to see the ACT government protecting conditions of some, albeit a tiny handful, of ACT government workers compared, perhaps, with new entrants to the ACT public service, who could only dream of something like this.

We are not going to propose any amendments. Basically, the legislation replaces section 37U of the Supreme Court Act 1933 with a new section 37U that deals with resident judges and ensures that their pay is equivalent to that of Federal Court judges. Section 37UA provides indemnity from the superannuation surcharge levy, while section 37UB deals with the salary of a former president of the Supreme Court. Basically, the bill clears up a number of anomalies that, I understand, have been around for a while.

**DR FOSKEY** (Molonglo) (5.06): There was once a cartoon showing two people fighting over a cow. One was pulling the cow by the tail and the other was pulling its horns. Underneath was a lawyer milking the cow. This joke illustrates the popular perception that legal professionals are greedy and dishonest. That perception has not been helped by incidents such as the large number of Sydney barristers who have been found not to have paid taxes for many years, nor is it helped by revelations that lawyers working for big tobacco and oil companies have deliberately misrepresented the harm caused by their products in terms of cancer rates and climate change.

It is sad that these examples cast the entire profession in a bad light because, to the best of my awareness, law is far ahead of any other profession in having an institutionalised system of pro bono work for needy litigants. Many members of the profession also stand up, sometimes at great personal expense, for human rights against incursions by parliamentary and executive arms of government. Of course, many barristers give up the lucrative appeal of private practice to take up judicial appointments, with their concomitant responsibilities, their commitments and their salary caps.

This bill elevates and protects judges' remuneration so as to ensure that they are on par with their federal colleagues. Whilst some of these amendments appear to have been activated by an abundance of caution, I agree that this bill is a necessary and judicious safeguard. I wonder how many other ACT public service functions will be identified as being so critical that the functionaries require special treatment to ensure that they receive similar remuneration to their commonwealth counterparts as the post-budget leak continues.

We have recently witnessed some remarkable but quite reasonable criticisms from various ACT magistrates and judges being aired in the media regarding the lack of independence that the judiciary feels is being imposed upon it. They feel as though they are being treated as some kind of subsidiary division of the Department of Justice and Community Safety, and this is an untenable position for the judiciary to be put in. Their independence is too important to allow even the perception to develop that they are beholden to the executive arm of government for their day-to-day operations.

It is the Attorney-General's role to defend the judiciary and I hope that he is not giving undue weight to the views of the DPP or the prognoses of Michael Costello or other

executive officers, given the critical role that the judicial arm of government plays in maintaining social harmony and respect for the law. I would like to think that this bill represents, to some degree, a countervailing mark of respect for the calibre and importance of the ACT Supreme Court and Federal Court judges. Indeed, it is very difficult to imagine a more responsible and difficult job than that of an appeals court judge.

Whilst it is a sad fact of life that the ACT government has to compete directly with the commonwealth government to attract and retain highly competent public servants, it is also a fact that we have to offer judges a salary package that is benchmarked to some degree against what they could earn at the bar or in private practice. The outrageous fees commanded by top barristers and equity partners of major law firms exert a constant inflationary pressure on judicial salaries. Writing in the *Age* in 2004, Lucinda Schmidt said:

> For the most profitable law firms, less than $700,000 is seen as unacceptable for a full equity partner. For a handful of the top firms, a goal of $1-1.5 million is felt to be realistic. And for those firms that are struggling, or funding a big expansion, paying a mere $400,000 can be a disaster.

If $400,000 is thought of as disastrous in terms of being insufficient to attract real talent, imagine how Supreme Court judges earning less than that, far less, must feel when they compare their earning capacity with that of their peers.

We have seen a seemingly endless escalation of executive salaries at the expense of the proportion of surplus labour value that workers share. That has occurred under the Howard government but also under the Keating and Hawke governments. We can expect that to be exacerbated by the AWA-led attack on collective bargaining. This bill, after all, embodies technical and, I believe, uncontroversial amendments. Consequently, I will be supporting it.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (5.11), in reply: I thank members for their support of this legislation. As members have indicated, this bill will put beyond doubt any future possibility that ACT judges might be subject to double taxation or discrimination between the remuneration and entitlements of an ACT judge and an identical officeholder in the commonwealth judiciary. Both ACT and commonwealth legislation give ACT judges a statutory entitlement to the same remuneration entitlements and allowances, including pension entitlements, as judges of the Federal Court.

The government is moving these amendments as a consequence of the commonwealth's superannuation surcharge scheme for judges being placed in two pieces of commonwealth legislation. This has raised the theoretical possibility that ACT judges could be subject to double taxation because of problems arising from the legislation. There is also some uncertainty about the application of the surcharge tax to the President of the ACT Court of Appeal, who should not be subject to a superannuation surcharge because he was appointed before the surcharge tax was introduced in December 1997.

Therefore, these amendments to the Supreme Court Act 1933 will remove uncertainty in relation to an ACT judge's entitlements under the Judicial Pensions Act 1968 and

commonwealth law that applies in the territory. It treats ACT judges the same as Federal Court judges in relation to superannuation entitlements. This bill will provide certainty and independent determination of judicial remuneration and superannuation entitlements. It is therefore an important plank of judicial independence. I thank members for their support of this bill.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Adjournment

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

> That the Assembly do now adjourn.

### Gungahlin United Football Club

**MR SESELJA** (Molonglo) (5.14): On 23 September this year I attended the seniors presentation night for the Gungahlin United Football Club. I would like to take this opportunity to thank particularly Chris Granger and Victor Hughes from the club for their hospitality on the night. I want to take the opportunity to say a few words about the club.

The Gungahlin United Football Club is a community-based soccer club which was formed in 1997. The club's primary goal is to develop soccer in the Gungahlin area for boys and girls as well as men and women of all ages, whilst providing people with the opportunity to enjoy sport in a safe and friendly environment. As a secondary component of this commitment, the club offers highly talented players a pathway by which they can develop a professional career if they so desire. GUFC is a registered not-for-profit-business. It has a dedicated and talented group of volunteers who ensure high standards of technical coaching and club administration. The club fosters a collegiate approach to decision-making and administrative processes, guaranteeing openness and accountability to stakeholders.

For season 2006, GUFC has 91 teams with 935 registered players, including 835 junior players. Conservative estimates put growth at approximately 20 per cent per year. This is expected to continue for the short to medium term. Club growth will be affected by the facilities available. In this light, the club is looking to cap participation numbers in 2007, which is unfortunate. The lack of infrastructure provided to the club by way of ovals and other suitable facilities is very disappointing, given the obvious growth rates of both the club and the Gungahlin community at large.

The club has various programs available that cater specifically to the different ages of players. The peewee program runs on Saturday mornings throughout the season. It is a non-competitive introduction to football, or soccer, for children often playing for the first time. Teams of four or five are formed each Saturday to play a small game with no goalkeepers. The teams are not based on any particular criteria and may be mixed from one week to the next. Roo ball is also non-competitive. Under-six teams play in a round-robin series of games with the club. Under-seven to under-nine teams play in a

local round-robin series of games with other northside clubs. Under-10 teams play in a non-competitive round-robin series of games with either other northside clubs or clubs across the ACT.

In the juniors, under-11 teams play in a non-competitive round-robin series with northside clubs and clubs across the ACT. Under-12 to under-18 teams play in competitions organised by the ACT Football Federation on an ACT-wide basis. In some divisions, this may involve travel to Yass, Goulburn or Cooma. They also have eight senior teams which play competitive games against clubs in Canberra. There is also the ladies masters, which made history by winning the grand final this year. The club has increased the focus on girls' participation, with specific development initiatives which have seen a higher girls participation rate and more girls-only teams. This structure ensures a focus on development in the younger ages without the pressure of competition, until sufficient development and maturity have occurred.

I congratulate the Gungahlin United Football Club on the fantastic organisation they have created. I look forward to seeing the club progress even more. I hope that the ACT government is able to meet the demands for ovals and other facilities that are crucial to the survival and future development of all sporting clubs in the ACT, and particularly in the young and growing area of Gungahlin.

## Australian Broadcasting Corporation

**DR FOSKEY** (Molonglo) (5.06): Today I want to speak about what I think is the appalling new policy imposed upon the ABC by its board, which I think most of us know has had a number of appointments which increased its right-wing bias. I have to wonder about a federal government that feels it is necessary to make such political appointments that, in a sense, are all about facilitating its way to winning an election next year because it wants to silence voices of criticism.

I am going to quote from an article by Margaret Simons, who is a critic that I respect, in *Crikey* today. It asks, "How will the ABC know whether its new editorial policies have been successful in combating bias?" It also asks, "How do we know what success will look like?" It continues:

> Will it be when the ABC critics are quiet? Hell will freeze over first. Such people need enemies against which to define themselves, and they will continue to construct them whether or not they exist. The ABC, as Australia's most important cultural institution, will never escape. Managing Director Mark Scott acknowledged as much in his speech at the Sydney Institute last night.
>
> So why on earth does he say that the mere fact that criticism exists is sufficient reason to hand the critics "a massive rod for our own backs. A weapon our critics can beat us with. More grounds for more questions in Senate estimates. A very high bar."

Apparently he wants to avoid answering questions in Senate estimates. The article continues:

> Courage, rigor and fairness flourish in strong, responsible and self-confident

> organisations where management works with its people. Scott's language does not encourage confidence that the ABC is such a place.
>
> Scott is continuing, and deepening, the ABC tactic of choice for the last five years … Under attack, the ABC not only jumps willingly through the many, many accountability hoops already there, but adds a few new ones just to show what a good dog it can be, even if it does occasionally bite the hand that feeds it … ABC institutional bias (as opposed to individual errors of fact or judgement) is the colourless, odourless gas apparent only to a few. Despite numerous past attempts to find it, nobody has ever managed to prove that it is there. So how can its reduction be measured? Does anyone have a clear idea of what Scott and the Board are trying to do here?
>
> The Australian people certainly don't think the ABC is biased. Quite apart from the high public opinion ratings in the surveys conducted on behalf of the ABC, there is also this independent and rigorous study which showed the ABC has a higher level of public confidence than unions, the courts, the public service, churches, the federal parliament, charities and universities. Only the defence and state police forces have more public confidence. Other big media organisations, such as News Limited, don't even rate. Nor do their columnists … The only account of journalistic objectivity that has ever made sense to me—

that is, Margaret Simons—

> is that proposed by the American media educators Kovach and Rosenstiel. They suggest that true objectivity is a characteristic not of the individual journalist, nor necessarily of the final result of journalism, but rather of the method and process of journalism. This should be "a disinterested pursuit of truth" akin to the scientific method, with its slavishness to evidence.

The article goes on to say that journalism involves judgment—judgments are subjective—but that does not mean that they are going to be prejudiced, unthinking or partisan. It continues:

> The originators of this process are on the Board, and it's not hard to guess what's driving them. They are not after the kind of success good managers measure. They are after political success—a victory in the culture wars. The Board needs to be able to point to something it has achieved. This is it. How pathetic. Meanwhile the real challenges faced by the ABC are a million miles away from this fuss.

I think it will be a very sad day if the ABC has to impose upon itself more, even harder, measures of censorship than it does at the moment. Let us look at smoking. What if we have, say, a balanced account of smoking. Think what that might look like. *(Time expired.)*

## SIEV X memorial
## Antipoverty Week
## Canada—indigenous people
## UnitingCare, Kippax

**MS PORTER** (Ginninderra) (5.23): I rise to talk about four events I recently attended, three of which caused me to feel quite distressed and one of which gave me a sense of hope. The first event was the occasion of the temporary installation of a SIEV X

memorial at Weston Park on Sunday last, attended by about 3,000 people, I would guess. The Chief Minister spoke about the 353 people, 146 children, 142 women and 65 men who lost their lives on that fateful day. They were 353 people just looking for a new life away from the hardships they were attempting to escape. Mr Steve Biddulph and the Reverend Horsfield first thought of the idea of a memorial, and the idea grew as it was shared, as is often the case when the community identifies something that needs to be done.

Some 250 schools, churches and community groups around Australia took part in decorating the 353 poles which were raised by the lake on Sunday. I felt a deep sense of sadness and shame as I witnessed the event, as well as a feeling of gratitude to those who worked so hard to achieve this significant event, in lieu of any permanent memorial to those lives lost. My shame was in being a citizen of a country which sings of boundless plains to share, yet a leaky boat carrying nearly 400 people fleeing great hardship was allowed to sink while those people attempted to reach the shores we are so proud to sing of.

The second event I attended was the launch of Anti-Poverty Week, where I was reminded that our Australian mortality rate shows that indigenous men and women still die 20 and 17 years earlier than their non-indigenous brothers and sisters. Unfortunately, we still record much worse health outcomes in several critical areas for indigenous people in Australia.

The last event that caused me to reflect was our current federal government's failure with regard to reconciliation for our indigenous people. I had the opportunity to attend a lecture at the ANU last night, where I heard Phil Fontaine, Chief of the Assembly of First Nations of Canada, outline the progress the indigenous people of that country have made towards reconciliation. Although not complete, it is clear that this process is far more advanced than our attempts at reconciliation with our indigenous brothers and sisters in Australia. I found it heartening to hear the Canadian experience. But it was depressing at the same time as I see that the achievements by our current government and our current Prime Minister are nowhere near those of the Canadian government, and reconciliation seems nowhere near on the horizon or likely to be, for that matter, for quite a while.

Finally, I attended two events at the Uniting Church at Kippax on the weekend, celebrating the reopening of their church after it was tragically, extensively damaged by fire last Christmas Eve. I was encouraged by the hope and energy expressed and the sense of a strong community working together to overcome a disaster which, although relatively small, was significant to all concerned. I was also encouraged by the way the community not only overcame their difficulty but also used that experience to reach out to others, including those of other faiths, and to their surrounding community in a truly inclusive and generous way. I commend the Reverend Gordon Ramsay, his congregation and the staff of UnitingCare, Kippax.

## Friends of Syria
## Damascus—liberation

**MR SMYTH** (Brindabella) (5.27): I rise tonight to bring to the attention of members and the people of Canberra a group called the Friends of Syria, who meet regularly at the

Syrian Embassy and will meet tonight. I congratulate the Ambassador, His Excellency Tammam Sulaiman, who attempts to raise the profile of Syria and build bridges with the Australian people. Mr Speaker has attended; Mr Pratt has, on occasions, attended; Ms Porter has attended; and Mr Mulcahy and I have attended.

I was pleased to bring to the ambassador's attention the fact that, not once but twice, the Australians were largely responsible for the liberation of Damascus from occupying forces. It is interesting that 1 October 1918—and we have just passed the anniversary—saw the liberation of Damascus. It was surrendered by Turkish forces to troops from the Australian Light Horse, a fact that is not known by many. Indeed, in David Lean's film *Lawrence of Arabia* you would think that Lawrence and the Arab forces had liberated Damascus on their own. I want to read some extracts from the official history, the volume that concerns the Australians in the desert in World War I. The chapter entitled "The Capture of Damascus" says:

> The only alternative route was through Damascus itself. So far as Wilson knew, the city was still strongly held; but he correctly sensed the chaotic state of the enemy, and boldly decided that, as soon as his brigade was concentrated, he would take the risk of a short cut through the crowded streets of the enemy's stronghold …
>
> During the night Wilson had assembled his brigade—

this was on the night of 30 September, and the next day was 1 October—

> on the high ground above the village of Dumar, at the western entrance to the Barada Gorge. At 5 a.m. he began his hazardous move through the heart of the city to reach the position he was ordered to occupy on the road to Homs. At that time he knew nothing of the action … but believed that Damascus was still in the hands of the Turks. He was aware that some thousands of enemy troops must be concentrated in the town, and in the circumstances his decision to attempt the passage of the narrow, crowded streets was a daring one: but he very properly staked success on the moral effect to be produced by his galloping horsemen upon the overmarched and beaten foe. A handful of the brigade scouts under Faulkes-Taylor … probed out the way, closely followed by Todd's 10th Regiment, with Major Timperley's squadron leading.

It goes on:

> Their way was along a narrow dusty road on the north bank of the swirling main stream of the Barrada, now contained between straight banks as it leads into the city; on their left was a dingy mud wall, and then sharply rising gardens enclosing the richest homes of Damascus. As Timperley and Major Olden (second in command of the 10th Regiment) rode forward behind the scouts, their appearance was the signal for an outburst of scattered rifle-fire. A few scattered shots came from Turkish snipers, but most of the rifles were discharged into the air as an exuberant greeting from the Arabs.

It continues:

> Riding up to the bridge beside the Victoria Hotel, Olden and Timperley were attracted by a great throng of people outside the Serai on the other side of the water. Sword in hand, the Australians clattered over the bridge, charged through the crowd, and pulled up in front of the building. Scores of eager hands seized their reins, and

> Olden and Timperley, taking their revolvers and followed by a few troopers, entered the building and demanded to see the civil governor.
>
> Early as was the hour—it was then between 6.30 and 7 a.m.—the hall was packed with the notables. When the clamour caused by the appearance of the Australians was stilled, Emir Said advanced. Olden, unaware of the situation, told him that Damascus was surrounded by many thousands of Chauvel's troops, and resistance was impossible … Said, with characteristic Eastern dignity, rapidly acquiesced. "In the name of the civil population of Damascus," he said, "I welcome the British army." He formally wrote out his assurance for Olden, who, declining eagerly-proffered hospitality, left the building and continued his ride towards the Homs road.

I think it is that sort of action that needs to be remembered. It took great pluck and courage. As a consequence of that, the Ottoman Empire was overthrown and modern Syria emerged. In the second war, France had controlled Lebanon and Syria. The Australian 7th division, whilst advancing through Lebanon protecting the left flank of some British units, also caused the downfall of the French in Syria and Lebanon, which led to the establishment of the modern states of Lebanon and Syria.

These efforts are not known; they are rarely talked about. They are overshadowed by things like Gallipoli and Kokoda, but the units of the Australian Light Horse in the First World War—and, indeed, the 7th division, who called themselves the silent seventh because no-one knows what they did—had a predominant effect on the setting-up of many of the modern countries of the Middle East today.

## Damascus—capture
## Hungary—uprising

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (5.32): I think I had a great-uncle from Wagga Wagga involved in that campaign. I always thank Brendan for bringing to our attention the greatest military historical feats of our forces. They are truly inspiring.

Tonight I am going to talk about another inspiring event for freedom: the Hungarian uprising. That occurred on 23 October 1956 and lasted until 10 November 1956. Following some revolts in Poznan in Poland and a reformist regime headed by Wladislaw Gomulka, which gave hope to a number of eastern European countries, the Hungarian people sought reform. That led to widespread reform sentiment among Hungarian students, which directly precipitated the events.

The uprising began as a student demonstration in Budapest on 23 October 1956, which attracted thousands as it marched through central Budapest to the parliament building. A student delegation gathered outside Radio Budapest, which was heavily guarded by Hungarian communist security forces. The flashpoint occurred as the delegation, attempting to broadcast their demands, was detained. The crowd grew increasingly unruly as rumours spread that the protesters had been shot. Tear gas was thrown from the upper windows, and the communist security troops opened fire on the crowd, killing many.

The Communist security troops tried to resupply themselves by hiding arms inside an ambulance, but the crowd detected the ruse and intercepted it. Hungarian soldiers sent to relieve the security forces hesitated and then, tearing the red stars from their caps, sided with the crowd. Provoked by the security force's attack, protesters reacted violently. Police cars were set ablaze, guns were seized from military depots and distributed to the masses, and the symbols of the communist regime were desecrated. The communist symbol in the middle of the Hungarian flag was torn out. That became a symbol of the revolution and the uprising.

I was delighted to see that flag at the Hungarian Embassy last night, where a number of Australians who helped Hungarian refugees were awarded with medals for their efforts, including some very prominent Canberrans. I was also pleased to see an old Hungarian flag with the communist symbols ripped out at the Transylvania Vineyard. That is run by a Romanian gentleman, Peter Culici, and his charming wife Maria, who is of Hungarian extraction.

Disorder and violence erupted through the capital. The Hungarian army sided with the crowd, and the revolt spread quickly across Hungary. The communist government fell. Thousands were organised into worker and student militias. They battled the state security police—the AVH—and the Soviet troops. Pro-Soviet communists and security members were often executed or imprisoned. Former prisoners were released, including the famous Cardinal Vincenti, who was a source of inspiration to Hungarians. The revolts had spread to the countryside.

Impromptu councils wrested municipal control from the Communist Party. They demanded political changes. The new government finally disbanded the AVH and declared its intention to withdraw from the Warsaw Pact. It pledged to re-establish fresh elections. By the end of October, fighting had almost stopped and a sense of normalcy began to return. Although it had previously agreed to a ceasefire, the politburo—the Soviet Union—reversed itself and now moved quickly to quash the revolution. They arrested some Hungarian delegations who were sent to negotiate with them. In the early hours of 4 November they sent in a large Soviet force, using artillery, air strikes and tanks.

They quickly quashed organised resistance in the capital. Organised resistance throughout Hungary ceased on 10 November 1956. Mass arrests began. Several thousand people were imprisoned and executed after the revolt, and 200,000 or so Hungarians fled as refugees. By January 1957 the new Soviet-installed government had suppressed all political opposition. The Soviet Union was very much alienated by what occurred. However, it probably strengthened its control over eastern Europe temporarily. Public discussion about this revolution was suppressed in Hungary for over 30 years, but since the thaw of the 1980s it has been the subject of intense study and debate.

I have had the privilege of knowing a number of Hungarians. A fellow who came here as a builder had been a refugee. He was bravely throwing Molotov cocktails on Soviet tanks as they invaded on 4 November 1956. My old friend Steve Doszpot, whom some of you know through his involvement with Soccer ACT, was an eight-year-old boy who escaped with his family. In fact, his mother was at that student demonstration on 23 October 1956, when the troops and the communist security element started firing on the crowd.

She is very lucky to be here today as a result of that. An inspiring event, it was probably the first sign that eastern Europe was not going to be subjugated by Soviet imperialism.

Question resolved in the affirmative.

**The Assembly adjourned at 5.37 pm.**

# Schedule of amendments

## Schedule 1

## Tobacco (Compliance Testing) Amendment Bill 2006

Amendments moved by Mr Smyth

**1**
**Clause 4**
**Proposed new section 42A, definition of *young person***
**Page 3, line 2—**

*omit the definition, substitute*

***young person*** means a child who is 15 years old or older.

**2**
**Clause 4**
**Proposed new section 42H heading**
**Page 8, line 1—**

*omit the heading, substitute*

**42H Chief executive's annual report about compliance testing**

**3**
**Clause 4**
**Proposed new section 42I**
**Page 8, line 9—**

*insert*

**42I Minister's annual report to Legislative Assembly about compliance testing**

The Minister must, not later than 3 sitting days after the end of a financial year, present to the Legislative Assembly a report about the following matters:

(a) the number of compliance tests carried out during the year;

(b) the number of contraventions of section 14 (Supply of smoking product to under 18 year olds) detected by the tests;

(c) the action taken in relation to the contraventions;

(d) the effectiveness of the compliance tests.

**4**
**Clause 4**
**Proposed new section 42J**
**Page 8, line 9—**

*insert*

**42J Expiry—pt 6A**

(1) This part expires 2 years after the day this section commences.

(2) The following provisions of the dictionary expire 2 years after the day this section commences:

(a) definition of ***approved procedures***;

(b) definition of ***approved program***;

(c) definition of ***authorised officer***, paragraph (b);

(d) definition of ***compliance test***;

(e) definition of ***conduct***;

(f) definition of ***engage in conduct***;

(g) definition of ***purchase assistant***;

(h) definition of ***young person***.

**5**
**Clause 7**
**Proposed new definition of *young person***
**Page 9, line 5—**

*omit the definition, substitute*

***young person***, for part 6A (Tobacco compliance testing)—see section 42A.

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