



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

25 SEPTEMBER 2007

www.hansard.act.gov.au

Tuesday, 25 September 2007

Death of Justice Terry Connolly	2575
Legal Affairs—Standing Committee	2575
Education, Training and Young People—Standing Committee	2575
Public Accounts—Standing Committee	2579
Leave of absence.....	2582
Annual reports 2006-2007	2582
Legal Profession Amendment Bill 2007	2584
Revenue Legislation (Housing Affordability Initiatives) Amendment Bill 2007	2591
Holidays (Canberra Day) Amendment Bill 2007	2606
Ministerial arrangements	2609
Questions without notice:	
ACTION bus service—safety.....	2609
Schools—closures	2610
Visitor	2612
Questions without notice:	
Tharwa bridge.....	2612
Public transport and traffic management.....	2613
Public housing—rights of tenants.....	2615
Roads—Lanyon Drive	2619
Schools—closures	2621
Outdoor cafes.....	2623
Planning—industrial land	2624
Answers to questions on notice:	
Questions Nos 1653, 1654, 1655, 1656, 1657, 1658 and 1659	2626
Paper	2626
Executive contracts	2626
Papers.....	2627
Actew Corporation Ltd—annual report 2006-2007.....	2628
Papers.....	2628
Gambling—impact of poker machines in the ACT (Matter of public importance) ...	2631
Adjournment:	
Belwest Foxes Soccer Club	2648
Tharwa fair	2650
Environment and heritage grants.....	2651
<i>The Jammed</i> —film screening.....	2652

Tuesday, 25 September 2007

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

Death of Justice Terry Connolly
Proposed motion of condolence

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts): I seek leave to make a brief statement relating to a proposed condolence motion.

Leave granted.

MR STANHOPE: I wish to advise the Assembly of the death this morning of Justice Terry Connolly and that I propose to move a motion of condolence at the commencement of tomorrow's sitting.

Legal Affairs—Standing Committee
Scrutiny report 45

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 45, dated 24 September 2007, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR SESELJA: Scrutiny report 45 contains the committee's comments on five bills, 17 pieces of subordinate legislation and six government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Education, Training and Young People—Standing Committee
Report 5

MS PORTER (Ginninderra) (10.34): I present the following report:

Education, Training and Young People—Standing Committee—Report 5—*Inquiry into the eligible voting age*, dated 13 September 2007, together with a copy of the extracts of the relevant minutes of proceedings.

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

Leave granted.

MS PORTER: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MS PORTER: I move:

That the report be noted.

As members are aware, on 19 March this year the Standing Committee on Education, Training and Young People accepted a reference from the Assembly to inquire into the proposal to lower the voting age to allow 16 and 17-year-old ACT residents to vote in elections and referendums for the ACT Legislative Assembly. I am pleased to be able to table and speak to the report on this inquiry today.

The committee, having accepted the reference of the inquiry, decided on the scope of the inquiry and determined to consider the following issues which it believed have a bearing on the participation of young people aged 16 and 17 years in the electoral process: national conformity and consistency with other jurisdictions; the legal implications of compulsory enrolment and voting for young people; eligibility for election to the ACT Legislative Assembly; resource implications of extending and maintaining the ACT electoral roll; issues affecting the electoral awareness of young people; different electoral models; and other factors that influence the democratic participation of young people.

The committee sought submissions from a wide range of organisations and individuals. A full list of those organisations and individuals who participated either via submission and/or attendance at hearings can be found in appendices A and B. The committee also visited ACT colleges, and I would like to place on the record my thanks to, and appreciation of, the staff and students of Copeland, Lake Ginninderra and Radford colleges. I am sure my fellow committee members would agree that meeting with and hearing from the young people at these colleges, as well as the hearing at which we heard from the ACT College Representative Committee, were highlights of this inquiry.

Additionally, the committee was fortunate to be able to visit Queensland, where it met with Mr Ronan Lee MP, who was a member of the Queensland parliamentary inquiry on young people and democracy in 2006. During this visit the committee was also fortunate to be able to meet with Dr Graeme Orr, who provided legal advice on the matter which can be found in appendix D.

I refer members to the 10 recommendations of the committee. Members will see that the question of whether ACT young people aged 16 and 17 years should be given the opportunity to vote in elections and referendums in the ACT was not supported in a wholehearted way by the young people that we met with; nor was there agreement

expressed by others who came before the committee, who submitted to it or who we were able to consult.

The reason for the wide divergence of views perhaps falls into two main categories. One is the complexity of the matter—compulsory or non-compulsory, for instance—as well as other feasibility issues, and the other is that, additionally and importantly, the young people who appeared before us expressed very strongly that they believed that some of them lacked sufficient information to be able confidently to face the prospect of voting at the ages of 16 and 17. I draw attention to recommendations 4, 5 and 6 of the report, which read:

The Committee recommends that the Legislative Assembly consider the opportunities provided to young people to actively engage in aspects of the political process and develop strategies to increase participation of young people in formal political events and in processes to provide feedback on policy or legislative proposals.

The Committee recommends that all civics and citizenship resources provide explanations of how public administration can account for the interests and needs of all citizens ...

The committee recommends that the Minister for Education and Training ensures that accurate and engaging learning materials, that deal with the specific attributes of the ACT political system and ensure all schools actively promote democratic principles and the attributes of active citizenship, be developed for use in all ACT schools.

The committee also found that section 67B of the Australian Capital Territory Self-Government Act 1988 creates inconsistencies between the ACT and commonwealth electoral acts, and the committee recommends that the Australian parliament be asked to amend this section of the act. Members will also note that the committee recommends that the question be reconsidered before the end of 2010.

I would like to thank my fellow committee members, Mrs Vicki Dunne and Mr Mick Gentleman, and I am sure they would join with me in thanking all those who submitted to us, attended hearings or consulted with the committee. I would also like to thank Dr Sandra Lilburn for her strong support of the committee and her hard work, which were much appreciated, and my thanks go to the Committee Office for its support.

DR FOSKEY (Molonglo) (10.39): I welcome the report of the Standing Committee on Education, Training and Young People titled *Inquiry into the eligible voting age*. People will probably remember that I moved a motion on 29 March last year which actually began this process. It seems to me that, if such a motion is ever moved again—and no doubt it will be—we will already have a very thorough body of work and we will not need to refer that motion to a committee next time. With respect to what the committee discovered in its discussions with young people, unfortunately I could not attend all the hearings but at those that I could attend I found that young people were passionately engaged in this question of whether the voting age should be lowered to allow 16 and 17-year-olds to take up that option if they want to.

I am aware that there are all kinds of complexities around the issue. Certainly, the Electoral Commission raised some of their concerns; no doubt it would have complicated their administration of the system. A year and a half further on, with a federal election to be held, there is a big campaign to make sure that people are on the electoral roll so that they can participate in the election. Sadly, a lot of young people do not know that the electoral roll closes on the day on which the poll is declared. It is a little bit like having optional voting, as they do in the US, where half the effort of the parties goes into making sure that people vote, as much as into making sure they vote for them. We do seem to be going down that track. In a sense, I see that as a form of disenfranchisement of young people. Even when they reach the eligible voting age, they may simply be disenfranchised by disengagement with the system.

I welcome all the recommendations that relate to improving and increasing the level of exposure that students get to civics and citizenship education. I am aware that, in the nineties, the federal government—I guess it was the Hawke-Keating governments—started a process of civics education in schools. I was involved at the time, from my place at the ANU, in contributing to the curriculum for young people. If we want young people to be engaged in their future—and it has probably never been more important that they are—we need to make sure that civics education engages them on issues with which they are concerned.

Young people probably do not know by rote the names of all our prime ministers; I do not think any of us do, either. They are very passionately interested in some of the issues that are of concern to many of us but they might place a different emphasis on issues. I am certainly finding that climate and environmental change and WorkChoices are two issues that young people seem to be very interested in engaging in at the moment.

I am sorry that the committee does not recommend that my motion be implemented. It is interesting that recommendation 1 is that the level of support for the proposal to lower the voting age be reconsidered by the Legislative Assembly before the end of 2010. I am not sure what the committee believes will have changed by then. Perhaps the federal government will have changed but I am not sure what else will have changed.

We need to make sure that schools and the community know about the excellent educational program in this place, which is hopefully becoming a more used resource. I think the education programs in the Assembly are fantastic. I know that, every time I see young people come in and be involved in them, they seem to think they are fantastic, too. The more engagement we can have by young people with our political systems, be they ACT or federal, the more we will have a better class of politicians in the future.

It is absolutely vital that we break down this idea that politicians are “them” to young people’s “us”. It represents a bit of a heads up for us to get out there as well and show that politics is not only really important but also can be fun and interesting. I still maintain that giving those young people who are engaged the possibility of voting from the age of 16 is a good move because, more than ever, the people who are in charge of their world are not reflecting their interests and needs.

Question resolved in the affirmative.

Public Accounts—Standing Committee Statement by chair

DR FOSKEY (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts. On 27 June 2006, Auditor-General's report No 4 of 2006 entitled *Road safety* was referred to the Standing Committee on Public Accounts for inquiry. The committee informed the Assembly on 1 May 2007 that it would inquire further into the report. The committee began that process. We advertised for submissions in April 2007. We extended the closing date for submissions to 31 August 2007 but the response was limited. Consequently, the committee has resolved that the report does not warrant further inquiry.

In relation to Auditor-General's report No 6 of 2006, entitled *Vocational education and training*, which was referred to the Standing Committee on Public Accounts for inquiry on 19 September 2006, the committee informed the Assembly on 1 May 2007 that it would inquire further into the report. The committee advertised for submissions in April 2007 and extended the closing date for submissions until 31 August 2007, but unfortunately no responses were received. Consequently, the committee has resolved to make no further inquiries into the report but has requested the chair of the committee to write to the Standing Committee on Education, Training and Young People, drawing her attention to the possibility that the report may be of use in that committee's inquiry into vocational educational and training and skills shortages.

MR MULCAHY (Molonglo) (10.48): I seek leave to make a statement.

Leave granted.

MR MULCAHY: I will make a few comments that relate to both of these reports that will not be subject to further inquiry. In particular, Auditor-General's report No 6 of 2006, entitled *Vocational education and training*, highlights a range of concerns. When I was chair, it was the reason why I was keen initially to pursue this matter. We sought a joint briefing with the education committee to ensure that our courses did not conflict. It is very important to note that the Auditor-General made six recommendations in relation to vocational education and training. Some of these are especially important. I refer to recommendation 4 of the Auditor-General's report, which noted:

DET should, where practicable, improve:

the measurement and reporting of RTO performance, for example by collecting more comprehensive data such as drop-out rates, employment outcomes—

which, to me, is an important consideration—

and views on the quality of teaching and the relevance of course content;

the release of performance information to RTOs to assist their benchmarking;
and

the provision of feedback to RTOs on their performance.

It is well and good to dish out funds for these activities but it is very important also to ensure that there are appropriate performance measures in place. The Auditor-General's report also stated:

DET should revise its performance reporting to ensure that:

strategic indicators include vocational education and training outcomes; and

accountability measures allow for comparisons of performance between the Canberra Institute of Technology and other RTOs under the User Choice program.

These are important considerations and I hope that the education committee will be of a mind to pick these up where the public accounts committee has not done so. I remind members in particular of the surveys conducted by the National Centre for Vocational Education Research. Whilst Mr Barr put the view in estimates hearings on 22 June that we had the best in the world in terms of student satisfaction, graduate employment outcomes and employer satisfaction, the fact is that it is not clear from the surveys available from the centre how the minister reached this conclusion. In fact, satisfaction with vocational education and training in the ACT is not, to use his term, amongst the best in the country; rather, I would suggest, it is amongst the worst in the country.

The minister's statement is completely at odds with the findings of the Auditor-General's report of September 2006 into vocational education and training, which was based on data in the 2005 report of the National Centre for Vocational Education Research. This report found that the ACT had the second-highest cost per hour of curricula after the Northern Territory and also had the lowest level of satisfaction amongst graduates, module completers and employers out of every jurisdiction in Australia. In relation to that report, whilst it is unfortunate that there will be no further inquiry into it, it is very important that some element of this Assembly take up the issue.

In relation to the second inquiry that is not being pursued—that is, the Auditor-General's report entitled *Road safety*—again, there are some pivotal recommendations that would probably warrant further attention. In particular, the Auditor-General recommended:

The Department of Urban Services should assess the effectiveness of the Road Safety Strategy and Plan.

Recommendation 3 of the report was:

The Department of Urban Services should, as a priority, ensure that important road safety statistics can be produced accurately and promptly.

The reason that is important in the current context is that we have seen great debate around Canberra about the appropriateness or otherwise of speed cameras. We are being told they are vital for all sorts of statistical reasons, but that does not sit comfortably with the scenario where statistics and data are not being promptly released. If that is the primary motivation and not revenue, as is claimed by many, we need to ensure that data that is contemporary and current is there to defend those initiatives.

Amongst the seven recommendations in the Auditor-General's report, recommendation 5 urged an improvement in processes for ensuring the quality of driving instructors, and it listed a range of suggestions in that regard. It also highlighted an area of interest to me—that is, the increase in accidents involving motorcyclists. It was recommended that the department of urban services should review the regime for motorcycle licensing with a view to introducing an on-road component.

I have mentioned on previous occasions work undertaken in South Australia some years ago that showed an extremely high correlation between admissions to emergency wards in a range of hospitals surveyed throughout South Australia who were motorcyclists and the presence of illicit substances in the bloodstream of people involved in those accidents. My colleague Mr Pratt has spoken in the past about his advocacy of random drug testing, which I fully support. Had this inquiry proceeded, it would have been an opportunity to unearth some of those statistics which have clearly identified a high prevalence of illicit drug usage amongst cyclists involved in motor vehicle accidents. Finally, recommendation 7 of the Auditor-General's report was:

The Department of Urban Services should prepare options for Government on measures to improve driver attitude and awareness such as:

- a. requiring all novice drivers to undertake a driver attitude and awareness course before a full licence is granted;
- b. compulsory remedial training for licence-holders after serious or numerous offences; and
- c. enhanced road safety awareness campaigns.

The first and second paragraphs of that recommendation warrant examination and consideration, as they could contribute considerably to an improvement in our road safety situation.

Those are my comments on these reports. We have to be very conscious of the fact that resource considerations have coloured the views of my colleagues in terms of not being able to proceed with inquiries in this regard. I am always very wary of saying, "Let's not put it further because we don't have the resources." We still have a year to go in this Assembly before the next election. I hope we do not see in the future too many inquiries that have been diligently brought before this place by the Auditor-General speared on the basis of a lack of resources.

Leave of absence

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

That leave of absence be given to Ms Gallagher (Deputy Chief Minister), Ms MacDonald and Mr Stefaniak (Leader of the Opposition) for this sitting week.

Annual reports 2006-2007 Referral to standing committees

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

That:

- (1) the annual and financial reports for the calendar year 2007 and the financial year 2006–2007 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 year 2007 and financial year 2006-2007 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.

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
ACT Auditor-General		Chief Minister	Public Accounts
ACT Cleaning Industry Long Service Leave Authority		Minister for Industrial Relations	Public Accounts
ACT Construction Industry Long Service Leave Authority		Minister for Industrial Relations	Public Accounts
ACT Electoral Commission		Attorney-General	Legal Affairs
ACTEW Corporation		Treasurer	Public Accounts
ACT Government Procurement Board		Treasurer	Public Accounts
ACT Health		Minister for Health	Health and Disability
ACT Insurance Authority		Treasurer	Public Accounts
ACT Legislative Assembly Secretariat		Speaker	Public Accounts
ACT Ombudsman		Attorney-General	Legal Affairs
ACT Policing		Attorney General	Legal Affairs
ACT Planning and Land Authority		Minister for Planning	Planning and Environment
ACT Public Cemeteries Authority		Minister for Territory and Municipal Services	Planning and Environment
ACTTAB Ltd		Treasurer	Public Accounts

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Young People
Chief Minister's Department	ACT Executive	Chief Minister	Public Accounts
		Minister for Arts	Public Accounts
		Minister for Business and Economic Development	Public Accounts
	Default Insurance Fund	Minister for Industrial Relations	Public Accounts
	Land Development Agency	Chief Minister	Planning and Environment
	Occupational Health and Safety Council	Minister for Industrial Relations	Public Accounts
Commissioner for the Environment		Minister for the Environment, Water and Climate Change	Planning and Environment
Commissioner for Public Administration		Chief Minister	Public Accounts
Cultural Facilities Corporation		Minister for Arts	Public Accounts
Department of Disability, Housing and Community Services		Minister for Disability and Community Services	Health and Disability
		Minister for Housing	Health and Disability
	Community Affairs—Ageing	Chief Minister	Health and Disability
	Community Affairs—Indigenous Affairs	Minister for Indigenous Affairs	Health and Disability
	Community Affairs—Women	Minister for Women	Health and Disability
	Community Affairs—Multicultural Affairs	Minister for Multicultural Affairs	Health and Disability
	Office of Children, Youth and Family Support	Minister for Children and Young People	Education, Training and Young People
	Official Visitor— <i>Children and Young People Act 1999</i>	Minister for Children and Young People	Education, Training and Young People
Department of Education and Training		Minister for Education and Training	Education, Training and Young People
Department of Justice and Community Safety		Attorney-General	Legal Affairs
	Emergency Services Agency	Minister for Police and Emergency Services	Legal Affairs
Department of Territory and Municipal Services		Minister for Territory and Municipal Services	Planning and Environment
		Minister for Environment, Water and Climate Change	Planning and Environment
	Australian Capital Tourism	Minister for Tourism, Sport and Recreation	Public Accounts

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
Department of Treasury		Treasurer	Public Accounts
Director of Public Prosecutions		Attorney-General	Legal Affairs
Exhibition Park Corporation		Treasurer	Public Accounts
Gambling and Racing Commission		Treasurer	Public Accounts
Human Rights Commission		Attorney-General	Legal Affairs
Independent Competition and Regulatory Commission		Attorney-General	Legal Affairs
Legal Aid Commission ACT		Attorney-General	Legal Affairs
Nominal Defendant for the ACT		Treasurer	Public Accounts
Public Advocate of the ACT		Attorney-General	Legal Affairs
Public Trustee for the ACT		Attorney-General	Legal Affairs
Rhodium Asset Solutions		Treasurer	Public Accounts
Victims of Crime Coordinator		Attorney-General	Legal Affairs

Legal Profession Amendment Bill 2007

Debate resumed from 30 August 2007, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR SESELJA (Molonglo) (10.56): The Legal Profession Amendment Bill is an important piece of legislation for the ACT, in part because it embraces a national model. It adopts a national approach that achieves uniformity and certainty for the legal profession and, more importantly, clients of the legal profession.

This national model has been developed over a considerable period by the National Legal Profession Model Laws Joint Working Party, in consultation with a wide range of stakeholders. In the ACT, these stakeholders have included the ACT Law Society and the Bar Association, who, in this process, have probably been the most proactive stakeholders in the nation. Many of the amendments respond to concerns raised by law societies, bar associations and the Law Council of Australia about protection given to clients, practitioners and other people who may be affected by the operation of the legislation.

Costs disclosure and trust account provisions, in particular, underwent significant review. For example, and subject to a 30-day limit, clients not classed as “sophisticated” clients now can request a higher level of accountability from their lawyers through the provision of itemised bills once the bill exceeds a regulated

threshold amount. In addition, there is protection for clients in relation to costs if their retained law firm fails to disclose all required relevant information in relation to costs, including when the firm retains the services of another legal practice for the client's matter.

There are also guidelines for the recovery of fees by legal firms from their clients. This includes a provision that law firms cannot commence recovery action until 90 days after a fee account has been issued. In cases where a client seeks an itemised bill, this 90-day period does not commence until the itemised bill has been issued, which may push the debt out to 120 days. This may provide certainty for clients. But for law firms, especially small firms, this could put pressure on cash flow and debt management practices. The impact of this provision is something we and, I am sure, the Law Society, will be monitoring. I hope the matter will be addressed as part of the review.

Some costs agreements provide for an uplift fee, or a success fee. New provisions in the bill require lawyers to disclose to their clients how those uplift fees are calculated and justified. Like the requirements in relation to the provision of itemised bills, this provides for a higher level of accountability and openness in law firms and more certainty for clients.

In relation to trusts, money held in trust or in a controlled account cannot be withdrawn in cash, through ATM terminals, or by telephone. Money can only be withdrawn from a trust or controlled account by cheque or electronic funds transfer. These measures seem sensible. In addition, there is a new section requiring that trust money received in cash by a law practice must be deposited into a general trust account of the practice. If any direction attaches to any trust money received in cash then that direction can be dealt with once the money has been deposited into the general trust account. These measures give clients more certainty that their money is treated properly, especially when cash is involved.

For lawyers, both foreign and local, new provisions make it easier for qualified lawyers to practise in the ACT. This potentially eases the skills pressure in the ACT, and in Australia generally as part of the national approach. It also protects ACT clients by creating offences where unqualified or deregistered lawyers engage in legal practice in the ACT. It also clarifies the requirements for lawyers to hold professional indemnity insurance.

As well as the national model bill, the Legal Profession Amendment Bill provides for some ACT-specific amendments. These deal with cost agreements, disciplinary matters and civil liability exemptions. An important provision in the bill is to enable the Supreme Court to set aside a provision of a costs agreement, rather than having to set aside the whole agreement. This is a useful efficiency measure that will save time and further costs for lawyer and client alike.

Another important provision will protect the identity of a legal practitioner who is under investigation for disciplinary matters. Sometimes a complaint against a lawyer is unfounded, and even malicious, and it is unfair, having regard to the reputation of both the lawyer and the legal profession, for the identity of the lawyer under investigation to be revealed publicly until the matter is decided. Of course, the same

case could be made in a number of other tribunal matters, and I would be interested to see if we get some uniformity in terms of other people who are subject to proceedings in tribunals.

Equally important is the provision that a complaint, if upheld, results in the public release of the offending lawyer's identity. This is just and, indeed, necessary in order to protect the credibility of the legal profession and to expose those in the profession who do not behave in a professional and ethical manner. Finally, the Legal Profession Amendment Bill provides that a person acting honestly and without recklessness in the exercise of a function under the act is protected from civil liability.

The bill generally has the support of the ACT Law Society and the ACT Bar Association, both of whom have worked closely with the Attorney-General's Department in its role on the joint working party in developing the bill. I take this opportunity to thank officers from JACS who gave us a detailed briefing on this legislation. I have come to this relatively late, as it is Mr Stefaniak's portfolio, and I certainly found the briefing very useful.

A two-year review of the national model law is due to be undertaken, which will provide the joint working party, including the Law Society and the Bar Association, with an opportunity to review the practical operation of the legislation. I know the Law Society and the Bar Association intend to watch the act and its operation to ensure that the effects of its operation do not weigh too heavily against its intent. No doubt the two-year review will feature a detailed evaluation of the act's effectiveness across the nation.

Before closing, I want to visit the human rights elements of this bill. The explanatory statement accompanying the bill discusses the human rights impact at some length. The impact of this bill on human rights matters goes to: the liability of the principal of a law firm for any offences committed by the law firm and whether that principal is subject to the strict liability provisions of the bill; the "sophisticated" clients classification under the bill, in the context of whether an itemised bill can be requested, and whether therefore there is a lack of equality before the law; the ability of a disciplinary tribunal to make decisions in relation to the behaviour of legal practitioners without conducting hearings and whether a practitioner under review is denied the right to a fair trial; and the suppression of the name of a practitioner under review by a disciplinary tribunal and whether that falls against the requirement of the Human Rights Act for public hearings.

I am sure there are very few in the community who would have a lot of sympathy for lawyers being subject to strict liability. The legal profession in particular should be aware of its obligations under the law, and I certainly do not have a problem with strict liability in this case. However, there does seem to be some conflict with respect to some of the provisions of the Human Rights Act in relation to fair trial provisions—the requirement for public hearings versus the right to privacy. Once again, we see an example of human rights coming into conflict. We have raised our objections to the Human Rights Act in the past, but it is the law of the territory and it needs to be complied with as long as it is the law of the territory. We will be judging all legislation that comes before us in the context of the Human Rights Act because that is the law of the territory.

In summary, the opposition supports the Legal Profession Amendment Bill and looks forward to the results of the two-year review into its operation and intent.

Dr FOSKEY (Molonglo) (11.05): The Legal Profession Act, passed by the Assembly last year, has set the scene for this bill. The current bill consolidates the uniform national approach to the regulation of the legal profession. Unfortunately, the actual regulations, or a near final draft of them, have not been made available to non-government members before today. While the general intent of the legislation is plain to anyone who cares to look at it, the regulations, of course, contain much of the detail necessary to understand the practical application and effect of these laws.

I do understand that the bill has swallowed up a large chunk of the department's law-making resources and that the legislation and the regulations are both complex and substantial. But, nonetheless, once again we are being asked to pass legislation without the information necessary for ourselves or our community contacts to make a considered judgement about its true impact or merit. Unfortunately, I have had neither the time nor the ability to delve very deeply into the nitty-gritty of this very fat piece of legislation. But this is largely because I can take great reassurance from the involvement of both the Bar Association and the Law Society in the drafting of this bill. Indeed, both were represented at the briefing that we had, along with officers from JACS and, of course, representatives of the Attorney-General's office, so I feel that the fact that they can all agree and have been involved in the process allows us to have some confidence in the outcome.

This seems to be one occasion where one section of government has actively consulted and meaningfully consulted with interested parties while the proposed laws were still at a formative stage. Of course, this is a process that the Greens commend.

The Attorney-General told us that the development of the model law has been a long and, I believe he said, tortuous process. He said that he hoped we would accept his invitation to attend briefings on the bill and the regulations. I did attend a briefing on the bill and I am grateful for the time and effort that went into that process. But surely we could have also been given a briefing on the 99 per cent completed regulations as well. We are capable of appreciating that incomplete regulations might not be 100 per cent complete at the time of such a preliminary briefing.

We understand the reasons behind the urgency, and I accept that the absence of the completed regulations or any briefing on their intended content is more likely to reflect a majority government standpoint rather than an actual conspiracy to keep us in the dark, but, even so, the reasons do not amount to a valid excuse. If JACS has insufficient resources to deliver its legislative workload in a timely manner, then perhaps we need fewer dollars spent on challenging FOI decisions and more dollars spent on legislative drafting exercises.

I am always concerned when uniform legislation comes before the Assembly that there is a possibility that we have been compromised by deals done in COAG or SCAG, or behind some other closed door, ostensibly on our behalf. Uniform legislation often implies lowest common denominator deal making, and this can mean that we are being asked to rubber stamp what could be a retrograde step for the ACT.

After many years of minority government, and actual commitment to community engagement and consultation, we do lead the country in the quality of much of our legislation. In this instance, I am satisfied that, despite the compromises necessary to achieve unanimity, the uniform law approach will result in a favourable outcome overall. Despite the growth of privative clauses, quasi-judicial decision making by members of the executive and attacks on the independence of the judiciary, the separation of powers between the judiciary and the executive survives as one of the strongest protections we have against arbitrary and despotic government. By codifying the standards that parliament expects of the legal profession, we also clarify the power of the court to demand of its own volition, at a minimum, those standards from the legal profession.

This bill retains the power of the Supreme Court to adjudicate costs disputes, determine appeals from disciplinary proceedings and even to hear first instance cases involving serious professional misconduct. Under the separation of powers doctrine, the court retains original jurisdiction to discipline its own officers, and it is proper that the profession itself should have the principal responsibility for disciplining its own members.

I just want to reiterate some comments I made when the Legal Profession Bill was introduced. I quoted Her Honour Justice Tricia Kavanagh, who said:

The maintenance of the rule of law depends on lawyers who respect the truth and whose integrity is not for sale ... Ethical behaviour provides the most fundamental distinction between the law as a profession and law as a business enterprise and it draws a distinct line between the legal practitioner and the mouthpiece.

Lawyers hold a position of responsibility and trust which is different from and, in many ways, greater than that of many other professions. Their first responsibility should always be to uphold their duties as officers of the court, and they should be protected from retribution by their employers or clients for upholding these duties. I applaud the provisions in this bill which protect the identity of lawyers who are the subject of disciplinary proceedings.

While full disclosure should apply when a person is found guilty, I would support a similar law which gave all parties to virtually all legal proceedings the right to anonymity if they chose it. The presumption of innocence is an important protection against the corrupt use of the legal process and government power. We have seen the presumption of innocence recently eroded, with that being justified as a reasonable assault on civil liberties under the cover of the so-called war on terror.

It is amazing how quickly things get forgotten, but the shameful treatment of Dr Haneef by the federal government and the AFP was, I believe, a case where the presumption of innocence was dropped. I think that that case highlighted that it is absolutely essential that we have safeguards set in place which do actually protect that as a fundamental right.

Mr Speaker, I would like to take this opportunity to set the record straight and apologise to Darryl Hockey for comments I made in my speech on the legal

profession last year. Possibly people remember, possibly they do not, but it is there in the transcript that I suggested that Mr Hockey and many other AWB executives should be wondering whether they would spend time in jail for being part of the scam that provided over \$300 million in assistance to a very nasty dictator and a declared enemy of Australia.

I have since been told by Mr Hockey that the report in the *Canberra Times* of 15 May last year, which provided the information for that remark, was incorrect. Mr Hockey tells me—and I accept it—that he did not come up with the scheme to abuse legal process by initiating a SLAPP suit against one of AWB’s detractors. Rather, when Mr Hockey said, “The idea is to start some pressure on him, let him know the legals are working on him—make him start blowing his meagre budget,” he was merely describing to a colleague what he understood to be the intentions of AWB’s management.

The Cole inquiry cleared Mr Hockey of wrongdoing and also found—and I accept it—that Mr Hockey had no knowledge of the wheat for weapons scam at the time that he was General Manager of Public Affairs for the AWB. Mr Hockey, of course, has worked for Liberal Party and National Party MPs and he has served on the Iraqi Provisional Authority and also, therefore, had been involved, I guess, in areas which might have been the basis for that *Canberra Times* article. But I accept his explanation and I apologise to Mr Hockey.

Mr Mulcahy: On a point of order, Mr Speaker: if the member has reflected on somebody and wishes to make an apology, there is a procedure for that. I do not think it is part of the debate on the Legal Profession Amendment Bill.

MR SPEAKER: That is a debating point. You can contribute to the debate if you wish.

Mr Mulcahy: Sorry?

MR SPEAKER: It is a debating point, I think. If you wish to contribute to the debate, the opportunity will be there.

Mr Mulcahy: But, Mr Speaker, it has got nothing to do with the legislation. It is to do with her talking about reflecting on someone last year in the *Canberra Times*. It is nothing to do with the Legal Profession Amendment Bill at all.

MR SPEAKER: Remain relevant, Dr Foskey.

DR FOSKEY: Thank you. I am not sure whether Mr Mulcahy heard me say that I am reflecting on comments that I made in my speech on the original bill last year. I will just conclude that section of my speech. I felt this was an appropriate place to clear the record, and that is what I have done.

I welcome the costs disclosure provisions in this bill, and I think the experienced client exceptions are a sensible compromise to minimise unnecessary accounting and disclosure costs. I have reservations about so-called uplift fees provisions in this bill, as I would not like to see the American practice introduced into Australia whereby

lawyers can take on a case for minimal fees on the understanding that if their client is successful the lawyer will receive a percentage of any damages award.

It is good that the admission requirements for legal practitioners have been clarified and standardised. The discrepancies between jurisdictions often resulted in law graduates moving from one state to another to find a place in either a clerkship or legal workshop or a college of law that suited their needs. That also meant increased costs and a partial restraint of trade, as practitioners were required to obtain practising certificates in every state in which they appeared, even if that was only for a one-off appearance.

The provisions in this bill to do with trust accounts and controlled moneys are a reminder that lawyers often have control over large sums of their clients' funds, and the temptation to dip into those funds for their own purposes has sometimes proven too great for some in the past. So I am very happy to accept the comments of the Law Society and the Bar Association on this bill, that it is a big step forward. I commend everyone that has been involved in what was clearly a very long, a very thorough and, no doubt, a very arduous process.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.17), in reply: Mr Speaker, this bill brings to its conclusion the long and complex task of aligning the governance of legal practitioners in all Australian jurisdictions under a cohesive model that covers qualifications, licensing, management, costing and complaints and discipline. The bill also implements comprehensive model provisions relating to foreign lawyers, incorporated legal practices and multidisciplinary partnerships practising in the ACT. In this small jurisdiction, the government would not expect a rapid uptake of registration of any of these clients of legal practice. But it is important that we play our role in establishing a jurisdiction in which lawyers can operate in the context of a truly national legal profession.

I think it is well understood that certain aspects of the model law, and consequently the legal profession acts of the states and territories, will require some revision in light of practical experience. In particular, there has been some concern about the provisions for costs disclosure and trust accounting management. In this regard, I think it is timely to repeat the government's appreciation of the extent to which the local legal profession, represented in the main by the Law Society of the ACT and the ACT Bar Association, has been prepared and able to assist in the development of this bill.

Not only has the profession added greatly to the quality of the final bill, it has also been prepared to compromise in a number of matters to allow implementation to happen, and for this the government is grateful. I understand that members have been briefed on this bill by officials from my department and the profession, and I welcome the broad agreement that has come about with the profession on the matters covered by this bill.

It is also important to remind members that I have provided to them copies of the draft legal professions regulation 2007, which gives effect to a number of important aspects of this legislation. Again, the provisions are based on the national model regulation,

much of which is mandatory for adoption by the states and territories. The ACT regulation will be made as soon as possible following the passage of this bill.

The local legal profession have been preparing for some months now to implement this bill, and I acknowledge their considerable effort and commitment, especially moving from one system of trust accounting and costs disclosure to another to commence on a predetermined date. It is therefore critical for the Assembly to pass this bill in time for its commencement on 1 October 2007, as provided for in the transitional provisions in the act. Clearly with this passage today, we will be in a position to achieve that.

I would like to thank members for their willingness to engage in discussion and consultation on this legislation, and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Revenue Legislation (Housing Affordability Initiatives) Amendment Bill 2007

Debate resumed from 7 June 2007, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (11.21): Mr Speaker, let me say at the outset that the opposition will be supporting this bill. I will, however, take this opportunity to make a few comments on the nature of the bill and the housing affordability initiatives that it introduces.

The issue of housing affordability is one that must be approached cautiously. Whilst I personally support measures to make it easier for people to be able to own their own homes, the fact that many people already own homes, homes that they need to protect the value of, is a primary consideration that cannot be discounted and too often is overlooked in terms of political debate at both territory and federal levels.

Housing prices are rising but a great many people are still entering the market and doing so at a young age. Whilst I have not seen statistics on the number of people under the age of 30 acquiring homes relative to some decades ago when I was in that age range, I have sensed that it is a greater rate than it has been in the past, even though there are arguments about a declining percentage of home ownership in the community at large.

Although prices are rising, many people are making sacrifices and are working hard to enter the market. This is a good thing, but I would issue a general word of caution against people overextending themselves in seeking to finance home loans. People

should try to enter the housing market—they should not do so, however, by borrowing more than they can afford.

It is easy to be caught up in talk of a “crisis” but I believe that a broad approach, including looking at ACT government charges and taxes—not rash measures—is needed to make it easier for people to enter the housing market in the ACT.

Mr Speaker, this bill has three elements. Firstly, and probably most significantly, it amends legislation to allow households to defer stamp duty payments for up to five years and to pay the duty in instalments over the next five years. Stamp duty is an onerous burden on the purchase of property in the ACT. It is important that people budget for what will be, in most cases, a bill of around or often well in excess of \$10,000.

People will still have to budget for stamp duty. It is important to note that this bill, while providing temporary relief at the point of entry to the housing market by deferring stamp duty for as much as 10 years, does not alter the amount that has to be paid. People need to be aware of that. If they are not careful they could face a massive deferred bill of both the original stamp duty and subsequent interest after the 10 years have passed. The analogy, of course, is in the ads that we see constantly in relation to furniture where they say, “Pay nothing for two years,” and then the poor souls who get caught up in those schemes suddenly find that they hit a wall when they have got to produce the funds down the track.

I understand from my briefing from Treasury officials—and I thank the Treasurer and the Revenue Commissioner and his officials for making information available and for formally briefing me on this bill—that residents will receive regular statements detailing the amount that they will ultimately have to repay. I am hopeful that the system that will be put in place will do everything possible to discourage people from overextending themselves.

I am not one who supports the nanny state, but, when you set up a scheme of this nature, there is a measure of risk involved for the people who avail themselves of the system, and they need to be very well informed of how this will work and what their ultimate obligations will be, lest people fall into the trap of entering into arrangements beyond their capacity.

This bill also amends legislation that will allow certain groups, like Community Housing Canberra, to be exempt from the payment of duty and land tax. I understand that this is consistent with the treatment of Housing ACT. Organisations will be able to receive exemptions if the minister is satisfied that the entity is a provider of community housing in the ACT. This is defined in the bill as housing provided for (a) people on low and moderate incomes or with special needs, or (b) non-profit community organisations.

The final initiative that this bill provides for is to amend the legislation to allow home buyers to only have to pay for the deposit on land until their home is ready to occupy. Purchasers of blocks of land will be able to defer full payment for the land and duty until they obtain a certificate of occupancy.

Mr Speaker, as I said at the outset, the opposition will be supporting this bill. It will provide some up-front relief for people entering the housing market. It must be noted, of course, that it will not provide any relief from ACT government charges which, as we are all aware, have been increasing quite dramatically over the last two years. Home owners not only have to meet the purchasing price of the house, but also, because of this government, pay more in local government charges than they ever have before and across a range of different areas of activity, which is becoming an area of increased concern amongst this community, reflected by more and more people writing to me expressing their amazement. I am a little amazed that it has taken some of them 15 months to work it out, particularly on things such as the utilities tax. People are writing in saying, "What is this? When did this come in?" because they have not caught on to the fact that it was very ingeniously applied through other parties such as your gas, electricity, telephone provider or other utility provider.

It is a cunning tax in that it is hard to identify quickly. Its description tells you almost nothing in terms of utility network facilities tax—I think that is how it appears on people's accounts. But, of course, what we do know is that this is the handiwork of the Stanhope government finding another way to relieve the people of Canberra of something in the order of \$16 million in a full financial year. So for those home owners, or prospective home owners, who think that they are about to land on their feet as a result of this measure, be wary of the other tax traps that await you courtesy of the Stanhope government.

It is all very well, of course, for the government to speak loudly about their attempts to make housing more affordable but they must also acknowledge that they are collecting more from those same residents that they purport to be helping. Amongst other things, last year's budget increased rates. It increased the water abstraction charge, introduced the fire and emergency services levy and, as I said a moment ago, the utilities network facilities tax. That is hundreds of extra dollars out of the pocket of each and every Canberran to pay for, at best, the same services and, in reality, at a standard that is below what residents have a right to expect.

So it is a bit like going out to a restaurant, paying twice as much for what you want to eat but getting nothing more for your value. That is the way business is done in this town now. I think it is lamentable that, in a time when we are trying to help younger families in particular to move into the area of home ownership, they are going to be hit with this raft of taxes and charges that have never before been seen in this territory. Hundreds of extra dollars out of the pocket of each and every Canberran are paying, in effect, for the same services at best and, reality suggests, probably for a standard of service that is now below what residents have a reasonable right to expect.

We are told these higher taxes and charges are necessary because the provision of them in the ACT costs 22 per cent more than elsewhere. One therefore would suggest that maybe we should look at the way in which we manage them and the efficiencies, as even the economic rationalists within the government's ranks, I am sure, must shudder at the idea that you say, "Costs have gone up 22 per cent so therefore you increase your charges." Never ever let it be suggested that we actually look at issues of efficiency and good management and efficient delivery. No, let us just say: let the

costs run amok and charge people more because they have got no choice but to pay those taxes and charges; when you have a majority government you can do what you like—

Members interjecting—

MR DEPUTY SPEAKER: Order! Mr Barr and Mr Stefaniak—wrong—Mr Barr and Mr Seselja, if you guys—

Mr Barr: I know he wants to be leader, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Point taken, Mr Barr.

Mr Barr: He may have to change his name to get there.

MR DEPUTY SPEAKER: Point taken. If you two guys want to chat, outside please. Carry on; you have the floor, Mr Mulcahy.

MR MULCAHY: Thank you, Mr Deputy Speaker. As I said, the issue of addressing inefficiencies in the delivery of services is abhorrent to this government, despite the presence of one economic rationalist within the frontbench. But I understand the difficulty that he would encounter in attempting to persuade his colleagues, particularly those on the left, personified by my colleague Mr Gentleman, in doing anything—anything—that would upset the established order in terms of delivery of government services. The easy solution always is to say to the Commissioner of Revenue, “Turn up that machine. We need more money. Dream up something else. Talk to your colleagues interstate. What haven’t we thought of here?” And, of course, they have been very creative in that regard. I do not know what the next lot will be planned for after next year’s election, but if they have any hope of getting in, which I do not think will happen, I suspect there will be even more of these ingenious charges.

I remember my first job, Mr Deputy Speaker: I started work in the tax office. The first thing they taught us was about ingenious ways of collecting tax. They had something back in the Middle Ages where some king decided to tax people based on the windows they had. That one has not been thought up in the ACT, but given time I am sure it will come forward as a way of fleecing more out of the pockets of ordinary Canberrans.

So the issue here is to try and ostensibly make housing more affordable. As the measures introduced exist, I have indicated that we will support those particular initiatives. But despite this bill’s measures to try and address housing affordability, the more fundamental issue remains. This government is unwilling to contemplate relief from its own tax measures which are in fact making it harder for Canberra families to make ends meet when they get these slugs on their utilities account, when they get the fire and emergency service on their rates bill, and of course they see those rates bills going up, and the government will respond by saying, “Well, average increases.” Well, of course, as we know, many people, including our older citizens who may not be so much the beneficiaries of this measure, find their incomes do not go up but their tax liabilities to the territory government go up at a dramatic rate because of the growth in the value of the property on which their homes are situated.

The government must acknowledge that increased ACT charges do impact on residents' ability to enter the housing market. Unfortunately, they are too willing to dismiss the increases of the last two years as insignificant or affordable. I recall some weeks ago in the last school holidays being in the car with my kids and hearing the Chief Minister's talkback show. A woman called in and said, "I am on a pension, and we have had no adjustment for CPI in the latest round, but you have increased my charges with this WPI thing." The Chief Minister was saying, "Well, you know, that is the way it is. It is not a lot of money." Well, I can imagine that in his situation it probably does not seem a lot, but I would not have thought the Chief Minister would be so detached from the real world not to acknowledge the fact that many of our older residents who are on fixed incomes live on very, very tight budgets, and a few dollars here and there make all the difference between their capacity to operate and to live and enjoy a very basic existence.

For that reason, whilst I understand that there are exemptions and relief that exist, I think that the insensitivity towards the needs of our older people remains as an increased issue of concern. The truth is that the increases introduced by Mr Stanhope have had a massive impact on many residents, and people now have to find hundreds of extra dollars for the ACT's taxes and charges regime.

Mr Deputy Speaker, as I have indicated, the stamp duty is, of course, an onerous burden, but I have indicated that we are keen on seeing some upfront relief for people entering the housing market. It seems that these increased charges that we continue to face as a broader community will be left in place, despite constant improvements and under-forecasting on revenue outcomes for the territory. But I will continue to plead to this territory government to use their majority to ensure that they do return some of these excess taxes to the people of Canberra.

I find it impossible to accept the line of argument that we have got to charge more because the services are more. We then are swimming in surplus outcomes as a result of that, and then we say, "Well, we cannot consider tax relief." It is so blatantly transparent, it is obviously part of the government's strategy to build up a war chest for the next election and then say, "All is forgiven; we are sorry we got it wrong and we will dish the money out," and hope that the people of Canberra are naive enough to give them another term in government. I will be very surprised if that happens, Mr Deputy Speaker. In the next 12 months I think the position of the people of Canberra will firm up in terms of their view of the relative performance of the two major parties in this place.

In conclusion, until the government acknowledge how hard their measures have made life for the people of Canberra, the impact of any housing affordability initiatives will be muted. I mentioned before that I appreciate the Treasurer—who I think we have lost in battle—making officials available for a briefing on this bill. I thank those officials for the detailed and informative briefing they provided in such a professional fashion, as they always do.

Despite my broader concerns about taxes and charges impacting on property owners, the measures introduced in this bill make sense, and the opposition will be supporting this bill.

MR DEPUTY SPEAKER: Just before we proceed, my apologies to Mr Seselja. Your body mass index looks nothing like Mr Stefaniak's!

DR FOSKEY (Molonglo) (11.36): I will be supporting the bill as well. I do feel that the bill could have gone further, and I would like to address those issues here. The booming property market means that a level playing field is no longer realistic, and the government must implement policies to help first home buyers and low-income earners to get a foot in the door of home ownership. As such, we must explore options which give home buyers an advantage against investors. The extent to which the ACT government can influence this is possibly broader than in terms of land tax and stamp duty, but those are certainly measures that the government can use to produce a more nuanced response in the market, and I believe that this bill does not explore the full potential that they offer.

In principle, the Greens will support any initiatives that improve housing affordability, and to the extent that this might be achieved by these amendments, I support these amendments. Nonetheless, it is fairly clear that one of the bases for this bill was to ensure that there was a minimum of revenue forgone. To the extent that the deferred duty payment scheme will make it easier at the time of purchase when there are lots of other expenses, we applaud the initiative. However, it has to be noted that five years down the track when it comes to repaying the debt, which has accrued interest over that time at market rates, I believe, home owners might not find themselves in such an enviable position.

The key issue is: at what rate will interest be charged? Leaving it to the minister's discretion is very broad. Will the rate be reflective of the market rate or discounted to some degree? If so, the scheme may be of little advantage to potential home buyers. As there are no guidelines as to the interest rate, we are left to assume that they will largely correlate with market rates, although one would hope that there is some discount, given the target market and the desired outcomes. One has to ask the question: if this is the case—and it therefore means that the government will be forgoing some revenue—why not simply reduce the rate of stamp duty payable by first home owners?

To the extent that this has already been done, we support it. But I cannot see the rationale in just loading first home buyers with greater debts. It is very likely that not only will they have a very large mortgage, many will also still have a HECS debt and now a stamp duty debt, not to mention the debts on their furniture and other necessities that they might have had to pay for by hire purchase in order to furnish their new homes. If the interest is significantly discounted, then why not just extend the current stamp duty concessions? Given that it is getting harder and harder to buy a house that attracts a significant discount as house prices continue to climb, it would be appropriate to adjust the thresholds and/or the rates and also ask why we should not make the deferred payment scheme applicable to existing houses, rather than just limiting it to new developments.

There are still, though perhaps for not much longer, a number of existing houses selling for less than the home buyer concession scheme discount threshold at \$365,000. The simplest measure that would deliver a clear benefit to home buyers

would be to increase this scheme which would apply to everyone, rather than just to designated properties. The December 2006 median price was \$398,000, and, given that house prices have increased significantly since then, it would not be unreasonable to extend the scheme to \$398,000. Alternatively, if the government would prefer to offer greater assistance at the lower end of the market, it could just reduce the duty payable from \$17.40 per \$100 for houses between \$295,000 and \$365,000 to a lower amount that reflects the cost of the current initiative.

Mr Deputy Speaker, stamp duty and land tax are instruments which the government has at its disposal and which have, I believe, greater potential to deliver flexibility and affordability at the lower end of the market. As well as this, the government can also offer the deferral scheme for those who might prefer to defer it if they could be given the option at the current rate, or take the discount rate if they pay it now.

If the government have money to spend to help first home buyers there are other ways that they could have a long-term benefit, rather than simply adding to the home buyer's debt. The scheme could be tied in, for instance, to sustainability initiatives. Five-star energy efficiency housing requirements are a good first step and ensure that all the basic principles are covered, but they do not consider the embodied energy of your house, and there is certainly a lot more that could be done to reduce the ecological footprint of new homes.

Rather than taxing people for the number of windows that they have—which of course may mean that they are consuming more solar energy—the Greens would have a proposal which would actually reduce stamp duty and other charges where sustainability is part of the design of a house. So rather than stamp duty concessions we could be offering building subsidies for energy efficient construction, and that way people could spend a little more on the land, especially if they knew that it delivered good solar access. If they know that the government will then help them build a good house, a house which will reduce bills in time, it will make it easier for them to make these repayments on stamp duty and so on in the future.

Alternatively, the government could be spending more money on public transport and infrastructure for the new suburbs to make them able to cope with energy decentralisation, water schemes which send grey water from individual houses out into community parks and so on, and other future challenges which I am quite sure that the government is going to need to be introducing in the very near future.

If the government wants to spend public money, this will achieve two aims: to help individuals realise home ownership as well as deliver community benefit that will help those individuals in the future, rather than just lumping them with some extra debt. This achieves real outcomes for the individuals in the community and encourages good building practices and innovation and uses our resources more wisely.

Of course, the other part of the legislation which the Greens do support without reservation and congratulate the government on is the stamp duty exemption for community housing. It is a good initiative, and we applaud the government for it. We support the action plan. We believe that encouraging an increase in community housing will be a good thing for the people of Canberra and will deliver more housing,

more affordable housing. That, I believe, is where the emphasis should be: an affordable housing plan.

MR SMYTH (Brindabella) (11.45): It is a shame the Treasurer is not here. As is his wont, he often wanders away when his bills are being discussed. We are not sure of the reason why. It is a pleasure to have the Minister for Tourism, Sport and Recreation here because he has some particular views on housing affordability and how it should be achieved. You only have to go back to his speech from 2 May last year, where he said:

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

In the budget debates in late August, the minister went on to say that there is an overdependence on first home owner schemes. So the real heart, the real truth—and this is why the Chief Minister is probably not here—is that the Labor Party want to get rid of these schemes because they are not interested in housing affordability.

The Minister for Planning met with the leader of the opposition at the housing affordability summit that Mr Rudd held. You can imagine the two of them in a corner saying, “Mate, the answer is capital gains tax on those bourgeois home owners. Put it back in. This is the real truth: land tax, mate. Let us see a land tax on the family home.” This is Mr Rudd, the future Prime Minister. At heart those opposite want bigger taxes; they have broken their promises. The Chief Minister said that they would be small taxing but this has not happened. Mr Mulcahy mentioned the utilities tax. All the taxes that have come on, that are affecting the ability of people to pay off their homes, are appalling.

I just want to comment on the proposal to allow first home buyers to defer the payment of conveyancing duty. At first glance, you would say, “Gee, that sounds reasonable,” but remember the old adage: time is money. Every day that you delay you pay a charge. It was trumpeted as a concession, it was trumpeted as a benefit to first home buyers. Unfortunately, it is only a concession for some people—and then it is not really a concession; it is a deferral and we are going to charge you for the honour. From our appreciation of this policy, we believe it is ill-founded because it assumes that first home buyers will have to borrow to pay their conveyancing stamp duty. We know that from a press release that the Chief Minister put out.

That is not necessarily correct. You are not getting the concession if you have not borrowed. What we do not have from the Chief Minister, despite repeated requests for it, is an understanding of what the Stanhope government is proposing. I criticised the policy when it was proposed in the 2007 budget—in particular because the assumptions behind it were not revealed and the rate of interest was not disclosed. The Chief Minister said that I was wrong, that this new policy was intended to enable first home buyers to save around \$2,000. The Chief Minister has consistently failed to say—the challenge is here, Chief Minister, to come back to the chamber to guide your

bill through; you are the Treasurer and you are missing in action yet again—that the assumption underlying this assessment is that these home owners will seek to borrow all the funds needed to buy their homes, apart from their deposit; that is, they will borrow to pay the stamp duty.

That is not a reasonable assumption and there is no mention of it in the speech introducing this legislation. Indeed, the main reason people have to borrow to pay the stamp duty is that the quantum of stamp duty is now so high, especially when the impost of infrastructure costs is added to the price of the new blocks. Clearly, if first home buyers have to borrow to assist in paying the stamp duty, then any proposal to permit them to defer repaying this duty will be a saving simply because of the time value of money.

I have called for all the modelling that Mr Stanhope has undertaken of this proposal to be released. We are yet to see the modelling. There is no modelling at all. There is nothing concrete that he can provide this Assembly. We also see Mr Stanhope's comment that the measure will save around \$2,000. Where is the modelling of that claim? There is no modelling. If there were, he would table it; if it were accurate, he would table it; if it were clear, he would table it. So, Mr Stanhope, Treasurer and Chief Minister: show us your modelling.

We then went on to the confusion within the Stanhope government about the rate of interest that would be applied to the deferred duty. I put out a press release after the estimates hearing questioning it. I asked the official, who is the Commissioner for ACT Revenue, "What rate would they be charged? Are they going to be charged the same as the home loan rate?" The departmental officer said, "The home loan rate is about eight per cent, I think, at this moment." I said, "Is that what you will be charging?" The departmental officer said, "It would be a similar rate, yes." I said, "Similar higher, similar lower?" and he said, "It would be based on the benchmark which would be a commercial lending rate."

To the embarrassment, I assume, of the Commissioner for ACT Revenue, he then had to write to Mr Gentleman, as the chairman of the Select Committee on Estimates, correcting the record. I will read the last paragraph from the letter. It says:

In addition, I understand that the Treasurer has now confirmed that the benchmark rate will be the 10 year government bond rate—

which is entirely different from a commercial rate; I think it was about six per cent this morning on the internet—

not a commercial lending rate as I indicated at the time.

The commissioner was sitting next to the Chief Minister. The commissioner told the estimates committee what he thought was happening, or his understanding of it. The Chief Minister sat there mute. The commissioner is forced to come back to the estimates committee to reveal that the Chief Minister did not tell him at the time or was loath to tell the estimates committee—and there is a question for the Chief Minister as well—what decisions had been made. The letter goes on to say:

This decision was made prior to the hearing but I was not aware that the decision had been made as the specific rate to be determined is not germane to my preparations for the administration of the initiative. I apologise for any inconvenience caused.

Well done to the Commissioner for ACT Revenue for the courage to write and then apologise. The Chief Minister sat there mute throughout the entire process, knowing that what a senior public servant was telling the committee was not correct. Perhaps the Chief Minister would like to come and explain. But there is another hook in the letter I got from the commissioner. He makes three points and says in point c:

as the Commissioner for ACT Revenue I have been asked to develop an administration system capable of implementing a changing interest rate based on a benchmark rate to be determined from time to time through a disallowable instrument.

There is a whole series of questions here: will there be certainty for first home buyers when they take on this concession? Will they know what their rate is? Will they know how long the rate will last? Will they know what the rate will be? What is the rate, how often will it vary and how will they be notified?

I see a lot of crocodile tears on this from the Chief Minister who wants to help people but, as has been pointed out so often by the opposition, he is busy “squeezing them until they bleed”, I think was the quote from the former Treasurer—squeezing hard as we cry our crocodile tears. We have a scheme where the rate has changed two or three times since it was announced; we are building a system to administer a scheme so that it can be modified at any time; and we have a Chief Minister who is absent from the Assembly yet again.

Presumably the history of this measure has much the same extent of preparation as was made for many of the ill-founded taxing proposals from the former Treasurer. You only have to look at things such as the city heart tax, the parking space tax and the loan security duty—all of which have been an absolute debacle in administration and, indeed, many of them were never passed by this Assembly or not followed up by the government because of that.

I also note that there appear to be more general concerns with the whole area of providing concessional duty. Members would be aware that there was an article in the *Canberra Times* about one individual who went to pay his \$20 tax at the time only to find out that he had left it too long. I have had a flurry of activity to my office—I have written on a number of occasions now to the Chief Minister highlighting this—and one young couple has provided me with extensive details of their experience in buying a lease on a new block of land from this government. They are adamant that they did not know and were not told of the requirement to pay the concessional duty within 90 days.

We are talking about \$20! Most people would reach into their pockets and find \$20. These people were never given the opportunity until it was too late. They are now negotiating with the government, and I have written to the government about it as well, saying that it is appalling maladministration to travel from \$20 to \$3,000, \$4,000 or

\$5,000 worth of stamp duty. The couple only became aware of this when the formal lease papers were available from the LDA's solicitor. People are not being told that the payment is due. Surely you would send out a reminder notice, "Pay your 20 bucks before the end of the week; otherwise we are going to shift from \$20 to \$3,000, \$4,000 or \$5,000." But no, that was not done either.

We were then contacted by another young man who has also provided me with extensive details of his experience in buying a lease on a new block of land—equivalent experience to the first couple. He is also adamant that he did not know of the requirement to pay the concessional duty within 90 days. Again, we are talking about paying \$20! He only became aware when the formal lease papers were available from the LDA's solicitor and, again, I am taking that matter up with the government.

There is a third incidence of another young man not being made aware of the requirement to pay the concessional duty within 90 days. It is almost an identical situation. Again, it is only \$20. It defies belief that these people would not want to pay \$20 to gain access both to the concessional duty and to the first home buyers scheme. I do not think anybody believes that people would deliberately delay paying 20 bucks and run the risk of paying several thousand dollars.

In summary, there have been a lot of crocodile tears from the government on this scheme and there has been a lot of doubt over the government's estimates. We have not seen the government's calculations that come to the conclusion of a saving of \$2,000 on average. While we have no problems with measures to assist first home buyers to enter the market, I think it is important that there is clarity in the process to give people the opportunity to take advantage of these concessions. There is a clear failure of the Stanhope government previously and currently on this issue.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (11.56): I rise to support the Revenue Legislation (Housing Affordability Initiatives) Amendment Bill 2007 and to take the opportunity to respond to some of the comments made by those opposite.

Mr Mulcahy: Are you going to endorse my remarks?

MR BARR: No, I think you will be waiting a little while, Mr Mulcahy, for me to endorse your remarks. Some of your remarks from time to time on certain issues are accurate.

Mr Mulcahy: Like on economics?

MR BARR: As I think I have expressed in this place before, I do express some concern for you being perhaps one of the few members on your side of politics who has any understanding of economics. One need only look at the sorts of comments that are made by your colleagues behind you from time to time on matters to get a true appreciation of just how bereft the Liberal opposition is of any economic understanding.

I know Mr Smyth is very fond of quoting aspects of my normal speech. I notice that he always stops short of the full quote, though, where I do go on to indicate, following the area that he did quote me, that those views are, indeed, economically correct but politically would be somewhat courageous. I think I went so far in my normal speech to use an analogy with a very popular television program at the time *Yes, Minister*, where indeed Sir Humphrey Appleby would describe the views as courageous. And, yes, I am under no illusion at all that the political reality in this country is that this issue was decided some time ago. To make a significant change in taxation arrangements in relation to family homes is, of course, something that is not politically feasible. However, on economic grounds, there is no doubt that the distortionary nature of the taxation arrangements that have been in place in this country for a considerable period of time have had an impact on housing affordability.

For all of us in politics to be honest about the true economic realities in relation to housing affordability, we have to acknowledge—as those opposite want to talk extensively about tax matters in some areas but, of course, ridicule what is indeed economically correct—that the absence of taxes in certain areas has distorted economic behaviour and economic activity over a very long period of time and has, in fact, meant that we have inflated the price of a family home to the detriment of first home owners. The political reality is that people who are in home ownership, who have either paid off their home or are in the process of doing so, significantly outnumber the number of people who are looking to enter the market. The political reality is that making the sorts of sweeping economic changes needed to address the gamut of housing affordability issues—

Mr Mulcahy: Would cost you your seat.

MR BARR: Indeed—would be politically unfeasible. That is just a reality. However, to be lectured by those opposite—particularly by Mr Mulcahy in his speech about the need to reform the delivery of government services to be more efficient—given the campaigns and the attitudes that they have displayed to every attempt in my portfolios to address just those issues since I have been minister, begs credibility; it is not credulous. I know that no-one on the opposition side pays much attention to what Mr Mulcahy says. They ought to, because if they ever happen to be in a government with him, then I pity Mr Mulcahy in the end because he will be outnumbered. He is not the leader at the moment as his colleagues do not support his views.

For Mr Mulcahy to get up and talk about the need for reforms on the expenditure side of the budget, and then to listen to the litany of individual examples where his colleagues seek to oppose every meaningful structural reform that this government has put forward, really does put a lie to the fundamental philosophical position that the Liberal Party tries to put in this place. It really is just fanciful.

Mr Smyth's first initiative in tourism would be to put a million dollars back into administration by re-establishing a statutory authority and all of the associated administrative requirements that would go with that. Fundamentally, if you went to the tourism industry and said, "Where would you like the next million dollars of expenditure in tourism to occur?" it certainly would not be in administration, Mr Smyth. But you go ahead with that policy—that is terrific; good on you.

Mrs Dunne has opposed significant reforms in education, yet she has the hide to say that the government needs to deliver services more efficiently. That is just incredible.

The purpose of today's debate is around putting forward an overall package to address housing affordability, around supply side solutions. It is not seeking to fuel demand through measures such as the first home owners grant, particularly the period at the beginning of this century. It is politically very attractive to be able to hand \$14,000 in cash over to individuals—that is terrific—but what was the economic reality of that? It fuelled house prices. In the end, the policy made it harder for first owners to get into the market. A small number benefited at the very initial stages when they were able to move quickly to take the grant and get into the market.

But as you would expect, as it is an interaction of supply and demand—we were not able to address the supply side across the country and most particularly in Sydney; we are certainly experiencing it in Western Australia at the moment—the market was not able to adjust on the supply side as quickly as the demand side was being fuelled by these significant subsidies. On face value the policy seems quite attractive: to help first owners into the market. In the end, it made it harder. That is why you need supply side solutions and that is why this government is moving ahead with a whole range of them across a range of portfolios.

I pay tribute to the leadership of the Chief Minister on these issues in putting forward the range of packages across the portfolios. I am very pleased to be involved as planning minister, particularly the delivery of five years supply of planning ready land for residential purposes, to have in place a new compact housing lot and to have a variety of initiatives in place in my portfolio that complement the work that is occurring across the Chief Minister's Department. With Minister Hargreaves and the housing portfolio, the massive expansion of community housing is again terrific to see. All of these measures are coming together to provide a supply side solution to this issue.

I commend this piece of legislation. Again, I find it unbelievable that those opposite would seek to run the lines they have, given everything that the other shadow ministers have had to say in relation to expenditure reform. For Mr Mulcahy to get up and suggest that the government has been tardy in looking at those areas is just incredible—unbelievable. It is fundamentally flawed argument, given the lines and the consistently diametrically opposed position that the shadow ministers are taking.

I come back to my original point: this government is making the policy and undertaking the hard yards in policy development to address the supply side solution to this problem. This government has in place a range of measures. I am pleased that the opposition and the Greens are supporting this particular piece of legislation and other housing affordability initiatives. We look forward to an end to the pointless political point scoring that comes from those opposite when we have a good initiative that everyone agrees on. Let us move forward with this. Let us continue our whole-of-government approach to addressing housing affordability. I commend this legislation to the Assembly.

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

Environment, Water and Climate Change, Minister for the Arts) (12.06), in reply: Mr Speaker, I will close the debate. The Revenue Legislation (Housing Affordability Initiatives) Amendment Bill 2007, as we know, amends the Duties Act 1999, the Rates Act 2004 and the Land Tax Act 2004.

The government recognises the importance of affordable housing and the need to ensure households can access appropriate and affordable housing options. While many ACT households have benefited from the increase in housing wealth in recent years, other parts of the community have not enjoyed the same advantages. For these households, accessing Canberra's housing market has become, as we all know, far more difficult.

The government was not prepared to allow this situation to continue. Earlier this year it announced its affordable housing action plan to address this situation. The action plan contained a number of initiatives designed to improve housing affordability. Through the implementation of this wide ranging and ambitious action plan, the ACT government has taken the lead in helping families to achieve more affordable home ownership.

The amendments contained in this bill implement a number of initiatives set out in the ACT government affordable housing action plan. The home buyer concession and the first home owner grant schemes are already helping ease the burden placed on potential home owners, but more, of course, is needed. This bill, the first in a series of housing affordability initiative bills, will make the dream of home ownership a reality for many more Canberrans.

The first new initiative to be introduced in this bill is to allow eligible home buyers to defer duty payments for up to five years. The first step towards home ownership is invariably the hardest. Along with the cost of meeting interest payments, many households are also trying to meet costs associated with furnishing their home. This new measure will help to ease the cost of entry into the housing market for many Canberrans by easing some of the financial pressure at the time of purchase. As a result of this measure, households will be able to save for the duty owed, instead of finding the money to pay it up front. This measure will significantly reduce the upfront costs first home buyers currently face, and will assist more ACT residents to enter the housing market.

The stamp duty deferral initiative is expected to help around 2,500 households in the ACT, deferring around \$20 million in duty each year. By linking the deferral to households eligible for the first home owner grant and the home buyer concession scheme, the deferral of duty is being targeted at those most in need of assistance. These are households who have not benefited from past increases in housing wealth and are often not well positioned to pay duty. This government is bringing home ownership a step closer for these households. The bill also changes the taxation treatment for purchasers of affordable house and land packages. Home buyers will only be required to pay for the deposit on the land, and can defer the full payment until their home is ready to occupy.

The release of affordable house and land packages themselves will have a significant impact on housing affordability. They will provide a greater choice in housing options

for lower-income households and increase the capacity of those households to own their own home. This initiative adds to the benefits of the affordable house and land packages to further reduce the financial pressure on households. Under this scheme, households would not have to make land payments on newly constructed houses until a certificate of occupancy has been issued. This will ensure that households are not paying off a mortgage and paying for rental accommodation at the same time.

The purchasers of these affordable housing products are likely to be facing greater financial pressures in moving into home ownership than other sectors of the community. This measure recognises that pressure and reduces it. In doing so, it will improve the capacity of these households to enter the housing market. When combined with existing programs such as the home buyers concession and the first home owner grant scheme, the total raft of assistance available through the ACT taxation system represents a significant commitment to reducing the barriers to home ownership.

The bill is not aimed solely at those people looking to buy their first home. It also contains measures to help those enter into community housing in the ACT. The ACT has an active but relatively small community housing sector, currently catering for people who may not meet the eligibility criteria for public housing. Community Housing Canberra plays a vital role in providing affordable homes and contributing to sustainable communities for Canberrans in need. The government remains strongly committed to helping Community Housing Canberra grow so that it can deliver a greater number of affordable dwellings to Canberrans on low to moderate incomes.

Through new initiatives announced in the action plan, organisations such as CHC will be exempt from both duty and land tax. This will allow for consistency with the exemptions currently in place for Housing ACT. These amendments will also address the problem of acute rental shortages in the lower end of the market. The changes will provide greater access to more affordable rental properties for those in need in the ACT.

This exemption will assist CHC to meet the ambitious targets set out in the action plan. The government is looking for CHC to increase the supply of affordable dwellings by 1,000 over the next 10 years. This is a significant increase in CHC's capacity and a substantial increase in the availability of affordable houses. This measure, along with other initiatives for CHC announced in the action plan, will transform community housing, and help hundreds of households access affordable high-quality rental properties.

It has become increasingly difficult for first home buyers to attain the dream of owning a home not only in the ACT but also in the whole of Australia. The ACT government has recognised that and, through the initiatives contained in the affordable housing action plan, is doing something about it. I commend the Revenue Legislation (Housing Affordability Initiatives) Amendment Bill 2007 to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Holidays (Canberra Day) Amendment Bill 2007

Debate resumed from 8 March 2007, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (12.12): Mr Speaker, the opposition will be supporting the Holidays (Canberra Day) Amendment Bill 2007. Canberra Day is an important day on the calendar, not just because it is a welcome three-day weekend but because it celebrates Canberra's birthday. I believe that the vibrancy of the Canberra community is often understated. Certainly beyond Canberra's borders our community at times receives a bad rap. Canberra Day is an important day for the community. It is a time of celebration, a day to reflect on how vibrant and how strong the ACT community is.

The long weekend is valued by, I would suggest, all Canberra residents, although many take one of the few remaining opportunities before winter to travel to the coast or other destinations, whilst many others stay in Canberra and enjoy time with families, friends and neighbours and the various activities that are going on around the lake. In addition to the hundreds of barbecues, picnics and get-togethers, the weekend has traditionally been marked by a range of public events and celebrations. The Black Opal Stakes racing carnival has in the past been held on this weekend and I know that many supporters of the racing community in the ACT are very much looking forward to the return of the carnival in 2008, all going well.

Other events, like the official celebrations provided by the government, are enjoyed by many Canberrans, although I must hasten to point out that these publicly-funded celebrations should not be a priority of the ACT government. I am concerned at times at the level of government-sponsored celebration, that we soon cannot have any event. We are down to now having an officially sanctioned Fathers Day and an officially sanctioned Mothers Day; they have to be public formal events. It starts to have a little bit of the ring of North Korea to it but we have not quite gone that far. I certainly think that, for a government that says it is struggling to fund services, we need to wonder whether or not we are better to let the private sector step into the breach, if possible. If it is not interested, then we need to think very carefully about the level of outlay in this regard, but I am sure we will see a lot of that in the next 12 months.

The people of Canberra have shown time and time again that they are more than capable of entertaining themselves. At a time of increased taxation, the government should review its taxpayer-funded events program. We do not need to fund extravagant celebrations. I would also make the point—

Mr Stanhope: Like Christmas in the city.

MR SPEAKER: Order!

MR MULCAHY: No, I did not suggest celebrations such as Christmas. What I said is that I think the government goes beyond what is appropriate for the territory in funding more and more state-sponsored events that really are family events that do not require Jon Stanhope to tell us how to celebrate Mothers Day or Fathers Day. My point is that the territory government needs to ease off a bit on this state-sponsored activity and let people enjoy these things in their own way without feeling it has to have a government official structure around what have been long traditional family events. Christmas and other events will occur, notwithstanding Mr Stanhope's involvement or otherwise—and long will be the case, thank heavens!

I also make the point that, since this bill was introduced, we have seen an extraordinary announcement by the government in relation to another planned holiday. I will not anticipate debate, Mr Speaker, so I am constrained from commenting on that in this place. I hope that in the context of holidays the minister will think very carefully about the consequences of ill-considered other initiatives to create holidays that can lead to dislocation of the business community, a closure of many places, as can occur on certain holidays, and an end of the camaraderie that may exist in the workplace when people celebrate events interstate. Obviously that is not the case with Canberra Day.

I caution the minister against placating his friends in the trade union movement not to disregard the unintended consequences of his actions, and my words are being borne out already. The unintended consequences will be to ruin a great day of the year later this year. I think that is very lamentable. It shows an ill-thought through idea that was obviously thought up to appease people on the floor of the ALP conference. In fact, contrary to what was first thought to be a popular measure, I think people are now starting to say, "Gee, this is not so smart. We have events being cancelled at the Canberra racecourse, we have events being cancelled at hotels, we have closures anticipated in Kingston and Manuka." Whilst this particular amendment is in order—and I do not want to anticipate debate, Mr Speaker—in the general principle of public holidays legislation, when we start creating or dreaming up new approaches, we need to realise what that will mean for those who enjoy the particular day you may have in mind.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (12.18), in reply: I thank the opposition for their support of the Holidays (Canberra Day) Amendment Bill 2007. It is worth observing that we undertook an extensive process of community consultation on both this change and other changes to public holidays in August last year. Community consultation on the issue of Canberra Day did result in a mixed outcome within employer groups and unions, with no clear preference expressed for celebrating Canberra Day on 12 March or on the second Monday in March. But the community did indeed indicate a very clear preference to maintain a long weekend, perhaps not surprisingly. That is why the government has pursued the second Monday in March as the appropriate time to celebrate Canberra Day. It is closer to our actual birthday of 12 March and in some years the public holiday will occur on our birthday.

At the same time as we undertook this consultation, we did undertake a consultation process and seek submissions from the public around an additional public holiday. With this in mind, I announced in August last year that we would undertake that consultation. I announced in August last year that we would undertake the consultation in April this year and that the government, following that consultation, was considering options around an additional public holiday. I made a formal announcement in July of this year that the government would go ahead with the establishment of Family and Community Day.

I intend using the Holidays Act 1958 and the provisions within that act to proclaim an additional public holiday. I will be doing that and will shortly declare the Family and Community Day holiday on Tuesday, 6 November as a public holiday to enable workers to take a break from their hectic working lives and to spend some quality time with their family and friends. As I have observed in previous times, Mr Speaker, Australians do work the longest hours of any country in the western world. We do deserve a break. This day, following the consultation period, was by far the most popular choice for an additional day. I believe in the order of three-quarters of all respondents indicated this as their preferred day. It was an extensive consultation process with all of the key stakeholder groups, including the Chamber of Commerce and Industry, for example, amongst others. Surveys were also undertaken as part of an overall consultation approach.

I am very pleased to be able to see not only the changes that will occur for Canberra Day but also the introduction of the new holiday as one that is appropriate for the ACT. It means that we will have the same number of public holidays as Tasmania and the Northern Territory. It is worth noting that it is not unusual for additional public holidays to be proclaimed from time to time. For example, the people of Sydney enjoyed a public holiday earlier this month in celebration of APEC: so it is not unusual for there to be additional—

Mr Mulcahy: It is just to keep them out of town.

MR BARR: It is not appropriate to have a public holiday to celebrate the family in our community—

Mr Mulcahy: Not on Melbourne Cup day.

MR SPEAKER: Order!

MR BARR: It is not appropriate to have that day, according to the opposition, but it is appropriate to shut down an entire city for a world leaders meeting. That is an interesting set of values there, Mr Speaker. We support both this legislation and the introduction of Family and Community Day. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.22 to 2.30 pm.

Ministerial arrangements

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts): As members are aware, the Deputy Chief Minister and Minister for Health is on leave for this month. The Attorney-General, Mr Corbell, is Acting Minister for Health and Acting Minister for Disability, Housing and Community Services and stands ready to answer questions from members relating to those portfolio areas.

Questions without notice

ACTION bus service—safety

MRS BURKE: My question is to Mr Hargreaves, the Minister for Territory and Municipal Services. Minister, during question time in the last sitting you said that there have been more than 56 reported rock-throwing incidents against moving vehicles in the ACT since June of this year. You also said, in relation to the threat against ACTION buses, “Apart from putting shatterproof glass on all windows, I really do not know how to address this issue.”

Given the large number of incidents over a long period of time, which are increasing in frequency, why don't you or your government have any ideas and why haven't you or your government taken any action (a) to give better protection to buses and (b) to address the general threat posed to all motorists and their passengers?

MR HARGREAVES: I thank Mrs Burke for the question. Firstly, I indicated that I was not aware of what else could be done, and I accent the word “else”. We have an ongoing dialogue between the management of ACTION, the police and the Transport Workers Union to come up with a range of various initiatives, if we can, to ameliorate against those sudden and unpredicted attacks. We cannot predict these attacks. I underline that.

But have we sat there and done nothing? No, that is not quite true either. Members would know—and I have spoken about this in the past—that we have installed closed-circuit television cameras in our buses and we have a program to complete that within this budget year. We have increased surveillance at our interchanges. We also have some further physical security at our interchanges. We did put the shatterproof glass in the windscreens.

We were not clairvoyant enough to understand that people might stand on the roadside and throw a piece of rock horizontally at a bus. When that happened, of course, we had further consultations with the police and tried to institute other things, one of which is the examination of putting shatterproof glass right around all windows of buses.

Interestingly, Mr Speaker, Mrs Burke does not indicate that, in fact, two young people have been apprehended by the police and in fact have been charged.

Mr Pratt: After 58 incidents!

MR HARGREAVES: There is no acknowledgement about this. I challenge Mr Pratt, through you, Mr Speaker, to come up with the dimensions of the crystal ball that he uses to predict the whereabouts of such rock-throwing incidents.

Mr Pratt: Fifty-eight incidents, two people!

MR HARGREAVES: In line with Mr Pratt's intention to have a policeman at the bottom of every driveway, it would appear, in fact, that he wants a policeman—

Mr Barr: On the side of every road.

MR HARGREAVES: On the side of every road, next to every bus stop and hiding behind every tree. Well, I am sorry about that. We do endeavour to second guess people who are likely to throw a projectile at a bus, but at this stage of the game I have to leave it to the experts.

MR SPEAKER: Mrs Burke with a supplementary question.

MRS BURKE: Thank you, Mr Speaker. Minister, why are you so devoid of ideas to combat this growing and worsening trend when other jurisdictions have seen fit to take a range of actions?

MR HARGREAVES: Mr Speaker, I have answered that question.

Schools—closures

DR FOSKEY: My question is to the Minister for Territory and Municipal Services and it concerns the surplus school sites options workshops. Minister, it appears that the general community was first notified about the timing and location of the workshops on 19 September via a public notice in the *Canberra Times*, which effectively gave the community only five days warning, since the first workshop was on 24 September. Could the minister please confirm when different stakeholders and the community in general were first notified about the time and location of each workshop and the various methods used to notify the community?

MR HARGREAVES: I thank Dr Foskey for her ongoing interest in this issue. In fact it was in May, around about the 15th—I could get the exact date wrong—I think, that I held a press conference here in the Assembly and indicated to the community that we were embarking upon this course. In May of this year we embarked on this course. I indicated to them, and in pictures, four different options that we could explore around the community facilities, which we now know as closed schools.

Mr Speaker, my understanding is that the three processes that are going to be engaged in during the consultation process are, firstly, contact with a whole list, a significant

list, of stakeholders. They will have direct contact by the consultants. There will be regional consultation processes, the first of which was held last night. Interestingly, Mr Speaker, it was held in Wanniassa last night. Mr Pratt would know because he was there. In fact, there were 30 people there. There were 30 people there. There are 101,000 or 110,000 people—somewhere around there—

Mr Pratt: There were more than 30 people there.

MR HARGREAVES: There were more than 30 people. Well, Mr Speaker, we know about Mr Pratt's ability to count, but my information was that it was 30-odd. It shows, in fact, that people are more interested in the site-specific consultation process—

Mr Pratt: I'd know better than you, John, because you weren't there.

MR SPEAKER: Order, Mr Pratt!

MR HARGREAVES: Mr Speaker, I'll go back again, and I'll keep going back until Mr Pratt stops raving. Mr Speaker, the first consultation process will be contact with a significant list of stakeholders. The second consultation process will be on regional-specific schools, and the third process will be on site-specific processes.

I know that those opposite would like us to do this; they would like us to say that those particular meetings are the decision-making part of the process. That is what they would like to have us believe.

Mrs Burke: You've said that.

MR HARGREAVES: Not so. Mr Speaker, these are about site-specific information sessions and for the community to tell us what it is they want.

Now what has happened—and we have only had the one meeting yet—is that it is becoming a little obvious so far that there are two groups of people: those people who refuse to acknowledge that the schools are closed and want to re-litigate this, and others who really want to say, "What use can we, the community, make of the surplus school sites?" Those people are saying, "We have a community need for accommodation which is not being addressed at the moment because there is a shortage of it, and we see opportunities to serve the community." That is what they are saying. So, Mr Speaker, this consultation process will continue.

What is also important is that the community out there have some certainty about the way forward and they can actually move forward. My sense is that, with the exception of a few organisations, most of the community has moved on from the school closures and now want to look forward, and indeed we intend to facilitate that.

MR SPEAKER: A supplementary question, Dr Foskey?

DR FOSKEY: Minister, what influence did the ACT government's processes have on the shortened notification time announcing these workshops?

MR HARGREAVES: Mr Speaker, the contract for the consultant was in fact organised—as indeed it should be—through Procurement Solutions. There is a normal procurement process which we are obliged to go through, which we did go through. That process, of course, has an influence on the introduction date of every single contract that ever goes through it. Apart from that, Dr Foskey, through the Speaker, absolutely none.

Visitor

MR SPEAKER: I acknowledge the presence in the gallery of Mr Michael Moore, a former MLA.

Questions without notice Tharwa bridge

MR PRATT: My question is to the Minister for Territory and Municipal Services. Minister, we know that a total of \$10 million has been appropriated to construct a new concrete bridge for vehicular, pedestrian and cycle traffic over the Murrumbidgee River at Tharwa. Minister, is it your intention to demolish the existing heritage-listed Allan Truss Bridge at Tharwa?

MR HARGREAVES: Mr Pratt got the first part right. With respect to the second part, I have not taken a position paper to cabinet at this stage.

MR PRATT: My supplementary question, Minister, is this: why haven't you given the ACT community a firm decision on the fate of the existing Tharwa bridge? It has been a long time now.

MR HARGREAVES: I know that Mr Smyth is licking his chops, because if I answer "yes" to a question, he goes, "Aha!" and if I answer "no" to a question, he goes, "Aha!" So if I do not answer the question at all, he goes, "Aha!" If you put them all together, it makes him an absolute laughing stock: ha, ha!

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

MR HARGREAVES: Mr Speaker, Mr Pratt's question—

Mr Pratt: Mr Speaker, I take a point of order as to relevance. Let us get the truth, Minister.

MR SPEAKER: Order! Come to the subject matter of the question, Mr Hargreaves, and direct your comments through the chair.

MR HARGREAVES: The existing Tharwa bridge, the four-span Allan Truss Bridge, is made out of timbers which were sourced from old-growth—

Mr Pratt: So why doesn't the community know about its fate?

MR SPEAKER: Order, Mr Pratt!

MR HARGREAVES: Mr Speaker, if he doesn't want an answer, I will sit down. The timbers were sourced from old-growth forests in New South Wales. They are not available anymore. To replace the timbers it would require us to source timbers that are as close to those as we can. It takes two years for that source to be obtained and cured.

Opposition members interjecting—

MR HARGREAVES: Mr Speaker, if they do not want to hear it, I am happy to sit down and they can pursue it through other measures.

MR SPEAKER: Direct your comments through the chair.

Mrs Burke: He's struggling with the answer.

MR SPEAKER: Members of the opposition will cease interjecting, and that includes you, Mrs Burke.

MR HARGREAVES: There are many considerations regarding the existing bridge, not least of which are environmental considerations. There are flow considerations, there are one-in-100-year flood considerations, there are heritage considerations and heritage view considerations. There is also the matter of the availability of equipment and labour. There is the issue of the stability of the existing bridge and, if it were to be refurbished, whether it could be done in a safe manner. There are many of those sorts of considerations. I mentioned the environmental flow of the river. All of those issues have to be taken into account. So it would be inappropriate for me to take anything to cabinet unless I had as complete a set of documentation around those issues as I can obtain. At this stage, they are almost complete.

Mr Pratt: So after two years, you know nothing.

MR SPEAKER: Order!

Mr Hargreaves: I know a hell of a lot more than you do. All that you do is shoot your mouth off.

MR SPEAKER: Order, Mr Hargreaves!

Mr Pratt: Two years and you know nothing.

MR SPEAKER: Order! Mr Pratt, that is the third or fourth time that I have called you to order.

Public transport and traffic management

MR SESELJA: My question is to the Minister for Territory and Municipal Services. Minister, in the *Canberra Sunday Times* on Sunday, 23 September you said in relation to your recent trip to China that you would be keen to see the results of Beijing's recent traffic restriction trials. According to the article, you stated:

It is an interesting concept, and if it proves to be successful I might get a paper drawn up ... by one of my experts down the track.

Minister, the city of Beijing has a population of 17 million, with a subway system that has the capacity to handle over a billion people per annum, a bus system that has a fleet of 20,000, and 67,000 taxis. With regard to public transport and traffic management, there is clearly no correlation between Canberra and Beijing. Of all the cities in the world, why did you choose to compare Canberra to Beijing, and just how much will this “paper” cost the taxpayers of the ACT?

MR HARGREAVES: Firstly, the relevance of the trial in Beijing is the way in which they will be addressing the level of atmospheric pollutants due to emissions from motor vehicles. It would be closed-minded of anybody to see a pilot in action and not to see whether or not the results could have some or all application in the ACT, and I am quite keen to see that.

The opposition, through Mr Pratt’s press release, which I have here, says:

This is an ideologically driven, typically impractical idea on the part of the Stanhope Government.

Well, if protecting the atmosphere around the ACT is ideologically driven, we are guilty as charged. We do not mind doing that. It says:

The Opposition’s solution to helping the environment is by gradually minimising car usage ...

How? No explanation.

... overhauling the public transport system ...

How? No explanation—

... as well as addressing the urgent safety issues, convenience and frequency of the system ...

How? No explanation.

... in order to attract ACT residents out of their cars and on to public transport.

These are really good aspirational targets, Mr Speaker—absolutely no context, no subject matter, no costings, and no idea of what on earth they are talking about.

MR SPEAKER: Order! Mr Hargreaves, the question was not about Mr Pratt’s press release.

MR HARGREAVES: I do apologise, Mr Speaker, but I was drawing the inference that we have in fact looked at a number of issues around how we can address getting people into public transport and getting people out of their cars. We are very

conscious of our emissions problem in the ACT, and I do not mind picking up any trial anywhere in the world and having a look at it.

Mr Speaker, if you have a good read of the question that Mr Seselja asked, it said I may have a look at this and I may not ask my officers to do something. And I can say to Mr Seselja, through you, Mr Speaker: I may not; we will see the results of the trial. Watch this space, Mr Seselja.

MR SPEAKER: A supplementary question, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Minister, are you considering implementing an odds and evens restriction on car use in Canberra?

MR HARGREAVES: I do wish to be introduced to the person who writes those questions; I really want to congratulate them so much. I have just said, in answer to the substantive question, that I want to see the results of a trial before asking the officers to do anything. There has never been any suggestion on my part that I would introduce it at all—no suggestion on my part in anything that I have said to anybody or done that I would introduce it. What I have said is that I will look at the results of the trial and then we will see how things go. Before I even ask the officers from TAMS to look into it we will see the results of the trial as a carbon emission and as a pollutant control measure—

Mr Seselja: They will probably say, “Don’t be stupid; Beijing is nothing like Canberra.”

MR SPEAKER: Mr Seselja, the next time I will warn you, and subsequent to that you might have an opportunity to go outside.

MR HARGREAVES: I have said this on a number of occasions: we can have a look at all manner of trials and see how they may or may not have relevance to the ACT. I will not ask my officers to do one minute’s work until we see the results of that trial.

Public housing—rights of tenants

MR GENTLEMAN: My question is to the Chief Minister. Chief Minister, could you inform the Assembly about what the ACT government is doing in regard to the rights of Canberrans who rely on it for their housing needs?

MR STANHOPE: I thank Mr Gentleman for the question. It is an important question in a community such as ours, reasonably well off by any measure, a community of significant prosperity but a community that seeks to include all Canberrans in the life of the community irrespective of their particular life experience, whether they are experiencing poverty, disadvantage or poor health.

One of the ways, of course, in which we seek to ensure a genuinely compassionate and inclusive society, a society where all Canberrans can live their lives to the extent that they wish, is to ensure adequacy of housing. To that extent, we provide over 11,500 units of public housing—the highest pro rata level of public housing within Australia. There are 23,000 Canberrans living within those 11,500 units of public

housing in the ACT, a not inconsiderable number of Canberrans whose lives are certainly, in large measure and for a significant number of them, enhanced as a result of their capacity to access secure housing.

We seek to ensure their enjoyment of that housing through a range of protections, not least of which, of course, is the ACT Human Rights Act and, significantly, the Residential Tenancies Act. Those pieces of legislation protect not just public housing tenants, but indeed all tenants. It is in that context, of course, that we can look at and perhaps measure the significance of the Liberal Party policy announced by the Acting Leader of the Opposition, Mrs Burke, that in future, should a Liberal government come to power in the ACT, all places, all units of public housing, all 11,500 with all 23,000 tenants or residents of public housing in the ACT will, under amendments to the legislation proposed by a Liberal government, be subject to random, on-the-spot searches.

Mr Smyth: I raise a point of order, Mr Speaker. The question was not about what Mrs Burke had said. I would ask you to confine the Chief Minister to the subject of the question. It is his dixer. He should actually have the written answer there in front of him.

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

MR STANHOPE: The subject matter of the question was protections afforded to residents or tenants of housing within the ACT. That was the question. We have a range of protections, and those protections, in large measure, go to ensuring quiet enjoyment, not just by public housing tenants but, of course, all tenants, all people who occupy housing in the ACT, non-harassment and equality before the law so that certain citizens are not treated in a way that other citizens are not treated and so that, just by dint of one's tenancy of a public house or a public trust house, one will not be subject to unannounced, non-supported spot searches or checks.

The Liberal Party has announced in the last two weeks, under the Acting Leader of the Opposition, that a Liberal government will amend all legislation that prevents—

Mrs Burke: You're making this up.

MR SPEAKER: Order, Mrs Burke!

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

MR STANHOPE: random spot checks of all public housing tenancies to ensure, in the words of the Acting Leader of the Opposition, that—

MR SPEAKER: Chief Minister, resume your seat.

Mrs Burke: Mr Speaker, there is an imputation there that I have released or am about to release some matter of policy, and I am not. The Chief Minister must withdraw that.

MR SPEAKER: That is not a point of order. Sit down.

Mrs Burke: But that is what he just said.

MR SPEAKER: Order!

Mrs Burke: He cannot debate the issue either.

MR STANHOPE: The policy was released through a press statement, and I heard the Acting Leader of the Opposition being interviewed. The Acting Leader of the Opposition has, in writing, released a policy on behalf of the Liberal Party providing that all public housing tenants in the ACT under a Liberal government will be subject to random searches of their premises—

Mr Hargreaves: Without warning.

MR STANHOPE: without warning and without any suspicion that they may be engaged in criminal behaviour or activity. (*Time expired.*)

Mrs Burke: Sit down. What would you do? You are doing nothing. Protect your tenants.

Opposition members interjecting—

MR SPEAKER: Order! Members of the opposition and Mrs Burke, cease interjecting.

MR GENTLEMAN: I ask a supplementary question. Chief Minister, what are some examples of protections provided for Canberrans in relation to housing?

MR STANHOPE: Thank you, Mr Speaker. We can be grateful that today we do have a range of protections that do prevent public housing tenants, indeed all tenants, against the sorts of legislative changes that the Liberal Party has promised. I must say that I do congratulate Mrs Burke. This is at least a policy. It is an abhorrent policy, but I think it is probably the first of the policies and it is interesting that it took an Acting Leader of the Opposition to actually announce a significant, formal written policy position. That policy position, as announced by Mrs Burke as Acting Leader of the Opposition—

Mr Smyth: I raise a point of order, Mr Speaker. The Chief Minister was asked about protections currently provided in the ACT. He was not asked about Liberal Party policy. Under standing order 118 (b), he cannot debate the matter.

MR SPEAKER: Order! I think he is drawing a contrast—

Mr Smyth: No. He cannot answer your question. How dumb is he?

MR SPEAKER: Order, Mr Smyth!

MR STANHOPE: I will go to some of the protections. These protections, of course, will need to be repealed, and I think the point of the contrast is that currently, under standard tenancy terms across the board, whether it be for public or private housing,

standard tenancy term 52—a tenancy term that the Liberal Party will have to repeal—provides that a lessor, in this case ACT Housing, must not cause or permit any interference with the reasonable peace, comfort or privacy of a tenant in the tenant’s use of the premises. It used to be known as the old adage: a man’s home is his castle. Excuse the gender specific language there, but it is now actually referred to as standard tenancy term 52. The Liberal Party would need to repeal that standard tenancy term.

Standard tenancy term 53 says that the tenant has exclusive possession of the premises unless otherwise agreed in writing. That standard tenancy term will have to be repealed under Mrs Burke’s housing policy, which provides for the unannounced entry, without warrant and without suspicion, of any—

Opposition members interjecting—

MR STANHOPE: It is there in the press release. It is Liberal Party policy. I heard Mrs Burke expounding on radio that she believes it is fundamentally important, to protect tenants, that their quiet enjoyment of their homes actually be breached.

Mrs Burke’s Liberal Party policy position on public housing is not to extend to the private sector. There are two classes of people and two classes of tenants. There are public housing tenants who are to be subjected to unannounced spot checks to determine whether or not they are engaged in illegal activity and criminal activity. This is the new Liberal Party policy, to apply only to public housing tenants. It is there in writing, it is odious and, of course, it is highly discriminatory that public housing tenants need in some way this level of government interference or interference by the state.

Just ponder it. We do see some of the embarrassment of the Liberal Party in relation to this announced policy, a policy that the Liberal Party would implement in government, were it to come to government, that all public housing tenants are to be subject to unannounced, not approved, not agreed spot checks.

Mr Smyth: I raise a point of order, Mr Speaker. Again the minister is debating the question. Under standing order 118 (b) he cannot debate. He was asked about the protections that currently exist.

Members interjecting—

MR SPEAKER: Order! The minister was asked to give some examples of the protections that would be required and he is drawing a fair contrast with statements that have been issued by the Liberal Party.

Mrs Dunne: He wasn’t asked to draw a fair contrast.

Mrs Burke: Let him; I’m loving it.

MR STANHOPE: Mrs Burke is loving it. If she is loving it, I will refer to the formal policy statement released by the Acting Leader of the Opposition. Mrs Burke says, “It is quite unbelievable that these activities have gone on unnoticed by housing

managers. How on earth did this happen? It is about time that these properties were subject to on-the-spot checks. It is the only way of stamping out this activity.” This is the formal Liberal Party policy on public housing. Henceforth, under a Liberal government, were they ever to actually achieve that particular status ever again, public housing tenants will be subjected to unannounced, unapproved invasions of their homes in order to determine—

Mrs Burke: What planet are you on?

MR STANHOPE: They are your words, Mrs Burke. What planet am I on when I read out your police statement? This is a Liberal Party policy position.

Mrs Burke: You know it is not.

MR STANHOPE: Well, why did you put out the press release then if it is not a Liberal Party policy position? You were Acting Leader of the Opposition when you did it.

Mrs Burke: Read it in context.

MR SPEAKER: Mrs Burke, do you really want to go? Do you want me to name you?

Mrs Burke: No.

MR SPEAKER: Well, be quiet.

MR STANHOPE: You were the Acting Leader of the Opposition when you released this policy.

MR SPEAKER: The minister’s time has expired. Resume your seat.

Mr Stanhope: We are entitled to accept that this is formal Liberal Party policy.

MR SPEAKER: Chief Minister, resume your seat.

Roads—Lanyon Drive

MR MULCAHY: My question is to the Minister for Territory and Municipal Services. In 2003 Mr Stanhope and then New South Wales Labor candidate Steve Whan did a photo opportunity on Lanyon Drive, making vague promises of an upgrade before the election. Following the election, nothing was done. Last year the commonwealth government allocated \$5 million for the ACT section of the project. Since then, nothing has still been done. Recently, there was another photo opportunity with Mr Rudd, Mr Ferguson, Mr Kelly and you, minister, promising funding for the road. When will the ACT government finally start work on upgrading Lanyon Drive, and why have the users of this road had to wait at least five years after the Stanhope-Whan photo opportunity for the ACT government to do something?

MR HARGREAVES: I thank Mr Mulcahy for the question. One could be forgiven for thinking that Mr Mulcahy is perhaps becoming the minister for Jerrabomberra. The ACT section of the road includes the intersection from the Monaro Highway and Lanyon Drive. The original undertaking was that we would fix that intersection and also duplicate the road to the Shepherd Street intersection. That is the \$5 million that we allocated in the first instance.

The second tranche of roadworks would take it to the ACT border. That was the second issue. It is not my fault, Mr Speaker, if Mr Mulcahy confuses the two. I understand that, although someone who obviously spends so much time in Jerrabomberra should really know what that road is all about.

When one builds a road, it takes a fair amount of time to do the design work, the preliminary assessment and the technical work, and indeed that work is being done. If an examination of previous budget papers were done—this is budgeting 101, Mr Mulcahy; you've got to learn how to read a budget paper.

MR SPEAKER: Mr Hargreaves, through the chair, please.

MR HARGREAVES: All right, Mr Speaker. Mr Mulcahy ought to go back to budget papers 101 and learn how to read them. If he had, he would have seen the provision in there for the works that needed to be done before the yellow machinery turns up. That work is all but completed. In fact, the designs of that particular work were published in the newspaper so that people could see what was happening. That work continues.

Now, of course, we have to go into the second stage, which is from the Shepherd Street, Hume intersection, up to the rest of the ACT border. That will require—surprise, surprise, Mr Speaker—some preliminary work where we have to do geotechnical testing. There has to be all manner of survey work done. There have to be preliminary assessments and environmental impact statements. We have to examine it to make sure that there are no indigenous sites that we might interfere with. All of this, of course, takes time. That is why. Now what I have actually done, I believe, is just to tell you the process for building the road, and the process continues.

MR MULCAHY: I have a supplementary question for the minister. Why has your government consistently failed to complete major road projects on time and on budget?

MR HARGREAVES: Mr Speaker, such a sweeping statement! We could also ask about a certain relevance here. With respect to relevance, why is it that the Liberal Party, when in government, was so frustrating with respect to the Gungahlin Drive extension? Why is it that these people over here delayed that project—

Mrs Dunne: On a point of order, Mr Speaker: Mr Hargreaves was asked a question. He does not have the capacity to redraft the question in a way that might suit him. He was asked a direct question.

MR SPEAKER: Rhetorical questions, Mrs Dunne?

MR HARGREAVES: One would be entitled to ask, in terms of the delays to the Gungahlin Drive extension, which side of this house continued the fight over the particular alignments. It was not this side of the house. In fact, the Gungahlin Drive extension proceeds quite quickly. I am very pleased with its progress. In fact, I am very pleased with this project.

Mr Pratt: You wasted time trying to split the—

MR SPEAKER: I warn you, Mr Pratt!

MR HARGREAVES: I refute the suggestions and the sweeping comment from the Treasurer—

Mr Barr: The shadow Treasurer.

MR HARGREAVES: The shadow Treasurer; I do beg your pardon, Chief Minister—and yet another leadership aspirant. The major roadworks in the ACT continue quite nicely. I am quite happy with their progress. There has been no suggestion from those opposite about what they would do differently. There has been no suggestion at all. As Mr Stanhope quite rightly pointed out before, they are totally devoid of substance. They are totally devoid of policy. They are totally devoid of suggestions, except for that one—to have people who were not police officers go and invade public housing tenants' homes.

Schools—closures

MRS DUNNE: My question is to the Minister for Territory and Municipal Services and relates to the school site consultation. In June this year, you claimed to have commenced that consultation, with it finishing—

Mr Hargreaves: I didn't hear the first bit.

MRS DUNNE: I will start again. Could I have your permission to start again, Mr Speaker?

MR SPEAKER: Would you care to repeat the question?

MRS DUNNE: For the benefit of Mr Hargreaves, who seems to be infirm, yes. My question relates to the school sites—

Mr Hargreaves: On a point of order, Mr Speaker: Mrs Dunne has just suggested that I am infirm, and I would like her to withdraw that, please.

MR SPEAKER: I think it is a personal imputation. Just withdraw that.

MRS DUNNE: I withdraw any personal imputation. My question relates to the school site consultation. In June this year, Minister, you claimed to have commenced that consultation about the future of school sites, and the aim was that consultation would finish in December, with reporting occurring early next year, so that the government

could consider the sale of land, presumably in preparations for the election budget in 2008. It has taken the first three months to find a consultant to undertake that consultation, effectively halving the consultation time. Minister, is this consultation period heading down the same road as that which was undertaken for the Griffith library, where you went ahead with government plans because you did not like the answers coming from the community?

MR HARGREAVES: On a slightly lighter note, I bet my staff \$5 that one of those people opposite would actually make reference to those other bits and that I would not rise to the bait. When we put out a tender process through Procurement Solutions, we wanted it to be done in accordance with the Financial Management Act and the procurement act. I am sure those opposite would not like us to breach that. So that has to run its course. We put that out, and the consultant was selected.

Is the period to the end of December budget related? No, it is not. I do not know how many times I have to say, in a public arena, that I have no preconceptions at all—none. We have put four options on the table. When did we do that? As I said before, it was last May. I believe it is inconceivable that people concerned with the use of a former school in their area would just sit and wait for the starter's gun. They have got those four proposals out there in the public arena. Nothing will convince me that people who were concerned about their school site would not be preparing for it. Indeed, I have received some representations, which I have duly passed on to the property group, from such people because I do not want to be involved in any way, shape or form in this process while it is under the guidance of this consultant. I have made that very clear. I have no preconceptions and I do not want to be involved. The community have to look at it and make their views known to us.

Is there enough time between now and Christmas? I believe so. As I have mentioned in this place on a number of occasions, the consultation process will be reasonable and it will be site specific. I am assuming that, because there were 30 people at the Wanniasa consultation process yesterday, people are concentrating more on site-specific issues; they will therefore bring their stories forward on a site-specific issue and we can proceed with that.

Why do we want to finish it at around Christmas-time? It is to give certainty to the community. They need certainty. Community groups have to plan for their accommodation in the future. You cannot just open the doors and have people move in. There will be refurbishments, renovations and all manner of things for those areas where community groups will go in and occupy the sites in order to provide a service to the community. Where there will be a change to a school site, it will require all manner of planning processes. There may very well be variations to the territory plan. It will be at least 12 months before anything is seen on those sites.

I do not want to leave the community waiting for any longer than they need to. The community are starting to heal with respect to the closure of these schools. Those opposite are not allowing this healing process to go forward. I want to make sure that we have closure on this issue and that the community have their say in an open, transparent and honest way. And they will have that say; they will put their views forward, we will make decisions on it and we will advise them as quickly after

Christmas as we possibly can. We will then do something with the community that these folk never do, and that is move forward.

MR SPEAKER: A supplementary question, Mrs Dunne.

MRS DUNNE: Minister, are you satisfied with the conduct of the consultation, given that these district meetings that are happening this week were notified with less than a week about where the meetings were being held and on what dates?

MR HARGREAVES: I believe that the process is going to be an effective one. It is going to enable the community to have their input. More importantly, it will enable the community to find out what is in the minds of those people who drafted the set of first proposals, remembering that those proposals are just four. We want to see more. If people want to give them to us, that would be fantastic. We encourage that. These are information sessions. These are not decision-making processes. These consultation processes are just that. It is an information-sharing session.

Now, Mr Speaker, let us suggest to you that somebody really wished to go to one of these consultation processes and was not able to. What would they do? They can contact the consultant, and we will make another arrangement for them. It is as simple as that. I do notice that in the past, of course, the Liberal Party could whack on a community meeting and get 15 people in a phone box at any minute's notice at all, yet they have temerity to criticise us.

This issue, Mr Speaker, has been in the public arena well and truly for a long time. The first time I went public on this was in May this year—May. Mr Speaker, I will say this again, because Mrs Dunn had her attention distracted by one of her colleagues: if somebody wants to go to these sessions and cannot get to it, there will be other arrangements made for them to get the same information—very simple. This is an honest process, and these people can rant and rave and carry on until the cows come home, but this is a process which is genuine, Mr Speaker, and one which will give certainty to the community and will move them forward.

As I said, there are two types of people: those people that wish to continue to litigate the closure of the schools, and those opposite sit in that group, and there are people who want the community to move forward, and those are the people we want to hear from.

Outdoor cafes

MR SMYTH: My question is to the Minister for Territory and Municipal Services. Minister, on 28 June this year you approved an increase in a range of fees that apply to outdoor cafes where the proprietors of these cafes wish to place objects in a public place. In the explanatory statement that accompanied the notice of these new fees you said:

Fees for the placement of objects for outdoor cafes in a public place have been increased by 33 per cent from 1 July 2007. This increase is part of a program to increase these fees by 100 per cent over three years.

Minister, as this is the third and final year of the programmed increases in these fees, why have the fees increased by almost 120 per cent over three years instead of 100 per cent as promised?

MR HARGREAVES: The figure that was actually promised was that the base fee would increase by 100 per cent over three years and there would be other increases such as—I don't know the exact formula, but it was either CPI or AWE; something like that. If Mr Smyth forgets, I suggest that he goes back and has a look at the original statement.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Minister, will you now take action to ensure that the increases applying to the objects placed in public places are only increased by 100 per cent as promised?

MR HARGREAVES: I indicated the very first time that we increased these fees that the increase in the base would go up to 100 per cent over three years, but it would also include the normal prices that we would see—either CPI, as I said, or AWE. There is nothing new about that from the original announcement as far as I am aware. These fees have been brought into line. We have had this debate in the past. They are still fairly cheap compared with other jurisdictions. They are now at a sufficient level and we will move on into the future with normal increases without having to continue those 33 per cent increases.

Planning—industrial land

MS PORTER: My question is to the Minister for Planning. Can the minister advise the Assembly on what the government is doing to provide more industrial land to broaden the economic base of the ACT?

MR BARR: I thank Ms Porter for the question. For the benefit of those opposite, of course, ever mindful the government is of the need to provide opportunities for ACT businesses to grow and diversify, this government is undertaking a study to investigate the release of further industrial land in the eastern broadacre area. This eastern broadacre area is located along the eastern edge of the territory. It includes the Majura-Symonston corridor, which is close to the New South Wales border, the Majura and Monaro highways, Canberra International Airport and, of course, the industrial areas of Hume and Fyshwick.

The study will include a detailed land study and an analysis of the needs of industry in terms of future land provision. It will also cover the outcomes of consultations with key stakeholders, including Queanbeyan City Council, the New South Wales government, the commonwealth government, the defence department and other major lessees in the area, such as Canberra International Airport.

The study will, of course, build upon a range of recent studies in the Jerrabomberra valley, the airport master plan and the Hume (Expansion) Industrial Planning Study. It

will consider a range of regional planning issues, such as the future potential development in Kowen around Queanbeyan and the Sydney to Canberra corridor.

A working group chaired by ACTPLA will oversee the study. Macroplan, as was reported in Saturday's *Canberra Times*, is the consultancy that will be undertaking the study on behalf of the government. The project commences this month and will conclude in early 2008.

When finalised, Mr Speaker, this study will make recommendations on areas of possible future development. The findings will prompt detailed planning in that area. Of course, any development in the area is subject to a variation to the territory plan and an amendment to the national capital plan. It is important to set the time frame for this, so any development as a result of this study will be two or three years away.

Mr Speaker, this investigation is another example of the government's commitment to sound, strategic planning and to taking the territory forward. We are implementing well-designed strategic plans to provide the land for continued growth of industry in the ACT and, of course, most importantly, to provide an employment base into the future.

This study represents the ongoing implementation of the Canberra spatial plan, which was released in 2004. This spatial plan will enable land uses to be determined well ahead of their release. It also builds on and is a further indication of the statements I made in the statement of planning intent that I issued earlier this year, where I undertook that the ACT Planning and Land Authority would maintain an inventory of five years supply of commercial and industrial land.

So I must say, Mr Speaker, it was interesting to read—when you turn over this article—page 2 of the *Canberra Times* on the weekend to see the comments of the shadow minister. It is worth noting, and I will quote them for Assembly members:

There has been no mention of this from either him—

the Chief Minister—

or minister Andrew Barr, which indicates to me it's an idea developed very quickly and that's typical of the lack of forward-planning in terms of land release.

Well, Mr Speaker, I would refer the shadow minister to the spatial plan of 2004, where the eastern broadacre area was foreshadowed as a possible area of future growth. This study is, of course, the first step. For the benefit of the shadow minister, I will read from the spatial plan: a second north-south corridor along the Majura and Monaro highways from the Majura Valley through Symonston and the Jerrabomberra valley, including the existing Hume industrial area. This corridor is identified for the growth of industrial, broadacre, commercial, tourism, recreation and transport-related activities when additional land is required—ie, over the medium to longer term. This largely industrial area also intersects with the Canberra International Airport and Fyshwick, providing good access to these areas for heavy vehicles without the need to travel through the centre of Canberra.

The shadow minister has not read the spatial plan. He shoots his mouth off to the *Canberra Times*, saying that this is policy on the run. Mr Speaker, what you have to say is that it is rhetoric on the run from the shadow planning minister. He has not bothered to get across the detail of what is a major piece of work—the major strategic document in planning for the ACT. The shadow planning minister has shown his ignorance in his comments to the *Canberra Times* in another attempt to score a cheap political point. He did not bother to read the document. There are countless other references—I am happy to spend the remaining 12 seconds quoting from others. But what I will do for the shadow planning minister is send him a link to the spatial plan. It is on the front page of the ACTPLA website. I will make it easy for him.

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

Answers to questions on notice

Questions Nos 1653, 1654, 1655, 1656, 1657, 1658 and 1659

MRS BURKE: Mr Speaker, I rise in relation to unanswered questions, 30 days having expired on 22 September 2007. I wish to bring to the attention of the house and the health minister unanswered questions Nos 1653, 1654, 1655, 1656, 1657, 1658 and 1659.

MR CORBELL: Mr Speaker, these were drawn to my attention today by relevant officials. I can advise Mrs Burke that answers to those questions will be available by the close of business tomorrow.

Paper

Mr Speaker presented the following papers:

Study trip—report by Dr Foskey MLA—National Conference of Housing Cooperatives—Melbourne, 20 and 21 September 2007.

Executive contracts

Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, 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:

Anne Glover, dated 17 and 18 July 2007.
Chris Reynolds, dated 15 August 2007.
Grant Carey-Ide, dated 13 August 2007.
Kenneth Douglas, dated 8 August 2007.

Linda Lorraine Trompf, dated 28 August 2007.
Maxine Cooper, dated 31 August 2007.
Neil Brian Bulless, dated 28 August 2007.

Long-term contract:

Martin Hehir, dated 30 July 2007.

Short-term contracts:

Anthony Norman Charge, dated 30 August 2007.
Bronwen Margaret Overton-Clarke, dated 13 July 2007.
Carol Veronica Harris, dated 7 August 2007.
Craig Ronald Curry, dated 6 August 2007.
Gregory John Kent, dated 7 August 2007.
Helen Child, dated 24 July 2007.
Kaaren Blom, dated 30 July 2007.
Lisa Marguerite Jackson, dated 16 August 2007.
Maureen Patricia Sheehan, dated 28 August 2007.
Megan Mitchell, dated 8 August 2007.
Meredith Lily Whitten.
Rosalind Lambert, 12 August 2007.
Sara Jane Lynch, dated 10 and 14 August 2007.
Sharon Nelson-Kelly, dated 30 August 2007.
Timothy McGuffog, dated 14 June 2007—

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

Leave granted.

MR STANHOPE: Mr Speaker, I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive, executive contracts and contract variations. Today I present one long-term contract, 15 short-term contracts and seven contract variations. The details will be circulated to members.

Papers

Mr Speaker presented the following paper:

ACT Legislative Assembly Secretariat—annual report 2006-2007, dated September 2007.

Mr Stanhope presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12 (2)—members of the ACT Legislative Assembly—Determination No 15, dated 3 September 2007.

Annual Reports (Government Agencies) Act, pursuant to section 13—annual reports 2006-2007—

Chief Minister's Department (two volumes), dated 18 September 2007.
Commissioner for Public Administration, dated 21 September 2007.
Land Development Agency, dated 21 September 2007.

Actew Corporation Ltd—annual report 2006-2007 Paper and statement by minister

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

Annual Reports (Government Agencies Act), pursuant to subsection 14 (7)—extension of time for presenting annual report 2005-2006—Actew Corporation Ltd—tabling statement.

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

Leave granted.

MR STANHOPE: In accordance with section 14 (7) of the Annual Reports (Government Agencies) Act, I will, when I locate it, table a statement of reasons for extending the period for presenting the Actew Corporation Ltd 2006-2007 annual report. The reason for the extension flows from the delay in finalising the financial statements of ActewAGL Ecowise Environment Pty Ltd, the company jointly owned by Actew Distribution Ltd and Alinta GCA Pty Ltd.

This has in turn delayed the finalising of the financial statements and the issue of the auditor's report. Actew has indicated that these issues will be resolved in the near future and I anticipate tabling the Actew Corporation Ltd 2006-2007 annual report in the sitting week commencing 6 October 2007. I beg the Assembly's pardon, Mr Speaker. I hope I do have that statement here. I will table it if I uncover it.

Papers

Mr Stanhope presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—annual reports 2006-2007—

ACT Gambling and Racing Commission, dated 4 September 2007.

ACT Government Procurement Board, dated 21 September 2007.

ACT Insurance Authority, dated 19 September 2007.

ACTTAB Ltd, dated 21 August 2007.

Department of Treasury (two volumes), dated 18 and 19 September 2007.

Exhibition Park Corporation, dated 31 August 2007.

Rhodium Asset Solutions, dated 7 September 2007.

Annual Reports (Government Agencies) Act, pursuant to section 13—annual reports 2006-2007—Commissioner for the Environment (ACT), dated 9 August 2007.

Annual Reports (Government Agencies) Act, pursuant to section 13—annual reports 2006-2007—Cultural Facilities Corporation, dated 14 September 2007.

Mr Corbell, on behalf of **Ms Gallagher**, presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—annual reports 2006-2007—ACT Health, dated 18 September 2007.

Annual Reports (Government Agencies) Act, pursuant to section 13—annual reports 2006-2007—Department of Disability, Housing and Community Services (two volumes), dated 3 September 2007.

Annual Reports (Government Agencies) Act, pursuant to section 13—annual reports 2006-2007—

ACT Electoral Commission, dated 31 August 2007.

ACT Ombudsman, dated 12 September 2007.

Department of Justice and Community Safety (two volumes), dated 17 September 2007.

Human Rights Commission, dated 25 September 2007.

Independent Competition and Regulatory Commission, dated September 2007.

Legal Aid Commission (ACT), dated 14 September 2007.

Office of the Director of Public Prosecutions, dated 10 September 2007.

Public Advocate of the ACT, dated 21 September 2007.

Public Trustee for the ACT, dated 3 August 2007.

Victims of Crime Support Program (incorporating Victims of Crime Co-ordinator, ACT Victims Services Scheme and the Victims of Crime (Financial Assistance) Act 1983), dated 14 September 2007.

Annual Reports (Government Agencies) Act, pursuant to section 13 and in accordance with the Policing Arrangement between the Commonwealth and the ACT governments—annual reports 2006-2007—ACT Policing, dated 21 September 2007.

Mr Hargreaves presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—annual reports 2006-2007—

ACT Public Cemeteries Authority, dated 18 September 2007.

Department of Territory and Municipal Services (two volumes), dated 11 September 2007.

Mr Barr presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2006-2007—

ACT Building and Construction Industry Training Fund Authority, dated 4 September 2007.

Department of Education and Training, dated 19 September 2007.

Annual Reports (Government Agencies) Act, pursuant to section 13—annual reports 2006-2007—ACT Planning and Land Authority, dated 21 September 2007.

Annual Reports (Government Agencies) Act, pursuant to section 13—annual reports 2006-2007—

ACT Cleaning Industry Long Service Leave Authority, dated 20 September 2007.

ACT Construction Industry Long Service Leave Authority, dated 14 September 2007.

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Animal Diseases Act—

Animal Diseases (Exotic Disease Quarantine Area) Declaration 2007 (No 1)—Disallowable Instrument DI2007-206 (without explanatory statement) (LR, 27 August 2007).

Animal Diseases (Exotic Disease Quarantine Area) Declaration 2007 (No 2)—Disallowable Instrument DI2007-209 (without explanatory statement) (LR, 31 August 2007).

Board of Senior Secondary Studies Act—Board of Senior Secondary Studies Appointment 2007 (No 9)—Disallowable Instrument DI2007-210 (LR, 6 September 2007).

Canberra Institute of Technology Act—Canberra Institute of Technology (Fees) Determination 2007—Disallowable Instrument DI2007-205 (LR, 27 August 2007).

Civil Law (Wrongs) Act—Attorney General (Fees) Amendment Determination 2007 (No 1)—Disallowable Instrument DI2007-214 (LR, 10 September 2007).

Education Act—Education (Non-Government Schools Education Council) Appointment 2007 (No 3)—Disallowable Instrument DI2007-211 (LR, 6 September 2007).

Financial Management Act—

Financial Management (Credit Facility) Approval 2007 (No 1)—Disallowable Instrument DI2007-220 (LR, 13 September 2007).

Financial Management (Cultural Facilities Corporation Governing Board Members) Appointment 2007 (No 1)—Disallowable Instrument DI2007-219 (LR, 13 September 2007).

Heritage Act—Heritage (Council Members) Appointment 2007 (No 1)—Disallowable Instrument DI2007-221 (LR, 13 September 2007).

Land (Planning and Environment) Act—Land (Planning and Environment) Criteria for Direct Grant of a Residential Lease to Community Housing Canberra Determination 2007—Disallowable Instrument DI2007-213 (LR, 6 September 2007).

Public Place Names Act—

Public Place Names (Coree District) Determination 2007 (No 1)—Disallowable Instrument DI2007-223 (LR, 17 September 2007).

Public Place Names (Forde) Determination 2007 (No 3)—Disallowable Instrument DI2007-222 (LR, 17 September 2007).

Road Transport (General) Act—Road Transport (General) (Australian Road Rules—Heavy Motorised Wheelchairs) Exemption 2007 (No 1)—Disallowable Instrument DI2007-207 (LR, 3 September 2007).

Training and Tertiary Education Act—Training and Tertiary Education (Accreditation and Registration Council) Appointment 2007 (No 1)—Disallowable Instrument DI2007-208 (LR, 6 September 2007).

University of Canberra Act—

University of Canberra (Academic Board) Amendment Statute 2007 (No 1)—Disallowable Instrument DI2007-218 (LR, 13 September 2007).

University of Canberra (Election of Council Members by Graduates) Repeal Statute 2007—Disallowable Instrument DI2007-215 (LR, 13 September 2007).

University of Canberra (Election of Student Members of Council) Statute 2007—Disallowable Instrument DI2007-216 (LR, 13 September 2007).

University of Canberra (University Seal) Statute 2007—Disallowable Instrument DI2007-217 (LR, 13 September 2007).

Utilities Act—Utilities (Electricity Network Use of System Code) Approval 2007 (No 1)—Disallowable Instrument DI2007-212 (LR, 3 September 2007).

Gambling—impact of poker machines in the ACT

Discussion of matter of public importance

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

The impact of poker machines in the ACT.

MRS DUNNE (Ginninderra) (3.28): Mr Speaker, a discussion about the impact of poker machines in the ACT is very timely, given the hand-wringing angst of the federal Leader of the Opposition in relation to poker machines and the preposterous and impossible situation that ACT Labor finds itself in in relation to poker machines in the ACT.

I think that it needs to be put on the record first and foremost that we are not a community of wowsers here in the ACT. For the most part we have got a fairly appropriate system of safeguards which I think it would be difficult and unwise to tamper with. Over the years we have built a series of policy approaches that for the most part, I think, provide a reasonable environment for the use of poker machines in the ACT.

Licensed clubs, which are not-for-profit community organisations, notionally speaking at least, are the only places, with a few very limited exceptions, where poker machines will be found in the ACT. For the most part, I think that this is a good policy approach. From time to time, the number of poker machines in use in the ACT has been discussed and, for better or worse, we have established a cap of 5,200 machines. One of the endearing legacies of the previous government, the Liberal government, was the establishment of the Gambling and Racing Commission. One of the very important roles of the Gambling and Racing Commission is the regulation and administration of the operation of poker machines in the ACT.

Over the years, when I was an adviser in the previous Liberal government I saw substantial and good improvements in the operation and the regulation of poker machines when that area was taken away from Treasury and put in that statutory authority. It is just the nature of the thing. It was a job that was originally performed by Treasury officials, and Treasury officials are about revenue. So it was often easy and tempting to issue a few more poker machine licences and perhaps be a little more lax, because one of the things that one needed to do was to ensure the integrity of the Territory's revenue. But the establishment of the Gambling and Racing Commission put on a more socially responsible footing the administration of gaming machines. We saw for the first time under that regime that, when clubs made application for more machines, from time to time they were turned down, and there was very good reason for that happening.

We have to put on the record that licensed clubs in the ACT are an important part of the ACT community. Because they are not-for-profit organisations, they are substantial contributors to the wider community by the allocation of funds and grants. As an example of this, most of us at some time or other—and often on a very regular basis—attend, say, the community grants awards handed out by the Southern Cross Club where they make a bit of a fuss about the people to whom they give money. They give them a lunch and they hand them a cheque, and it is a testament to clubs like the Southern Cross Club the amount of money that they do give to community organisations.

In addition to that—the Chief Minister has spoken about this from time to time—they are substantial employers in this town. They are a substantial training ground for people in hospitality and are the places where many of our young people get their first experience of working in hospitality. They are an important part of the ACT economy. So let us not think that, because we are having a discussion here about the impact of poker machines in the ACT, we are going to be out proposing willy-nilly, without any thought for the future, the abolition of poker machines. That is not the case.

I have spent some time describing the landscape, because it is an important and integral part of the way we work in the ACT. But there are many areas of concern in relation to the operation of poker machines. One of those, the most important of those, deals with the issue of problem gambling. Over the years there has been no doubt that the incidence of problem gambling has a huge impact on the social, moral and economic life of this city, as it does in other places. But just because it happens somewhere else does not mean that we should just absolve ourselves of any responsibility. We are here for the people of the ACT, and it is our responsibility to make good policy on behalf of the people of the ACT with the cooperation of the people of the ACT, irrespective of what happens in other jurisdictions.

We have seen an increased awareness on the part of the licensed clubs about their responsibility in this area. But at the same time there is quite a tension between what happens in licensed clubs in terms of raising money for the community, distributing money for the community, providing a place for social gathering for the community, providing employment in the community, and the impact that all of those activities have on a proportion of the population who become addicted to gambling. And it is an addiction; it is an addiction like an addiction to alcohol or an addiction to drugs. It does not affect all of us. There are certain personality types, there are certain classes of people, for whom this is bigger problem than for others. As responsible legislators we need to be alive to these issues and address these issues at every opportunity.

I think I need to put before the Assembly today just a few small collections of figures that will point to the problem that we are facing in the ACT. Earlier this year, Lifeline presented some figures to members of the Assembly, and they went like this: last year Lifeline received 182 new clients with gambling problems. Nearly 100 per cent of those 182 people had problems that related solely or largely to poker machines. Of those 182 people, 38 had contemplated suicide and 10 had gone so far as to attempt suicide. Mr Speaker, that is 182 people.

The research conducted by Professor Jan McMillen, about whom I will speak a little later, the population study that she conducted in 2001, indicates that about nine people come in direct contact with and are directly affected by that one person who is a problem gambler. So we are speaking of about 1,800 people in the ACT community, new people, who became directly affected by problem gambling and presented themselves in some way to Lifeline last year. This is a substantial proportion of people.

As we know from Professor McMillen's and others' studies, a disproportionate number of those people are young men, under 30, not particularly well educated; they are people who do not have professional or training qualifications. These are extraordinarily vulnerable people. These are people who, for the most part, should be the Labor Party's heartland, but we see so much coming from the Labor Party which is thoughtless and unconcerned about the issue of problem gambling. I will take some time, Mr Speaker, to point to one area where we have seen a substantial failing over the last few years from the Stanhope government when it comes to problem gambling.

As I said previously, in the early part of this century the previous Liberal government introduced and established the Gambling and Racing Commission. One of the

important tasks that it did in 2001, with the compliance of the then Treasurer, now Senator Humphries, was to establish on the ANU campus, with the co-operation of the ANU, a chair for gambling studies. From memory, the ACT government provided about \$1.1 million, which was matched dollar for dollar by the ANU. That was to provide the seed funding. Over a 10-year agreement, extra funding would come its way by way of the Gambling and Racing Commission directing its research load through that organisation so that the organisation could go out and do other gambling research as the need and the opportunities arose.

What we did was for the first time put front and centre, not just in the community but in academia, the importance of understanding how gambling works and the impact that it has. The first work on that was done by Professor Jan McMillen, which was a population study and a survey of the number of people in the ACT who were affected by problem gambling, and a survey of their population profile, which I have alluded to, where the largest number of people were young, relatively unskilled men. This is still an ongoing case.

When I was preparing and thinking about what I might say here today, I went back and looked at what was happening at the school of gambling studies. Imagine my surprise. I know that there is a 10-year agreement between the ACT government and the ANU for this and that there was substantial money sunk into it by the ACT. I went to the school of gambling studies at the ANU website. You click on the web page and you get a little message that says, "This web page is no longer operative. Return to the ANU." I knew that the school of gambling studies, the chair of gambling studies, was established under the RegNet organisation which in the past has done a great deal of work. So I went to RegNet and started looking there. Suddenly, Mr Speaker, there is no mention of gambling.

So I have done a little bit of digging around today, and as far as I can tell there is no longer any relationship between the ACT government and the ANU in relation to gambling studies. I would like to ask the Chief Minister or the Treasurer, or whoever is responsible, to account to the Assembly for what has happened to the MOU that existed between the ANU and the ACT, which still has some three or four years to continue. What has happened to the seed funding that was put in place in 2001 to establish the school, and what is the ACT doing to further the study into what is happening in gambling?

There is something that is happening—it was advertised around the ANU recently. The ANU College of Arts and Social Sciences and the Research School of Social Sciences are now not in the RegNet area, but they are looking for a level 3 research fellow to, amongst other things, look at the gambling industry with regard to government policy in the area, government regulation, economic analysis of gambling, industry analysis of gambling and the patterns of gambling consumption. It is interesting that in this new job, which perhaps seems to be taking the place of the work done by Professor McMillen and her predecessors in the chair of gambling studies, there is no mention of problem gambling. This is a proposal to really look at the economic impacts. It looks like a proposal put together by another eco rat. It is all about economy, it is all about the industry. None of it is about the people.

This is what we have here in the ACT. We have a compromised government, Mr Speaker. We have a government which takes hundreds of thousands of dollars out of the community by virtue of contributions coming from licensed clubs whose sole aim is to be set up and established for the funding of the Labor Party. This government is compromised because it comes into office and it runs its election campaigns on the backs of those 19 to 30-year-old unqualified young men who have gambling problems, the people that Jon Stanhope, Mick Gentleman and Andrew Barr and the rest of them are supposed to be out there representing. They come into government on the backs of these people, they come into government on the backs of their misery, and there is no will in this government to address the problems of problem gambling.

That is evidenced by the fact that, slowly and quietly over the years, this government has squeezed the chair of gambling studies until there is nothing left and set up something else—or is attempting to set up something else—in its place which is not interested in and does not have a brief for gambling studies. We have a problem. Poker machines have a big impact, both positive and negative in the ACT, and this government is not interested in the negative impact.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (3.44): Mr Speaker, the licensed club movement in the ACT has played a profound and indelible role in the development of Canberra and the Canberra community—a role, it has to be said, that the Liberal Party is quite willing to put at risk. Indeed, the stance taken by the Liberal Party in recent days has been nothing more or less than a direct attack on the morality and the value of licensed clubs in Canberra—an attack, I think it can be said, on the social fabric of the community.

The clubs were among the first organisations to draw like-minded people together to pursue common interests and they have played a crucial role in establishing the infrastructure of our town. The reach of their involvement in our world is impressive. They are the foundation of much of our sporting life. Football, cricket, golf, tennis and bowls would not be what they are in Canberra without clubs. Add to these the social and community benefits generated by our ethnic and social clubs. Imagine Canberra without our clubs. Roughly half of all Canberrans belong to one or more clubs. Ask them what they believe clubs contribute to their lives and to Canberra.

Canberra's licensed clubs are also responsible for providing a great deal of important social infrastructure: meeting venues, sporting and other recreational facilities, parking and children's playgrounds. Historically licensed clubs have been part of the Canberra community from the earliest days. The first club, the Canberra Bowling Club, was established in 1926. After 80 years it is still operating and has been joined by another 64 licensed community clubs.

Clubs are, first and foremost, meeting places. To a very large extent, the industry's development distinguishes the ACT from other jurisdictions. Canberra is not a pub town. It never has been. It has been, to some extent, a club town. Of course, the Liberal Party's continued advocacy of the introduction of poker machines to clubs,

pubs and taverns across the territory, indeed to the casino, would change that aspect of the nature of Canberra. It is interesting in the context of this debate that the Liberal Party continues to advocate for the spread of poker machines to hotels, taverns and the Canberra casino.

Clubs have become integral to the way in which we socialise and interact with each other. The ACT government is fully supportive of the longevity and continued success of the ACT club industry. The government, evidently unlike the opposition, recognises the enormous benefits that the club industry contributes to the ACT community and to our economy. Employment alone is in excess of 2,000 staff, not to mention the staff employed by other businesses on which the industry depends. In terms of employment, the industry provides for full-time and casual employment opportunities for many of our young adults, the significance of which may not have received the recognition that it deserves. The workplace training and organisational experience these young adults gain are important aspects and undoubtedly, to them, so is the remuneration.

From a direct government perspective, gaming machine tax for the 2006-07 financial year was around \$31.4 million in a budget now approaching \$3 billion. This is, however, no drop in the ocean and it goes a long way in providing other essential community facilities such as schools, hospitals and roads. But it seems that this revenue is revenue that the Liberal Party believes, if its rhetoric is to be believed, is tainted money, money it would presumably relinquish if it were elected to government. There would be \$31.4 million to add to Mr Mulcahy's missing millions in forgone revenue, which I think at the last count was somewhere around \$200 million a year.

The Liberals cannot have it both ways. They cannot say that the support the Labor Party receives from the Canberra Labor Club, the club it had the foresight and the energy to establish, is somehow tainted, while the \$31.4 million that flows to consolidated revenue from the same source is somehow clean. Today we saw Mr Smyth doing gymnastics with clean coal. Clean coal is, of course, a renewable source and it is clean; therefore it is okay for the Prime Minister to include clean coal in his renewable energy targets. Certainly Mr Smyth has an issue around "clean" in the oxymoronic way in which it is used to describe renewable energy. The Liberals have boxed themselves into a corner on this one, all in pursuit of a few cheap political points.

Expenditure on gaming machines represents 1.3 per cent of ACT household disposable income, well below the national average of 1.8 per cent and almost half the New South Wales percentage of 2.5 per cent. While annual per capita expenditure on poker machines in the ACT is higher than the national average, it is well below that of New South Wales. The ACT is less reliant on gambling tax revenue than all other jurisdictions except Western Australia. In fact, the Commonwealth Grants Commission assesses, and effectively complains, that the ACT is making a below average effort in raising revenue from gambling taxes. According to the Commonwealth Grants Commission, we do not try hard enough to raise revenue from gambling and they indeed take that into account in determining grants to the ACT.

The Australian Bureau of Statistics taxation revenue data for 2004-05 shows that revenue from all gambling taxes represented 6.7 per cent of total ACT taxation

revenue. That is well below the national average of 8.7 per cent and, as I said, the second lowest in Australia behind Western Australia, which, of course, does not have poker machines.

The community contributions made by licensees are another well-recognised club industry effort that has been in place for the last decade. While the legislation does require a minimum level of contribution, the industry has dug much deeper and contributed many millions of dollars in excess of this minimum amount. The 2006-07 year was no exception, with the total value of community contributions from club gaming machine licensees being \$12.8 million. The average contribution was about 12 per cent of net gaming machine revenue compared with a legislative requirement of seven per cent.

Community contributions come in many forms. They include charitable and social welfare, such as contributions to the Salvation Army, St Vincent de Paul and the Smith Family. These contributions raise the standard of living in our community by providing things such as child protection and family support services and drug, alcohol and problem gambling support services. They are also used for vital hospital equipment and establishing retirement villages or facilities for use by the residents of such places. For example, the Hellenic Club donated \$40,000 in this last year to the Koomarri association and each year the Hellenic Club provides \$100,000 worth of support to the St Nicholas Home for the Aged.

Clubs make significant contributions to sport and recreation. Some \$9.3 million was provided by clubs in 2006-07 to sport and recreation. Those contributions are absolutely critical in supporting teams throughout the ACT in probably every sport that you care to name. Of course, we know the importance of sport for a whole range of reasons.

For example, in just the last year alone the Tuggeranong Valley Rugby Union Club contributed \$1.7 million to sport and recreation, and this comes on the top of massive capital expenditure over the years by that club. In recent years, Vikings have expended \$6.25 million to establish Viking Park; \$4.2 million on the capital golf course; \$1 million for bowling greens; \$500,000 to establish tennis courts; \$6.5 million to build the auditorium; \$500,000 to support the cricket grounds; and \$3.2 million for members' accommodation. They are the capital expenditures by the Vikings in recent years.

In addition, each year Vikings provide \$390,000 to Viking Park; \$500,000 to the golf course, \$350,000 to support bowling; \$15,000 to support tennis; \$250,000 to maintain the auditorium; \$50,000 to support cricket; and \$270,000 on other services. That is just one example. Every club replicates expenditure up to those levels on different events and activities.

The Canberra tradies club provides \$275,000 a year to support rugby league. The soccer facility at McKellar, built by the Belconnen Soccer Club at a cost of \$3.5 million and maintained at a cost of \$300,000 a year, is provided and supported by that particular club.

Clubs provide contributions to non-profit activities such as schools, educational institutions, a range programs and to Anzac Day, Australia Day and the celebration of Canberra Day. The list goes on and on. Clubs also contribute to a range of infrastructure. I mentioned the support that the Tuggeranong Vikings provide in the valley. Clubs across the ACT in that same range of activities provide similar levels of support, particularly annual support for sport.

However, clubs continue to face challenges while maintaining those very significant contributions. One of those challenges, of course, has been the smoking bans that commenced in December 2006. They were introduced to provide a healthy environment for people to work in and undertake their leisure activities and they have resulted in a decline for clubs. It is relevant to note that, despite a decline in revenue of 9.5 per cent this last financial year, clubs in fact increased their community contributions from \$12.5 million to \$12.8 million. That is an impressive 2.9 per cent increase in community contributions in a year when their turnover decreased by 9.5 per cent. I think it goes to show just how seriously clubs are taking their community contributions.

Clubs provide a significant contribution to our community which is largely obtained from gaming machine revenues. The government acknowledges that it has to balance the revenue aspects with a responsible approach to the negative aspects that some people may experience in managing their gambling activity. It should be remembered that for many people—in fact, for the vast majority of people; well over 90 per cent—gaming machines are a harmless source of entertainment. It is their choice to spend small amounts of money on the pokies as part of their relaxation and their socialising. In that context and for those people there is no harm done to anyone and people should have the freedom of choice to gamble or to utilise poker machines in that way.

However—and Mrs Dunne has made the point well—for a small number of people there are significant difficulties and implications as a result of their difficulty in controlling their gambling activity, just, of course, as people have problems controlling their smoking or their use of other substances, most particularly their drinking of alcohol.

In the ACT it has been estimated that around 2.9 per cent of the adult population may have a difficulty with gambling activity. In recognition of this fact, the government continues to invest in programs and initiatives to address problem gambling issues, including funding of counselling programs and undertaking research into gambling and problem gambling issues. The government contributed \$341,000 this year for counselling services for Lifeline. The club industry, through their gambling care program, also makes significant contributions—somewhere in the order of \$240,000 a year—to Lifeline for gambling services.

In addition to direct funding measures, the government is finalising amendments to the Gaming Machine Act 2004 to encourage clubs to increase their contribution to help tackle problem gambling. Licensees will be able to claim \$4 towards their community contribution obligations for every \$3 they spend to assist with problem gambling concerns.

In 2002, the government implemented a mandatory code of practice for all ACT gambling licensees, incorporating a wide range of responsible gambling and harm minimisation initiatives. The code has undergone reviews and continues to be, in the view of community organisations such as Lifeline, a national leader in the field of harm minimisation for gambling patrons.

Some of the initiatives pursued through the code of practice include: restrictions on gambling advertising and promotions; restrictions on the maximum cash payouts licencees can make; restrictions on the cashing of cheques; mandatory staff training; self-exclusions and licensee-initiated exclusions; appointment of a trained gambling contact officer for each club; availability of information to patrons, including signage; odds of winning major jackpots and access to counselling services; restrictions on the location of ATMs; prohibition on the provision of credit or loans for gambling; prohibition on gambling for those under 18; restrictions preventing gaming machines from being operated for the five hours between 4 am and 9 am; prohibition on the use of \$50 and \$100 notes in gaming machines; restrictions on the number and type of gaming machines available in hotels and taverns; prohibition on gaming machines at the casino and a requirement that a social impact assessment, with public consultation, must be undertaken for any new gaming machine venues, for relocation of a gaming machine venue and for applications for additional gaming machines at existing venues.

As an industry, clubs generally accept their share of the social responsibility for gaming and do initiate appropriate measures to effectively combat the negative consequences that some people do unfortunately face. We know that the consequences are quite significant.

In conclusion, the club industry provides a valuable contribution to the community through the provision of social facilities for people to get together but, more importantly, as we have indicated, through the provision of community facilities. Without the revenue from gaming machines, it simply would not be possible for these community facilities to be available and for these clubs to continue to operate in the way that they are if poker machines were withdrawn or banned. The consequences for the club industry and, of course, for employment would be dire. None of the major clubs that have invested heavily, particularly in extensions, could actually survive to pay the significant loans that they have all taken.

The clubs undertake the task that they do in a responsible manner. They are well aware of issues around problem gambling and the difficulties that some of their patrons have in controlling their gambling activity. I do concede, as we all do, that this is a significant social issue. We work, and we work hard and advisedly to seek to deal with the implications of problem gambling for some people within this community. (*Time expired.*)

DR FOSKEY (Molonglo) (3.59): Studies on the impacts of gambling show that it can, and does, have a devastating impact on some people's lives. But we also know that plenty of people enjoy putting a few dollars through the machine at the local club with no adverse impact on themselves or their family. As with alcohol use, the balance is a fine one. We are a free society and adults should be allowed to partake of legal pastimes without too much government intervention. However, as a society we also

have an obligation to our more vulnerable members to prevent them from avoidable harm. This is the balance that must be struck and unfortunately, as it stands, I do not believe we have reached the right balance.

There is no-one in this Assembly who would stand up and say with a straight face that poker machines do not cause significant harm for a significant number of people. What we should be debating is what we are going to do about it. The Greens have long advocated for increased harm minimisation measures. We see this as a public health issue. Not only are the lives of problem gamblers themselves at risk, with between 35 to 60 in Australia killing themselves each year; those around them are having their lives devastated as well. On average, seven other people are adversely affected by a severe problem gambler's behaviour.

So what are we going to do about it? There are many simple and practical measures that could be taken, such as reducing the numbers of machines. The gambling and racing commission recommended against any further increase. However, this is a problem that needs to be curbed rather than just maintained and, as such, I would support a reduction in pokie numbers. Another measure is to remove ATMs from venues or at least anywhere near gaming rooms. The Assembly, in 2004, prevented them from being in gaming areas, but as well as ensuring they are a good distance from the gaming area, a daily limit of a couple of hundred dollars would minimise harm, bearing in mind that people do have access to EFTPOS to purchase meals and other things in the club.

We need to prohibit note-taking machines. Currently one can put up to \$20 at a time into a poker machine. I acknowledge that this is better than \$50 or \$100 notes, but why not be really bold and remove note acceptors altogether from machines? We could reduce the value of each game so that dollars last longer and gamblers lose less, put clocks on the machines and make sure that venues are naturally lit rather than being dark, fluorescent lit caves, pre-schedule breaks in machines so that they turn off for 10 minutes every hour or so and ensure that breaks are enforced after a payout so that people have the option to walk away. We all know the mesmerising impact of the gaming machines, and that is what needs to be broken.

Those who work in the area and represent those most at risk from problem gambling such as Care financial services, ACTCOSS or those directly responsible for picking up the pieces like Lifeline strongly advocate this type of approach and these kinds of measures. These are the experts and this is what they are saying. We need these practical measures to help prevent those who do not have a problem from developing one and mitigating the impacts on and helping cure those who do.

According to Lifeline, in the ACT one in eight gamblers is a problem gambler, and problem gamblers account for 30 per cent of the revenues from pokies. According to Mr Stanhope, 2.9 per cent are problem gamblers, but they account for 30 per cent of the revenues from pokies. I have consistently said it is not gambling itself that is the problem; it is problem gambling. Here, as we can see, is the problem. In 2005-06 ACT gaming machine revenue was an astonishing \$113,075,398. That means that \$33,922,619 came from gamblers whose problem is that logic does not control how much they put into the machines.

To make it worse, people who are addicted to pokies are typically the least able to afford it. The Australian Bureau of Statistics household expenditure survey reports that the 40 per cent of households with the lowest incomes reported spending around 0.9 per cent of their income on gambling compared with around 0.5 per cent for higher income households. So what should we do about it? The Greens suggest that it seems logical that 30 per cent of the revenue—that is, \$33,912,619 which comes from problem gamblers—should go back to the community and be particularly targeted at helping those with a problem. Currently only seven per cent of net gaming machine revenue must go towards one of four categories of social development: charitable and social welfare, sport and recreation, non-profit activities and community infrastructure.

On 16 November last year, Mr Stanhope, as Treasurer, tabled the ACT Gambling and Racing Commission's annual report into community contributions made by gaming machine licensees. The paper was noted, with no further debate or discussion since taking place. I have looked at this report in detail and would like to draw the Assembly's attention to some of its findings as they point to some very worrying trends in how these required contributions are being spent.

In particular, this report shows that, far from using their seven per cent contribution to support worthwhile charities and social welfare groups, the majority of Canberra's clubs are channelling funds into sporting and recreational groups, which will often return a proportion of their profits to them. I am not saying that sporting and recreational groups are not worthy objects of this funding, but they are disproportionately represented.

In 2005-06 the ACT's clubs gave away \$12.5 million to groups throughout the community. This is a significant figure. The Chief Minister thought so. He issued a press release at the time of the report's publication praising the clubs for their generous contributions. But if you look beyond the front page of this report to the breakdown on how this money was actually spent, our clubs look less generous.

As I have said, in the last financial year ACT clubs contributed \$12.5 million to the community. Just over \$1.5 million went to groups in the charitable and social welfare and non-profit activities categories. Around \$135,000 went to women's sport and just over \$140,000 was spent on community infrastructure. Well and good, but these contributions add up to just \$3,432,714, or a little over 10 per cent of the total money. So where did the other \$9 million or so go? It went to groups in the sport and recreation category, groups which, while undeniably vital to the social fabric of our community, also bring some return to the clubs in the form of memberships and spending, et cetera.

To put it another way, where each club spent an average of \$31,467 on charitable and social welfare, \$28,000 on community infrastructure and \$30,000 on non-profit activities, each club spent an average of \$153,000-plus on sport and recreation. Over 70 per cent of the total contributions made by clubs in 2005-06 went to sport and recreation, with community and social groups sharing the remaining 30 per cent. Those are just average figures.

It gets worse when you delve into the club-by-club breakdown. Twenty-two of the 65 clubs gave more than 90 per cent of their required contribution to sporting and recreation. If sport is excluded, only five clubs contributed to community infrastructure at all and only six clubs contributed more than 10 per cent of their contribution to women's sport, despite a generous incentive plan which counts every \$3 given in this category as \$4.

Of course, it is not all bad and I would like to congratulate six clubs: the Akuna Club, Belconnen Bowling Club, Canberra Racing Club, National Press Club of Australia, Canberra White Eagle Club Inc and tradies at Woden, among others—to single out just a few—for giving the majority of their contributions to groups in the charitable and social welfare category. I note that the Canberra Southern Cross Club at Woden has recently announced that it will increase its community contributions to 20 per cent.

Of further concern are comparative figures from the past three years which show that, despite growth in gaming profits, community contributions as a percentage of profits have been falling, dropping by 4.6 per cent between 2003-04 and 2004-05 and a further 4.5 per cent between 2004-05 and 2005-06. Clubs are subject to government direction and the government, I believe, needs to ensure that community contributions actually contribute to the community and that more especially goes to tackling problem gambling.

We need to seriously address this problem, and giving more money to institutions like Lifeline, Care financial counselling, Gamblers Anonymous and others who help those with a problem is the best way to do it. We need to do something to help prevent more people from developing this addiction. The impacts of the disease are serious but, unlike many serious illnesses, there are simple and well-known initiatives that can be easily implemented to help cure it. (*Time expired.*)

MR SMYTH (Brindabella) (4.09): Mr Speaker, there are many strands to this issue: the incidence of gambling, the number of poker machines in the ACT, the incidence of problem gambling, and research into problem gambling. The ACT ALP is gaining revenue from activities based on poker machines. To hear the Chief Minister, you would have thought that it was actually the Liberal Party that had started this debate and that it is the Liberal Party that has put clubs in the ACT at some sort of risk. The delusional elements of that are just astounding, given that it is the ACT Labor Party's dependence—their absolute reliance—on the revenue that comes from problem gamblers that really is at the heart of this issue.

You only have to look at the words of Tim Costello, who said that the dependence on poker machine revenue meant it could not make the right decisions about gaming. Who was he talking about, Mr Speaker? He was talking about the ACT Labor government. He went on to say:

Russell Crowe and Peter Holmes a Court show far greater moral leadership than Jon Stanhope. How can they get it, and someone who is elected to govern for all doesn't?

That is at the nub of this. Yes, it is about reliance on problem gamblers and, in particular, the ACT Labor Party's reliance on the \$33 million that problem gamblers put in the machines every year. As Dr Foskey pointed out, of more than \$100 million, \$33 million is reported to come from those with gambling problems. But as a result of Jon Stanhope's "squeeze them till they bleed" tax grab that saw a 17 per cent increase in the rate of taxation on gaming this year, we actually saw the body charged by the community to look after problem gamblers—Lifeline—actually lose money in their club care contributions. The year before last it was \$414,000; last financial year Mr Speaker, it was only \$303,000, less than a per cent of the \$33 million that is reputed to have come from problem gambling.

This is what Mr Costello and others are saying that Jon Stanhope does not get. He is absolutely pleased, I suspect, Mr Speaker, and is absolutely delighted to accept the dollars to fund his political campaigns. Make no mistake: that is what they do. They go from the Labor Club to the ACT ALP. The ALP spend that money on their campaigns. One sees the crocodile tears, because that is all they are, from the Chief Minister when he says on the ABC, "I have real concerns about problem gambling; these things cause me genuine heartache," but he is then asked by Alex Sloan, "Will you stop taking the money?" "Oh no, we'll take the money. We're taking the money."

Now, Mr Stanhope threw the challenge down and said, "Well, what will the Liberal party do?" I have said all along that we think it is appropriate to tax gambling. But you need to get the balance and the mix right, and the Chief Minister is right in one thing today when he says that we underperform in the way that we collect gambling revenue. I think perhaps something the Commonwealth Grants Commission should consider is that instead of maximising and overextending yourself on a reliance on gambling, perhaps those jurisdictions, like WA and the ACT, that are less reliant on gambling legislation should get a bonus in the payments from the Grants Commission. Perhaps that is what they should get.

But perhaps Mr Stanhope should take the same example and say, "Well, I'll make the ACT ALP less reliant on gambling and, in particular, less reliant on problem gambling by saying we will not take the money. We'll put the \$385,000 that the ALP received in the 2005-06 year into combating problem gambling."

If it does cause you genuine concern and genuine heartache, Chief Minister, do something about it. Instead of bleating, instead of heart wrenching and crocodile tears, why do you not actually say to the ALP, "Give the money to Lifeline"? If you mean it and if you are sincere then you would do it. If you actually support your federal leader, the Leader of the Opposition, Kevin Rudd—who thinks all the states should be weaned off gambling taxation, in particular pokies—then you would stop making noise, you would stop your reliance on problem gamblers and the money they put in the poker machines, and you would actually do something constructive about it. But I guess that is why Tim Costello said that the ACT Labor Party's dependence on poker machine revenue meant that it could not make the right decisions about gaming. Perhaps he is right. I think the validation of that statement is quite correct.

It is interesting to look at what the clubs say about it, Mr Speaker. I want members to remember that when the bill came before the house to raise the percentage of

taxation—which was brought forward by Mr Quinlan—the ACT Liberal Party opposed it. We are actually opposed to becoming less reliant on gambling taxation because we know about the ills.

As Mrs Dunne pointed out, we knew about this six, seven, eight, nine years ago, when we actually funded the chair of gambling studies at the ANU. We were fair dinkum. We said “Let’s get to the root cause of this problem. Let’s not say, ‘Ban them all and have blanket coverage.’ Let’s actually allow those that enjoy the use of a poker machine to continue to do so, but let’s us look after those poor souls who can’t control it. Let’s find out why and let’s do something constructive about it.” But, as pointed out by Mrs Dunne, there is now this doubt about the government support and the links to the chair of gambling at the ANU. Perhaps somebody from the government might like to answer what is happening in that case.

Mr Stanhope was quite pleased to quote the success of the Vikings—the Tuggeranong Valley Rugby Union and Amateur Sports Club, Mr Speaker, and he was right to do so. The Valley Vikings now control something like \$55 million worth of assets on behalf of the community: bowling greens, a golf club, a football ground and the club facilities themselves. But what do the Vikings say about the government? Let us go to just the front page of their last annual report where Jim Shonk, the president, says:

The ACT Government hasn’t let us down again.

They have got form on this, Mr Speaker. He goes on:

In the face of the most serious downturn in club revenue in years, they have chosen to implement a rapacious and ill advised tax increase in the order of 17% effective from July 1st 2007.

I believe that this will prove fatal for a lot of struggling clubs. Vikings will survive, but again our capacity to do things in the community will suffer.

So what has the Chief Minister done? He has rewarded those that put money back into the community by picking on them and increasing their tax rate. What does the Chief Executive, Peter Webb, say? He talks about how the year has been, and he goes on to say:

On top of this, the coming year sees an ACT Government gaming machine tax increase of 17%, which will cost us the best part of another \$1M.

Remember, Mr Speaker, that is a million dollars that does not go to the community. He goes on:

So in less than 3 years, we have been left \$8M in the hole. Whilst we are obviously achieving efficiencies, which have covered a substantial part of this deficit, we are reaching the point where it is becoming increasingly difficult to do so ...

So who is putting clubs in the ACT at risk, Mr Speaker? Jon Stanhope and his “squeeze them till they bleed” tax policies. What did the treasurer of Vikings say in the same article? At page 1 he says:

These funds have been quarantined ...

They have put aside some money. They have actually made allowance for the future because they looked at this government and they knew what they were like, and the treasurer, Stephen Johnston, says:

These funds have been quarantined to cover capital expenditure and the impact of a 17% increase in gaming machine taxation from 1 July 2007."

But the interesting thing, Mr Speaker, is: what do all three gentlemen say is the solution to the dilemma that they face? Well, I will tell you, and it is something the Chief Minister has not learnt about the ACT economy. Jim Shonk says, "We must diversify our income base." What does Peter Webb say? He says the same. What does the treasurer of the club say? He says:

As such, we can no longer rely on income generated from gaming to fund our club and community activities. As an organisation, we are ... conscious of the need to diversify away our income stream risk and at the same time drive the club as hard as possible to ensure our objectives.

So these are gentlemen who understand their responsibility to the community; they understand what they have to do. They have contributed to things like Clublink, but they have been let down by their rapacious government, a rapacious and ill-advised government.

Mr Speaker, it is interesting the Chief Minister chooses to leave the room while we speak again about his activities. But the problem here is that the person who put this on the agenda is his leader. What did the Chief Minister do? He refuted his leader—Kevin Rudd was wrong. Now, the problem for both Kevin Rudd and Jon Stanhope is that they must tell us what they will do to solve this dilemma. What I simply said was that if Kevin Rudd is serious about weaning the states off pokie revenue, then the easiest place to start was not to wait until whether or not you are going to win an election but to start today, set a concrete example.

Tell the ACT Labor Club and the Tradies Club to stop giving money to political parties and start putting it back into charity where it belongs. Put it back into the community, put it back into the welfare sector, put it back into sport, into disability and into the multicultural community. Put it back into women's groups, men's groups and young groups. Let us put it back in and build up a society, rather than just funding a political party and their activities on this and rather than seeing the ACT Labor Party's reliance on problem gamblers.

Mr Speaker, it is very, very important that we understand the depth of what happens to those that have a problem, but what we need is concrete action, not crocodile tears and platitudes from a Chief Minister who simply does not truly care.

MR GENTLEMAN (Brindabella) (4.19): As we have heard today, the licensed club industry provides significant contributions to our community through sporting and social clubs, including ethnic and multicultural clubs. We have also heard how the club sector adds immeasurably to the unique quality of the life we enjoy in Canberra.

We have seen how Canberra's licensed clubs are responsible for providing a great deal of important social infrastructure within our community; for example, meeting venues, sporting and other recreational equipment and facilities, parking and children's playgrounds. The Chief Minister's observation that Canberra is not a pub town is perfectly true and is significant as clubs have become an integral part of the way in which we socialise and interact with each other.

The benefits that the club industry contributes to the ACT community and economy cannot be underestimated. The direct employment of over 2,000 staff, not to mention the staff employed by other businesses on which the industry depends, is significant in anyone's language. Importantly, that is true not only as a source of financial benefit but also as a place for workplace training and gaining important employment and life skills.

Clubs are a safe place for people to meet and socialise. The standard of facilities at most venues is high and allows people to gather and talk, have a meal, have a quiet drink, celebrate an important event or meet other people. Clubs offer a wide range of opportunities to mix with others such as with bridge, darts, film groups, chess, trips away to see plays, or other activities. Without clubs, there would be a lot more lonely people in our community that may have trouble finding like-minded social groups or people that they can share experiences with. This process of providing a safe social environment is really important in today's fast-paced society.

Madam Temporary Deputy Speaker, the community contributions made by club licensees are significant. As we have heard, community contributions come in many different forms. They include charitable and social welfare, such as contributions to the Salvation Army, St Vincent de Paul and the Smith Family. For example, the Tuggeranong Valley Rugby Union Club contributed to the Red Cross Soup Kitchen more than \$25,000 in 2006-07. To Lifeline,—the very group that you, Madam Temporary Deputy Speaker, have quoted today—for problem gambling support, the Tuggeranong Valley Rugby Union Club provided nearly \$40,000, and to Camp Quality a total of over \$11,000 was provided. These contributions are not insignificant and are crucial to the ongoing support of these organisations.

Clubs provide contributions to non-profit activities, such as to schools or other educational institutions or programs. Also benefiting from such contributions are multicultural activities and special celebrations such as for Anzac Day, Australia Day and Canberra Day. For example, the Tuggeranong Valley Rugby Union Club provided \$13,000 for the transport of people around the community, such as going to special events. This assists people to mix socially in our community and to escape the boredom or loneliness that may otherwise be encountered.

Clubs also contribute to community infrastructure that may include development and maintenance of ovals, car parks, art galleries, playgrounds, parklands or gymnasiums. However, most significantly, clubs make a large contribution to sport and recreation, as we have heard. As we heard from the Chief Minister earlier, some \$9.3 million was contributed in 2006-07. These contributions provide critical support for all levels of sport and recreation, including for our younger members of the community. We all appreciate how important it is to prevent childhood obesity, and the valuable contribution that clubs make in this regard cannot be underestimated.

It is critical to provide facilities for sport and to encourage participation in these activities, an area in which clubs excel. The importance of these community contributions is best illustrated by a few examples. I have mentioned the Tuggeranong Valley Union Club before, but I want to mention their contribution of a total of \$1.7 million to sport and recreation in 2006-07, which included \$336,000 for the upkeep and maintenance of Wanniasa Oval.

Included in their total sport contributions, the Tuggeranong rugby club group provided \$323,000 for general rugby union and a further \$90,000 to the ACT Rugby Union for the promotion and development of junior sport. Separate and significant funding was also provided for sporting scholarships for junior sport. Madam Temporary Deputy Speaker, in my electorate again, the Eastlake Football Club began the rejuvenation of the Calwell Oval in March 2006 to provide an oval for the newly formed Calwell Swans Junior AFL club, as there was no other oval available. The club has committed \$33,669 in improvements, such as fencing and gates to protect against unauthorised vehicle access and vandalism, and for goal posts and upgraded irrigation. The cost of the rejuvenation was approximately \$14,500.

We are all aware that the smoking bans which we needed to have and which commenced in December 2006 have resulted in a revenue decline for most clubs—a bit under 10 per cent, we have been told. I was most pleased and amazed to hear that while revenue for clubs has declined due to the smoking ban impacts, community contribution responsibilities have not declined but have actually increased. I understand from the preliminary figures provided by the Gambling and Racing Commission that the community contribution of \$12.8 million for 2006-07 is 11.7 per cent of the net gaming machine revenue. This compares to contributions of \$12.5 million for 2005-06. That was a total of 11.0 per cent of the net gaming machine revenue. That is an impressive 2.9 per cent increase when revenue had decreased for seven months of the year.

Madam Temporary Deputy Speaker, the club industry continues to provide its share of community contributions by returning to the community a significant share of its gaming machine revenue. As the Chief Minister quite rightly pointed out, the government acknowledges that it has to balance the revenue earned from gaming machines with a responsible approach to the negative aspects that some people may experience in managing their gambling activity—the very same words Mr Smyth mentioned.

While we are only talking about small numbers of problem gamblers, nevertheless this problem is very important to those that are affected, including family, friends and work colleagues. In recognition of this fact, the ACT government continues to invest in programs and initiatives to address problem gambling issues, including funding of counselling programs and undertaking research into gambling and problem gambling issues.

The government's mandatory code of practice for ACT gambling licensees incorporates a wide range of responsible gambling and harm minimisation initiatives. The Chief Minister has outlined some of the matters covered by the code that makes the ACT a national leader in the field of harm minimisation for gambling patrons.

These initiatives—including restrictions on gambling advertising and promotions; mandatory staff training; self-exclusion programs; the appointment of a trained gambling contact officer for each licensee; the availability of information for patrons, including signage and the odds of winning major jackpots, which we have already heard about; and access to counselling services—have been critical in helping those that need assistance.

I wish to emphasise that the club industry takes its responsibilities very seriously. Its contribution to the community through the provision of social facilities and the provision of community contributions is a critical and valuable part of our society. Madam Temporary Deputy Speaker, I have made it plain that without the revenue from gambling machines it would not be possible for all of these community facilities to be available.

It is interesting to note that the ACT is less reliant on gambling tax revenue than other jurisdictions. As we have been advised, the Commonwealth Grants Commission assesses the ACT as making a below-average effort in raising revenue from gambling taxes. The Australian Bureau of Statistics taxation revenue data for 2004-05 shows that revenue from all gambling taxes represented 6.7 per cent of the total ACT taxation revenue, below the national average of 8.7 per cent, and the second lowest behind Western Australia.

Madam Temporary Deputy Speaker, I conclude by saying that the club industry provides not only a valuable role but a critical role in our society by providing essential community facilities that would otherwise not exist. This is balanced by the clubs taking a responsible approach to harm minimisation in relation to problem gambling that may result from a small number of people not being able to control their gambling activity.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Dunne): Order! It being 4.28 pm, the time for the matter of public importance has expired.

Adjournment

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

That the Assembly do now adjourn.

Belwest Foxes Soccer Club

MR BERRY (Ginninderra) (4.29): This afternoon I take the opportunity once again to recognise the work in the community of the Belwest Foxes Soccer Club. Belwest Foxes are a fun-based, family and community oriented organisation which provide the environment for anyone in the West Belconnen area to participate in the game of football, the world game—or soccer, if you wish to call it that—regardless of skill or ability, and they are spectacularly successful. In 2007, 765 men, women, boys and girls registered and donned the Belwest strip.

As a patron of the club, I had the pleasure of attending the presentations for the 2007 season over the last few weeks. On Saturday, 8 September there was a presentation at

Latham oval for the 97 peewees—under-six-year-olds—and the 144 players from the under 7, 8 and 9 teams. On 18 September, it was the turn of the 314 girls and boys from the under 10, 11, 12, 13, 14, 15 and 16 teams, and the work of 18 referees was also recognised. This presentation took place at the Belconnen Labor Club.

On Saturday, 22 September, also at the Belconnen Labor Club, the presentations for the men's and women's teams, including the masters, took place, with 210 men and women attending after a season of tough competition. I would like to thank the Belconnen Labor Club for their provision of a healthy, smoke-free environment in which these presentations could take place.

I would like to declare my interest: I am a life member of the Labor Club. I would also like to congratulate the Labor Club on being major sponsors for the Belwest Foxes and to acknowledge the contribution that the teams, through the support of the Labor Club, make to the community. I also acknowledge the recent corporate sponsor of Belwest Foxes, Bing Lee Belconnen. It is a sign of their commitment to the community that they have come on board to support the Belwest Foxes Soccer Club. It is through these sponsorships that the community is made stronger, in that these sports have the ability to participate in the community and to be part of the glue that binds us.

As someone who was present at these presentations, I have to admit that I was impressed by the energy, coordination and efforts of the small but dedicated team of volunteers who coordinate the work of Belwests. Their skill and experience meant that the presentations flowed well and ensured that everyone was able to relax and enjoy the presentations.

Once again, I draw members' attention to the amount of work that goes on behind the scenes to make the club such a success. On behalf of the community, I would like to acknowledge the work of the Belwest committee. Heartfelt thanks are in order for Adrian Dodd, Stuart Wise, Jane Ward, John Hearps, Craig Butler, Pam Saunderson, Kerrie Murray, Peter Auld, Stuart Boschert, Joy Coppin, Toni Dodd, Ian Morton and Brian Golledge. These are the people who make the major contribution to this club. Running the club is not just about collecting fees and organising rosters; it is also about keeping up to date with changes in the rules of the game, enlisting volunteers, grading teams and making sure they have the skills to do this, recruiting and supporting the 100 or so coaches and managers, and encouraging people to come forward to gain skills and put in the time as volunteers. It is also fundraising, ensuring that all teams have quality, safe equipment, enlisting volunteers, merchandising sales, attendance at meetings and forums to represent players, organising interclub visits and school carnivals, promoting fair play—for which the club was awarded the fair play club award for its second and third division teams—and securing sponsorship.

As I said when I last spoke about the Belwest Foxes in the Assembly, the eternal challenges are recruiting and retaining volunteers, and fundraising. Belwest's success so far has been due to the unstinting work of many volunteers—people with skills they might not have initially realised they had. It is extremely important for clubs that these volunteers are recruited. It is also important to acknowledge the major contribution which is made to the operation of these clubs by generous sponsors such as the Canberra Labor Club and Bing Lee.

Tharwa fair

MR PRATT (Brindabella) (4.34): I wish this afternoon to talk about the Tharwa fair which occurred on the Sunday before last, and which I was most privileged to attend. Despite the closed bridge affair, there was still a pretty reasonable roll-up, although some of the community leaders thought that attendances were somewhat down. Nevertheless, it seemed to me to be a pretty robust affair and well attended. The Tharwa preschool put on an extraordinary range of events—everything from music and bands to sack races and raffles, clowns and jumping castles. It was a great day for the kids. My little daughter, Yasmina, enjoyed herself immensely and spent all my pocket money.

Beyond that, the fair was blessed with the presence of Indigenous dancers, pretend belly dancers—pretend they might have been but they were extraordinarily good belly dancers—and there was a drumming band which put on quite a show. Karim Haddad, who is one of the more active members of the community—his name will be well known here—had his outdoor blacksmith demonstration going. I was pleased to see that the Liberal federal candidate for the seat of Canberra, Natalie Colbert, was also there.

Mr Hargreaves: Who?

MR PRATT: Natalie Colbert and her team. Indeed, it was pleasing to see that the southern branch of the Liberal Party was down there in strength, with about 20-odd members showing their solidarity with the Tharwa community, which is under siege by this government. So they were there in strength and in solidarity with their colleague Tharwans, and it was a great little affair. Of course, the pall in the atmosphere hanging over the Tharwa fair was the state of the Tharwa bridge and the questions revolving around what is happening with the old bridge and what is happening with any works that need to be urgently done to bring some relief to that poor community.

The pall hanging over the little preschool and Tharwa village was the fact that that poor community had a very viable and very popular primary school that was closed—a closure which was unnecessary. On top of that, there is the issue of the closed bridge. The closed bridge comes on the back of at least 18 months of to-ing and fro-ing as to what might be happening with the bridge. Closed one minute, open the next, and still neglected.

The Tharwa community and others in the ACT have asked this government for the engineering evidence and the logistical advice supporting any decision to close that bridge and to declare that bridge “beyond economic repair”. This has not been forthcoming. Again, we have seen a lack of consultation. Yes, the minister was down in that community in October 2006, announcing that he would be proceeding with a concrete bridge project. That is all well and fine, but at no time did that community ever receive clear advice as to why the old bridge had to go.

I now refer to Mr Brian Pearson’s interview on 2CC this morning. The ex-chief engineer of the department of main roads, heading up the New South Wales

department of main roads and with responsibility for bridge operations, was quite intimately involved with quite a number of the old Allan truss bridges which have been built across the region. He expressed a view this morning, on 2CC radio that in his opinion the old bridge could be restored and rebuilt for \$2 million less than what this government has quoted for the new concrete bridge and in much faster time than it would take to erect the concrete bridge. He said that it could be restored to full operational capability. I am not an engineer, and that is advice that must be explored. Is he right? The government should come clean on their advice on this bridge.

Environment and heritage grants

MR GENTLEMAN (Brindabella) (4.39): Today I would like to talk about two separate events I have recently attended. Just a few weeks ago, I had the pleasure of representing the ACT government in announcing the successful applications for the 2007-08 ACT environment grants. The presentations were held at Garran primary school, and before I go on I would like to thank the principal, Ms Tanya Nelipa, and her staff for their hospitality on the day. The ACT environment grants are funded annually by the ACT government and are designed to assist the community to participate in worthwhile environmental projects. This year, there were 19 applications, with the ACT government being able to support 12 of them, to a total of \$129,000.

I will give a couple of examples. An amount of \$15,375 went to the Conservation Council of the South East Region and Canberra for “ACT otherWISE: Youth Leadership for Sustainable Consumption”, to train and build the capacity of young people to facilitate workshops on sustainable consumption, environmental issues and individual lifestyle changes. An amount of \$17,280 went to the Concerned Residents of West Kambah for “Learning About Our Neighbourhood”, to run six cafe based discussion functions for local community members to address environmental concerns and establish a sustainability and well-being precinct. An amount of \$6,000 went to the ACT Division of the Geological Society of Australia for the production of the *Guidebook to the Geology and Landforms of the Canberra Region and Namadgi National Park*—a geological guide for that region for use by the community and secondary schools.

On that day, there was evidence of the success of last year’s grants program with the Garran primary school P&C association’s sustainable gardens project on glorious display as we entered the school. I do not think I need to inform the Assembly about the importance of combating climate change. These grants are important stepping stones in educating future generations so that we can create a sustainable environment for everyone. I would like to reinforce what I said on the day—that the community’s role in preserving and enhancing our local environment is absolutely fundamental.

There are no shortcuts that can be taken when dealing with our environment. Climate change is one of the greatest challenges that confront us as a global community. It is encouraging to see the ACT government working with and supporting community based awareness programs like those which have received the grants this year and over previous years. I look forward to seeing the positive outcomes of these projects in coming years and to some new initiatives for next year.

The second topic I wish to talk about briefly is an event that I attended on 13 September, the successful applications for 2007-08 for the heritage grants projects. I would like to thank my Assembly colleague Mary Porter for hosting the event. I would also like to express my gratitude to members of the ACT Heritage Council and to Dennis and Maree Rose, who are the current residents of Well Station Homestead. I had the personal pleasure of presenting Val Jeffrey with the grant for his project, the maintenance of the Tharwa community hall. This grant occurred before Mr Pratt made his statement today about the government leaving Tharwa with little hope and after a budget allocation of \$9 million for a new bridge.

The heritage grants program is a very important source of funding for community based heritage projects provided by the government. For the 2007-08 program, \$269,000 has been allocated in the budget. Twenty-one individual projects and seven community heritage partnerships projects were approved, from a total of 38 applications. The tangible benefits of the grants were made clear to me when I visited Well Station Homestead, which was a recipient of a grant in the 2006-07 program. The aim of this grant was to mend and preserve the original structural integrity of the homestead. The ongoing work on the homestead is coming along nicely and is due to be completed in mid-October this year. It is a very impressive project and I encourage other members to spend some time visiting it. I take this opportunity to commend the work of the heritage grant projects program, and the support that the ACT government has provided to it.

The Jammed—film screening

MRS DUNNE (Ginninderra) (4.44): Last night I was privileged to host a film night for a special showing in Canberra of a new Australian film *The Jammed*. *The Jammed* is a small-budget, independent Australian film which began its life in commercial release in a very rocky way but is now obtaining considerable critical acclaim, as well as acclaim from the public who see it. It was described by one reviewer from the *Age* as “the best Australian film of the year”. I think that the 150-odd people who turned out to the Dendy Cinema last night would be pretty much in agreement with that.

It is a pretty unusual step for a member to have a film night like this. Often, political parties and organisations do this as fundraisers, but this was not a fundraiser. This was a film night designed to raise the community’s knowledge of and give attention to the issue of trafficking of women into Australia—people who are trafficked here to work illegally in brothels and people who work here under considerable deprivation. Members would probably be aware that I have taken on this issue as an area of particular interest. In some ways it does not relate to our work here in the Legislative Assembly but there are important issues here for us.

Back in about 1997, we passed legislation across Australia to amend the Criminal Code to create the specific crime of trafficking for sexual servitude. At the time many people thought that the work had been done, but it has become increasingly clear over the years that that is not the case. When I took this issue up some years ago, probably in 2003, my husband said to me at the time, “Really, what we need to sell this story so that people will understand what it is and what is happening is for someone to make a film about it.” At the time, and I often regret it, I pooh-poohed the idea and said:

“Look, it’s too awful. No-one would ever want to come and see a film about trafficking and sexual servitude.”

The people who went to see the film last night, and the other people in Canberra who will see it in commercial release in the next week or so, will realise that even though this is a dreadful, hideous topic—a topic that deals with the way that women particularly are treated with such brutality—it is done in such a sensitive way that, although it is moving and arresting, and many people left the cinema in tears last night, it is not done in such a confronting way that people cannot think about the issues.

Last night was extraordinarily successful. We were privileged to have in our presence representatives of the Stop the Traffic project, which is now a worldwide project that deals with all manner of trafficking of persons. In particular, we were privileged to have present independent filmmaker Dee McLachlan, whose initiative this was, who conceived of the idea, wrote the script, directed the film and, with a group of very committed people who have gone without for quite some time, put together a stunning film. I would also like to commend the work of John L Simpson, who has taken on the task of making sure that this film is distributed, at personal cost to himself by mortgaging his own home.

I would also like to thank those people who contributed to making last night a success—Craig and the other staff at the Dendy, and my own staff who worked very hard to ensure that this issue was publicly and widely distributed. Most of all, I would like to thank the members of the Canberra community—a very diverse group of people, and not the usual suspects—who came along to find out about this really important issue, and those people who contributed to the collection that was taken up for Project Respect in Melbourne and the Anti-Trafficking Project in Sydney.

I commend the movie to anyone who has an interest in this matter or has an interest in ensuring that Australia really is the lucky country. There are things that you can do as individuals, perhaps by donating to those two organisations, Project Respect and the Anti-Trafficking Project, and by supporting the work of Stop the Traffic.

Question resolved in the affirmative.

The Assembly adjourned at 4.48 pm.