



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

DAILY HANSARD

Edited proof transcript

26 September 2007

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Wednesday, 26 September 2007

Death of Justice Terry Connolly (Motion of condolence)	2655
Petitions:	
Tharwa bridge	2668
Taxis	2668
Chickens—battery hens	2669
Road safety and driver education	2669
Questions without notice:	
Civic library	2680
Roads—speed and red light cameras	2681
Roads—speed and red light cameras	2684
Yarramundi Reach—ATSI cultural centre	2686
Public housing—rights of tenants	2687
Albert Hall	2692
Graffiti	2694
Tharwa bridge	2695
Emergency services	2697
Supplementary answer to question without notice:	
Roads—speed and red light cameras	2698
Papers	2698
Road safety and driver education	2699
Animal Welfare Amendment Bill 2007	2704
Civil Law (Wrongs) Amendment Bill 2005	2706
Fireworks	2727
Adjournment:	
Good Shepherd Catholic primary school	2737
Housing	2738
Narrabundah Long Stay Caravan Park	2738
Camp Quality 2007 esCarpade	2739
The Assembly adjourned at 6.08 pm	2740

Wednesday, 26 September 2007

MR SPEAKER (Mr Berry) took the chair at 10.30 am 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
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 move:

That this Assembly expresses its deep regret at the death of Justice Terry Connolly, ACT Supreme Court Judge, former member of the Legislative Assembly and former Attorney-General for the ACT, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Speaker, Justice Terry Connolly was a man whose too brief a career encompassed the spectrum of the administration of justice and who sat variously on both sides of that profound gulf that we call the separation of powers. He had seen the complexities of justice from every angle: from the perspective of an advocate, from the point of view of a policy maker and politician, and from the bench. But Terry Connolly was more than this. To his wife, Helen, and his daughters, Lara and Maddy, he was a husband and father taken too soon, far too unfairly—if there ever was such a thing as justice in the world beyond the kind of justice dealt out by man.

Each of us, today, will have memories of Terry Connolly—the man, the politician, the friend and the jurist—to relate. But common to each will be the image of a man with a sense of justice who was at once acute, and yet profoundly deep; realistic, yet rigorous. Each of us, including those in the visitors gallery today, has almost certainly been inspired by Terry Connolly too, professionally or personally. Even if we might have argued with the legal position he took, or a legal conclusion he drew over the course of his precocious and stellar career, we knew that his position was heartfelt, intelligently argued and based on conviction and study and contemplation.

I, as Attorney-General in 2004, had the honour of completing the work begun by Terry Connolly in 1995 when he, as Attorney-General, made the first bold attempt to give this territory a bill of rights. While there is an elegant symmetry in the fact, I am sure that none of us could have imagined even with the passage of the Human Rights Act 2004, let alone back in 1995, during that initial attempt that the first statutory Human Rights Commissioner of this territory would turn out to be Terry Connolly's wife, Dr Helen Watchirs.

In pursuing a bill of rights, almost a decade before one became politically possible anywhere in this country, Terry Connolly was displaying the courage and unswerving commitment to righteousness and to justice that broke through political barriers and enabled him to persuade even those who, in this place, played a role of enemy combatant to somehow play nicely.

It was these personal qualities, his calmness, his sense of humour and respectfulness combined with a frightening intellect, a rock of steadiness of judgement and a sense of human compassion which never strayed into sentimentality that resulted in Terry Connolly, Labor politician being appointed as Master of the Supreme Court by the then Liberal Government in 1996. Terry was not yet in his forties. It was an inspired choice, even if it deprived Labor in those days of a valuable political asset.

The justice system and the Canberra community have been the beneficiary, and few could justifiably cavil with that. Within six years of being appointed Master, and still aged less than 50, Terry Connolly was a judge of the ACT Supreme Court. I had the honour of making that appointment in my role as Attorney-General of the day. Terry was the obvious choice, a stand-out selection despite his youth. It was an appointment that was quickly and fully vindicated as he set about his scrupulous task of delivering justice.

In this place, of course, he is remembered still as one of the few calm beacons of sanity and good sense in those early years of self-government, valiantly striving to create a credible legislature out of community indifference at best and hostility at worse.

Justice Connolly was a member of this Assembly between 1990 and 1996. With the luxury and self-importance of hindsight, we too often dismiss the achievements of those first hectic years of self-government. We think of spoof parties and sometimes regrettable antics, yet the legacy of Terry Connolly is proof that self-government unleashed a reformist spirit and energy in the law unlike anything else previously experienced. His legacy lives for and benefits daily those caught up in our criminal justice system.

In his years as a politician Terry Connolly helped oversee the transition of the courts to ACT control. He pushed for and pushed through truly significant judicial reforms including diversionary conferencing, victim impact statements and restorative justice. So influential was he in this latter field that in 2001 he was invited by the United Nations to attend in Ottawa a conference to draw up guidelines for restorative justice programs worldwide.

As Attorney-General he took an active interest in national issues relating to the machinery of justice serving as Chair of the ACT Joint Rules Advisory Committee, overseeing uniform rules in civil procedure, and acting as the ACT representative on national harmonised rules committees.

Nor did his inquiring mind or his thirst for learning abate once he had made the shift from politics to the judiciary. In 2001 he studied mediation skills at Harvard Law School and subsequently put his new expertise to practical use introducing a pilot scheme encouraging mediation in more complex cases in the Supreme Court.

Justice Terry Connolly was a man whose enormous legal capacity was matched and balanced and enhanced by his compassion. He was a decent man—a more than decent man; a good man; simultaneously a reformer and an upholder of our legal system. We

can only wonder in a profession where one's full powers are normally not attained until later in life what heights he might have subsequently reached as a jurist.

Today, I am able to announce that Dr Helen Watchirs has accepted the government's offer of a state funeral for Justice Connolly, the first state funeral to be conducted in this jurisdiction since self-government.

On behalf of the government, I offer my most sincere and most profound condolences to Dr Watchirs and to the couple's daughters, Lara and Maddy. Our thoughts will fly to them again and again during this difficult time. I only wish that such thoughts could confirm some tangible sign of comfort.

MRS BURKE (Molonglo): Firstly, Mr Speaker with the indulgence of yourself and the house, I would like to read a statement from the Leader of the Opposition, Bill Stefaniak, who is currently attending the Commonwealth Parliamentary Party Association's conference in New Delhi.

It is with great sadness that I have received the news ... of the untimely death of Justice Terry Connolly.

Terry and I first met when he entered the ACT Legislative Assembly after the retirement of Paul Whalan in 1990.

Terry quickly established himself as a formidable member of the Assembly. He was a most competent member and minister, serving in a great variety of roles including as Attorney-General.

He was a man of great breadth and intellect. He was a most capable opponent but always an absolute gentleman to deal with.

Terry was a caring, compassionate and friendly man and I regarded him as not just a colleague but as a friend.

Terry left the Assembly to serve as Master of the ACT Supreme Court and in a short period established himself as an extremely competent Master respected by all.

I was delighted to see him appointed to the bench of the Supreme Court where as the result of his legal ability, common sense, decency and practicality, he soon became, in my view, the best judge in the court and one of the best judges in the ACT Supreme Court since its inception.

For such and decent a capable man to be cut short in his prime is a tragedy. I will miss him immensely.

To his wife, Helen, and his daughters, Lara and Maddy, whom he loved dearly, my wife, family and I extend our deepest sympathies. Terry will be sorely missed, not only by the legal profession and his former Assembly colleagues, but by the wider Canberra community which he served so well. Our prayers are with his family in this very sad time.

Mr Stefaniak's statement ends.

Mr Speaker, I would like to add just a couple of my own comments, if I may. Very sadly, this is the second time this year that we have stood in this place to farewell a highly respected and dedicated member of our community. This is also the second time we have been reminded, in a very public way, just how delicate and precious life is. It is an enormous loss when we lose people of such calibre but no more so when you lose people in the prime of their lives. To Terry's wife, Helen, and children, Maddy and Lara, my thoughts and my prayers are with you today. I pray that you will be given the strength and courage to endure the journey ahead.

I did not personally have the pleasure of knowing Terry Connolly, but many who did have said the following about him, and, Mr Speaker, I thought it was worthy of recording some of these things in *Hansard* together today. I recognise some of his colleagues in the public gallery. Many of you have said these words so they will probably resonate with you: popular; compassionate; humble; humane; admired; respected; loved justice; a great judge; a fierce advocate for the rule of the law; ready to listen; indestructible courtesy; endless patience; enthusiastic; a very, very good man; a bright and cheerful personality; a wicked sense of humour; could get on with anyone; fair; addicted to public life; a good person; talented; decent; honourable; hard working; skilled and effective; a person of high values; a loving husband and father. These are just some of the attributes that made the man Terry Connolly.

Terry Connolly, your death indeed was tragic, but it is nonetheless important in that through your death we now celebrate your life. May you rest in peace and may your family take some small comfort from knowing that you were highly respected and highly thought of across this community, and that you gave all you could give in your short time on this earth. Thank you, Mr Speaker.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services): Mr Speaker, during his all too short life, Justice Terry Connolly made a significant contribution to the ACT for his role as a legislator, a statesman and a jurist. He will be remembered both because of his great capacity and his intellect. He served with distinction in high office in each of the three arms of government, a rare opportunity—the judiciary, legislature and executive.

Born in Adelaide in 1958 and educated at Woodville high school and the University of Adelaide, Terry Connolly obtained an honours degree in law and a degree in politics and international relations. While at university, he was active in the Australasian Law Students Association, being its national president in 1979, and in Australian Young Labor, also serving as national president in 1979. He represented Australia in international law moot competitions, and after completing his undergraduate degrees, he worked for a year as associate to Justice John Gallop, and I acknowledge Justice Gallop in the gallery today.

He was admitted as a barrister and solicitor in 1982, and he came to Canberra in 1983 to join the Department of Foreign Affairs as a legal adviser. He served as a legal adviser to the commonwealth government in a range of departments, including foreign affairs, Attorney-General's Department, veterans affairs, and the Joint House Department until 1990.

During his period in the Commonwealth Public Service he served as the national secretary and then President of the Australian Government Lawyers Association. At the time of his election to the Legislative Assembly, he was counsel assisting the Solicitor-General involved in constitutional and international law litigation, including representing the commonwealth in the High Court. He completed a masters degree in constitutional law at the Australian National University in 1988 and taught that subject on a part-time basis at the ANU.

As the Chief Minister has indicated, he was a member of the Assembly from 1990 until 1996. He came into this place in 1990 being appointed to a casual vacancy in the Legislative Assembly left by the resignation of Paul Whalan. Those who recall his time in the Assembly remember his intellectual capacity and his willingness to engage in debate. He was not afraid to make concessions in the face of a good argument, but he will also be remembered because he was able to negotiate good outcomes for the government and the territory. Even his most hardened political opponents describe him as a humanist and a quintessential lawyer.

During his time in the Assembly he also served as a member of the executive and held a range of ministerial responsibilities. From 1991-95 he served as Attorney-General—clearly his area of greatest passion. Like most ACT ministers, he had to cover a huge range of responsibility. During this time he dealt with a range of constitutional issues. Of particular importance and note was the transfer of the courts from the commonwealth to the ACT jurisdiction. He also dealt with a wide range of legal policy matters—from surrogacy, to filling the position of Victims of Crime Coordinator, to immunity for the DPP, to electoral reforms, to petrol prices. As Attorney-General he took an active interest in issues relating to the machinery of justice, at this stage becoming aware of the problems in the ACT associated with the rules of the various jurisdictions, an issue he continued to pursue closely as a judge.

As Attorney-General he was also keenly interested in law reform, encouraging the work of the Community Law Reform Commission in areas such as tenancy and defamation law reform. Later as a judge, this early involvement in these areas of evolving policy gave him a particular acuity in dealing with the social and legal dilemmas facing ordinary people. As Attorney-General, he will be remembered for his work on diversionary conferencing, restorative justice initiatives and the role of victims in criminal proceedings.

Terry Connolly was appointed Master of the ACT Supreme Court from February 1996 until January 2003. His appointment to the Supreme Court as Master of the court by the Liberal Government speaks volumes about his formidable reputation as a member of the Assembly and his intellect. As Master, he exercised the functions of a judge of the court in civil and commercial matters and presided over hundreds of civil trials and motions.

In 2001 he attended a course on mediation training at Harvard Law School and introduced a pilot mediation project in the Supreme Court to encourage early resolution of more complex cases—another clear example of his commitment to continuing the process of reform in the legal profession.

In October 2001 he was invited by the United Nations to attend a conference in Ottawa to draw up guidelines for restorative justice programs worldwide. He represented the Australian Capital Territory on a national panel developing uniform standards for the education and training of legal practitioners, and he was appointed a judge of the Supreme Court of the Australian Capital Territory on 31 January 2003. This period was continually marked by his politeness and compassion. The legal profession talks of him as bringing a freshness of approach and legal acuity.

Pursuing his early interests in court governance, Justice Connolly served as Chair of the ACT Joint Rules Advisory Committee, overseeing uniform rules for civil procedure. The completion of the uniform rules is of enduring value—a testament to his energy and leadership. He was also the regional convenor for the National Judicial College of Australia and served as ACT President of the Medico-Legal Society and president of the ACT Chapter of the International Commission of Jurists.

During his time on the bench, he added his learned voice to the body of our decisional law, shaping the law in a number of different and important ways. He was generous with his knowledge and an alert and good listener. He led by example, always encouraging the profession to do better. It is not surprising that his Honour Justice Connolly was extremely well liked and greatly respected.

It is hard to believe that this great Labor man—reformer, minister and judge—has now gone. We have all benefited through his life's work. To his wife, Helen, Dr Helen Watchirs, to his children, Lara and Maddy, to your extended family, friends and colleagues, I pay my most sincere sympathies and respects to you.

MR MULCAHY (Molonglo): I would also like to echo the sentiments of a great many Canberrans and members of this place in expressing my shock at the passing of Justice Terry Connolly, as well as extending my heartfelt sympathies and those of my wife and children to the Connolly family. I would especially like to pass on and state my appreciation of the record of Justice Connolly and his contributions to Canberra and convey my sincere condolences to his wife, Helen, and their daughters, Lara and Maddy.

It was only Sunday that we had our last conversation when we were at a barbecue recognising the contributions of our children to sport at St Clare's, where one of the Connolly children and my own were participants in netball championships. Terry was doing what he thoroughly enjoyed, and that was being with his family and recognising that achievement. We chatted about one of his keen interests, which was Australian Rules Football and his love of Port Adelaide, and his anticipation for the events of this coming weekend.

I had known Terry Connolly for some 15 years. I dealt with him in my former career when he was Attorney-General. I have said many times before this occasion that he was one of the most reasonable and balanced ministers of any party, state or federal level, with whom I had dealt throughout my political career. He approached policy and administrative matters with a strong commitment to integrity and fairness and reasonableness, and that was my abiding memory of my dealings with him through that period in the 1990s when he was Attorney-General.

Terry Connolly was a man who achieved much in his short life. At only 49 he had worked as a legal adviser in the commonwealth Attorney-General's Department and in the Department of Foreign Affairs, and he had been a member of this Assembly and had acted as Attorney-General of the ACT government. Of course, more recently he had served as an eminent judge of the ACT Supreme Court, subsequent to being appointed Master of the Supreme Court. Although his life was cut shorter than most, many would envy the significant and lasting contribution that Terry Connolly was able to make to the legal profession and to the ACT and the Australian community in general.

Terry Connolly saw the law and the political process as a means to achieve justice and social reform. His passion for the law as an instrument of achieving social reform can be seen in his paper *Lawyers as activists*, which he presented to the Australian Lawyers and Social Change Conference at the Australian National University in September 2004. In this paper, Justice Connolly recounted his experience as a young law student and his initial attraction to the idea that activism within the legal profession could achieve important social change. He also confronts his observations of the negative aspects of judicial activism head-on and explained his later view that parliaments should be the primary arbiters of social change.

Mr Temporary Deputy Speaker, he was clearly a reflective man, not afraid to temper his youthful passion with later experience, and to constantly reconsider issues of interest to him throughout his life. Yet although his views as to the means of social change may have changed with experience, his passion to achieve a better world remained constant and did not diminish.

Justice Connolly was also the patron of the ACT Young Lawyers Society, a branch of the ACT Law Society. In this role he was able to connect with newer members of the legal profession and impart his considerable skill and passion for the law to a younger generation. He was insistent that an important part of the role of older, more experienced practitioners is to act as mentors to those who have not had an opportunity to learn so much as them. Justice Connolly was an archetype of this mentoring role for young lawyers in the ACT. He gave several speeches at universities and other fora and also made the most of his opportunities to welcome new lawyers to the profession. In a speech he gave to newly admitted lawyers in the ACT in October 2006, he told the new recruits:

Whatever you do in the practice of the law, you need to remember some of the very important traditions of our profession. One that will help you is the tradition of assistance that senior lawyers give to more junior lawyers. Never be afraid to ask for assistance. Never be afraid to ask for guidance.

In offering this advice, Justice Connolly did so as a man who had himself offered considerable advice to a younger generation of lawyers. Because of his enthusiasm in imparting his skills, wisdom and passion to others, we may be sure that his legacy will live on through those he inspired and taught. May he rest in peace.

MR BERRY (Ginninderra): Thank you, Mr Temporary Deputy Speaker. My sincerest condolences to you, Helen. As difficult as it is, nobody could comprehend how difficult this tragic occurrence would be for Terry's family. For those of us that worked with Mr Connolly, we found it a lively experience. He came to this Assembly as a bright, enthusiastic young lawyer with all the passion of somebody who had just entered politics; the sort of passion that gave us in our caucus the liveliest of debates and which I think set the ACT on a productive course so far as lawmaking was concerned.

His talents were recognisable from the beginning; his ambition was noticeable. He pursued all of his interests, with a great passion. I remember the birth of his children and the difficulty that Terry had keeping his suits clean as he assisted with the rearing of these children and the round-the-office humour about these things. That is what joins us together mostly—that connection between ordinary human beings.

In party politics, there are differences which we wrestle with as adults, and there were many of those occasions where we wrestled on philosophical issues and political issues, as you would expect in a lively political environment. I remember those very clearly.

I also remember meeting Terry on occasions when he was out on his bicycle and I was attempting to run, and we had a few discussions about our respective health and how we were trying so hard to preserve it. So I suppose if there is any consolation in any of this, Terry was, at the time of his death, doing something he wanted to do. Nevertheless, the abruptness of it is extremely moving, and it reminds us all that, if we have a job in life, we ought to get on and do it with the sort of passion that Terry Connolly displayed in all of the efforts that he put into this profession as a politician and, I think, the profession he was most suited to—the law.

I do recall one example of legislation that was dealt with here in the Assembly after long debate, and that was the Mental Health (Treatment and Care) Act. It was to replace the ancient provisions of the Lunacy Act, and it was a most difficult piece of legislation to work our way through because of the well-known tensions between the medical profession and the judiciary around the issues concerning the mentally ill. My office and his office, and he and I, worked closely on this issue and his passion for human rights showed through in the development of that legislation. It is a sort of a family business these days, and something you can be proud of.

So, for all of us, we have to move on and take with us the fond memories and the reminders of what we are here to do. I think Terry would agree, we are here, with whatever our view of life is, to try and leave the place in a better state than what it was when we got here. Vale Terry Connolly.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs): Thank you very much, Mr Temporary Deputy Speaker. Many people have spoken today and in the media far more eloquently than I am capable of doing. But I wanted to just contribute to the words about Terry Connolly.

I worked with Terry Connolly for about a year as the department liaison officer. I was, of course, a public servant, and prior to that I had worked under a number of ministers. Senator Humphries, who I acknowledge in the gallery, was the minister for health at one point, as was the Speaker, Mr Berry. I had the normal public service fear of that creature called “the minister”, and I went to work for Terry at his invitation. I was struck by the niceness of Terry Connolly, and the way in which there were no status gaps between his department liaison officers, his political staff and himself. I was told on entry to the office the only time to refer to him as minister was when we were outside and on official duties. He would call me Johnno in the office and I was to call him Terry.

As the Acting Leader of the Opposition said, there have been many words spoken that can describe Terry. I actually just sat there often and looked at him and thought to myself, “How can somebody have these particular attributes that he has in such abundance?” Terry Connolly was probably the most humble man in public life that I ever had the good fortune to meet. He had no idea the affection that people had for him; no idea at all. He had no idea of the sort of man he was. He had also, I think, only a slight idea of the impact that he had in his short life over so many people and will have into the future for so many people.

I believe that I have been very, very fortunate to have known Terry Connolly. He was, for me, the most perfect political role model that you could have, and I try—most of the time unsuccessfully—to live up to the legacy that Terry Connolly gave me in his former role as Minister for Urban Services and when I worked for him as a minister. I do not hold a candle to Terry Connolly.

I will just relate one incident. I can recall in the middle of a dispute—a health dispute I think—Terry was dealing with some difficult issues with the doctors and I was the Health DLO at the time. He came to me and he said, “Johnno, we’ve got a real issue on our hands and I need some really high quality advice”. He looked at me with such seriousness that I thought, “Here it comes,” and he said to me, “Port Adelaide have been accepted into the AFL. Now, I’m a Collingwood supporter, but I was born and bred in Port Adelaide. Mate, I’m going to do something that’s never been done before—I’m going to leave Collingwood and go to Port Adelaide.” With that he bowed his head and walked away. I thought, “How can he have so much control, with the pressure and the stress and everything else that he was under, and still be such a warm and ordinary bloke?”

Like the Speaker said, I can recall, too, when Lara and Maddy would come into the office, and it was scary. You have this idea of ministerial office being about high powered decision making, and all of a sudden a little ankle biter runs past, followed by a squealing father, who was the minister, and it was just fantastic. I can remember having to change things around a bit, because Chris Grady, who was Terry’s media adviser, would say to me, “We can’t do that because the kids have got this on or that on. We’re going to have to shift it”. And he said, “But I’ll pick Terry up and then get the kids”, and it was all centred around the family life that Terry valued so much.

So, again, I am going to miss a really good friend, a truly great man, and I think that so too will the rest of the country. To Helen and Lara and Maddy, I send my sincere best wishes and those of Jenny, and the rest of us.

MR SMYTH (Brindabella): Mr Speaker, I am glad to speak after you because I think you injected into this morning's debate something that I think Terry would have appreciated, and that was simply a bit of humour. Sombre is not how I recall Terry Connolly and, whilst I know that we are all sad, I would ask you to think about some of the stories that will be told, particularly by the bench, over a glass of red over the next couple of days about who Terry Connolly really was and what he brought us. What he brought us was his love for his family, the law, the ALP, football and cycling. Whatever he did, he did completely. Whatever he did, he did not hold back.

But he did not do it with any sort of moral superiority or arrogance. For many of us in public life today, I think the true challenge is to keep your feet on the ground. And if there is one thing that we can take from the life of Terry Connolly, it is that his head might have been in the clouds in what he sought to achieve, but his feet were very much on the ground.

Nelson Mandela, in his inauguration speech as President of South Africa, said: "Who are you to be shy? Who are you to hide your light under a bushel and not strive to be the best that you can be and do the best that you can do for your community?" If any of us in this place—indeed any legislature or any part of public life—were looking for an example of what they could be, they could always look to Terry Connolly.

Perhaps in the coming days Helen will share with us his reaction when he was offered the post of Master of the Supreme Court of the ACT. As Simon so eloquently pointed out, the greatest acknowledgement of your effectiveness is to have those on the other side of the chamber steal you away from your party and get you doing something that does not impact on them in a political sense.

We have with us today two former Chief Ministers and the current Chief Minister, as well as the Chief Justice and the full court bench. Their presence represents an acknowledgement of the path that led him to the bench, which then allowed him to do so much of what he did on behalf of his community. I am sure this would have brought a smile to his face. His acceptance of that position, I am sure, would have brought a smile to the face of Gary Humphries at the time. His acceptance of the position of Master of the Supreme Court indicates that he must have thought that he could do important work there because, as a member of parliament and as Attorney-General, you can do a lot. But the path that he chose, his dedication to the law and the fullness that he sought in his life, I think, is an example to all of us.

There is a great verse in the Bible. It is from John 10:10, and it is this:

I am come that they might have life, and that they might have it more abundantly.

My memory of Terry Connolly will always be that he had abundant life, because he chose to be that way. We could all learn a lot from that. His approach to life, his

strength and his drive in delivering the changes that he wanted, as well as his willingness to listen to others, tell us that he was a complete man. He was not afraid to listen and he was not afraid to change his views after sage advice or the changing of the times. I think that perhaps we can all take a little bit from his approach.

What will I remember of Terry Connolly? I will remember that he lived every day based on what he said about himself or about other people—whether it be in formulating legislation in this place or in judgements in his court. I think that is rare. Politicians are often accused of being hypocrites, but one word that could never be associated with Terry Connolly is “hypocrite”. Every day he strove to live by his word.

Let us remember him with a light heart for that wry smile and that quick grin. I did not serve with him as you did, Mr Speaker; I did not have that honour. But whenever I met him or his family anywhere, there was always a smile. He never lost his commitment to his community.

I extend my respects and regards to his family, particularly to you, Helen, and the children. Please know that today we have seen a very rare acknowledgement of a very good man.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations): Mr Speaker, I join with all my colleagues in the chamber in expressing my deepest sympathy to Helen and to the entire Connolly family. Other members have spoken about just how much of a difference Terry made in this place and in all of his contributions to our community. I would like to highlight a couple of aspects of my involvement with Terry. I had the very great privilege of working for him for an all-too-brief time towards the end of his time in the Assembly.

Others have spoken about his great capacity to mentor younger people. I think it would be fair to say that in the time that I was involved in Young Labor and in this party in my early days, Terry was a significant figure in terms of my development in the Australian Labor Party. I do not believe I would be here today without his support through those early days and through the encouragement that he provided me over such a long time.

Others have spoken at great length about all of his significant achievements. I would like to highlight one particular aspect of legislation he was responsible for as Attorney-General in 1994: the domestic relationships bill. I believe that to be one of the most significant pieces of legislation in terms of starting the ball rolling for full legal equality for gay and lesbian Canberrans and Australians.

The work that this jurisdiction undertook under Terry’s leadership in 1994 paved the way, I believe, for the significant reforms that we have seen in the ensuing years, and he should be duly credited with not only championing those causes back in 1994 but also steering that legislation through the Assembly. Just to look at the *Hansard* report of that debate shows what a skilful Attorney-General and politician he was to be able to see that legislation through. I think the legacy of that piece of legislation is there for all to see, and all gay and lesbian Canberrans owe Terry Connolly a great deal of gratitude for that pioneering work.

In closing, I had the opportunity to participate in a triathlon with Terry last year. It was my very first triathlon, and he gave me some words of advice, Mr Speaker: that I should take it easy, that he was going to beat me, that that was how it was going to be, and that, even though he was giving me an age advantage, his superior fitness and technique would come through. That was most certainly the case. He did clearly outperform me, and I think that was a testament to his commitment in all areas of life.

We have lost a great Canberran. Words fail me a little at this point, Mr Speaker, other than to extend to Helen and the family my sincerest condolences. We can all only hope in our time in this place to be as effective and as compassionate as Terry Connolly.

DR FOSKEY (Molonglo): I think it is fitting that people who knew Terry Connolly spoke before me because I did not have the pleasure, and obviously the enrichment, of developing a personal relationship with Mr Connolly. Who knows what the future might have brought in that regard. Now, of course, the future has been totally changed. But I have had the pleasure of getting to know Helen over my years in the Assembly, so I want to speak pretty much out of my caring for her. I also want to thank and honour Terry Connolly for what I believe is his most enduring contribution to the Assembly: the Human Rights Act and the focus that we have in this territory on human rights.

I guess Googling these days is a bit like what people used to do when they opened the Bible and hoped that randomly a verse would appear which would give them direction. When I Googled Terry Connolly yesterday, what came up was his explanatory statement for his Bill of Rights, which he must have presented to this Assembly in 1994 as a draft bill. Of course, as we know, with the change in government it was put off and it was not until early this century that we actually did end up with a Bill of Rights.

But it is fitting that something that is so serious, that is so meaningful and that has the ability to profoundly impact on people's lives had such a long gestation period. I wish that we could give to all important legislation that degree of attention. But I think it was such an optimistic introduction, and perhaps it is most fitting today to actually read from words that Terry Connolly wrote. When we as a community lose someone really special and when a family loses a partner and father, we want to know that that person's contribution will endure long past them.

I do not know if it is something deeply instinctive within humans, but certainly if we are left behind we want to make sure that the contribution that person would have made is still made, and I think in the Bill of Rights we have that. The introduction to the Bill of Rights states:

This Bill of Rights is intended to set out the rights of the people of the ACT. It will provide a clear and accessible statement of rights, which can be used to guide the Government, the bureaucracy, and members of the ACT Assembly in making and interpreting laws. It will also provide clear guidelines to the police and the courts, as well as to people who are arrested or charged, of their rights and responsibilities. It will give members of our community the ability to have

existing and new laws interpreted in line with this statement of rights and freedoms. The Bill of Rights will encourage a recognition in the community of the balance which must be struck between the rights of the individual and the interests of society as a whole.

Apparently there was an issues paper tabled in the Legislative Assembly and subjected to intensive consultation through December 1993 onwards. It is interesting to note that the ACT was the first jurisdiction in Australia to have a Bill of Rights, but if Terry had had his way we would have had one an awful lot earlier and it would have been perhaps rather different—or a little different.

He keenly followed up his interest in this area with his speech “Lawyers as Activists”, which I think Mr Mulcahy referred to. One sees that when Terry was a politician, he tried to change society for the better and, when he was a lawyer, he saw that as his principal role as well. He kept a very keen watching brief on the Human Rights Act. He also cautioned that the act should not see the creation of Canberra judges as social activists, but should provide a useful forum for citizens, individually and collectively, to lobby and influence government policy and decision makers.

I guess it is that interest in the Human Rights Act and the charter that makes me realise what a wonderful relationship Helen and Terry had. It is not for me to judge, of course, but two people sharing a passion is a most wonderful basis for a relationship. I can only imagine how much his loss will be felt, but I am also aware that, because of that relationship, Terry’s work will go on. But that is not the only reason for the Human Rights Act to continue. It is very important legislation that must inform all our debates. It is the way that we actually embody Terry’s work in the work of government and all who work with it and for it.

The Greens extend their deepest condolences to the family, and within those condolences is the deepest admission that we have benefited hugely from the way Terry directed the energies in his life towards his community.

MS PORTER (Ginninderra): I want to add my condolences to those expressed earlier in this place to Helen, her children Lara and Maddy, and to your whole family. This year, Mr Speaker, we have had other reminders of how brief our sojourn on this earth can be. Again we stand to farewell another valued friend and colleague in Justice Terry Connolly—a friend who I have known for many years, a friend who has gone from us far too early.

Our loss, however, is minuscule compared with yours, Helen, and your family and that being experienced by his colleagues who are here with us today who worked with him on a daily basis in the courts. Unless we have experienced a direct loss of this nature ourselves, we cannot begin to imagine how it feels and how it can be endured.

I thank Terry for his friendship and for his wonderful contribution to this community, particularly in the area of human rights and restorative justice. I feel very fortunate to have known him. I know I am not alone in saying that it is, yet again, a signal for us to make every day count. My condolences, Helen.

Question resolved in the affirmative, members standing in their places.

Sitting suspended from 11.25 to 11.42 am.

Petitions

The following petitions were lodged for presentation:

Tharwa bridge

By **Mr Pratt**, from 264 residents:

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

1. This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the community of Tharwa are suffering financial and emotional effects as a result of the Stanhope Government's failure to:
 - a) erect a temporary low level crossing to provide immediate, safe access across the Murrumbidgee River;
 - b) expedite the replacement or refurbishment of the Tharwa Bridge;
 - c) ensure the retention of a primary school in Tharwa Village.
2. Your petitioners therefore request that the Assembly act to ensure that the Stanhope Government give assurances to the community of Tharwa that:
 - a) they move immediately to erect a temporary low-level crossing in order to bring immediate relief;
 - b) immediately re-examine the feasibility of refurbishing and making the existing bridge safe for at least light vehicle traffic;
 - c) if b) is not feasible then, that the Tharwa Bridge replacement will occur on time and on budget;
 - d) the Tharwa Preschool will remain open despite a lack of enrolments caused by poor access to Tharwa.

Taxis

By **Mr Pratt**, from 128 residents:

To the Speaker and Members of the Legislative Assembly of the Australian Capital Territory.

This petition of certain residents of the Australian Capital Territory draws to the attention of the assembly that:

1. The ACT taxi industry is in crisis.
2. At 7.45 am on Monday 23 July only 87 of Aerial's 228 cabs were on the road, at which time there were 197 outstanding jobs. Aerial's CEO said that "The difficulty in servicing peaks was not caused by a shortage of taxis but by a shortage of drivers."

3. The average ACT taxi driver, working Monday to Friday from 4 am to 3 pm (excluding public holidays), is lucky to average more than \$350 per day on the meter, over the course of a year. Half is paid to the taxi owner, then after GST is paid and award conditions considered, it equates to a permanent pay rate of less than \$9.00 per hour.
4. Action bus drivers' pay rate is approximately \$26 per hour and the government subsidise Action by tens of millions of dollars per year because they cannot run at a profit.
5. The ACT government raises \$800,000 per year by leasing out 40 taxi plates and puts very little back into the industry.
6. After the recent fare increase fare rates for ACT taxis (set by the government) are back to approximately what they were two years ago when the booking fee was scrapped.
7. Over the last two years running costs for ACT taxis have increased by up to 50 per cent and ACT housing rental prices have increased by up to 50 per cent.
8. The lack of drivers means many drivers are working double shifts of up to 18 hours per day and this is putting at risk the safety of the ACT public.

Your petitioners therefore request the Assembly to pass a motion to:

1. Increase the flag fall and fare rates for ACT taxis by 50 per cent.
2. Allocate all government monies raised by the leasing of taxi plates, to subsidise taxi fares for ACT residents who are disadvantaged or on low incomes.

Chickens—battery hens

By Dr Foskey, from 1387 residents:

To the Speaker and members of the ACT Legislative Assembly

In the ACT 250,000 hens live in battery cages. A battery hen lives in less space than this A4 piece of paper; she cannot spread her wings and the end of her beak is cut off. Please stop this animal abuse by effectively banning the production of battery eggs in the ACT.

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

Road safety and driver education

MR GENTLEMAN (Brindabella) (11.43): I move:

That this Assembly:

- (1) recognises general community concern over road safety;
- (2) acknowledges the reduction in accidents on ACT roads, particularly among provisional licence holders; and
- (3) calls on the ACT Government to investigate ways to implement a points reward scheme for those who undertake further driver education courses.

Learning to drive or ride safely and competently is a once only investment for a lifetime of safe motoring. Learning to be a road user is not a right and it is certainly not a given. It is a responsibility and a very, very serious one at that. It must be taught under the correct guidance, with competent instructors who ensure that future drivers understand the responsibilities associated with holding a licence.

The ACT community is aware of the importance of road safety. We are continually reminded of the dangers on our roads through state and territory and federal government road safety campaigns. We are reminded every day by stories in the media that our roads can be very dangerous places, not just for the drivers but for passengers and pedestrians as well. Many of us cannot believe some of the accidents we hear about on our roads, but they do happen.

I wish to begin my comments with an example of public awareness of road safety. In a series of letters in the *Canberra Times*, a number of ACT residents made clear their various concerns over road safety. Writing on 2 January, Len Goodman pointed out:

While sound road conditions should be a given, and evidence of a police presence along the way to catch or deter dangerous drivers and not just speedsters would make a difference—let's get down to basics. The police don't drive our cars—we do. It's our hands on the wheel and it's our foot on the pedal! Until we drivers take more responsibility for our own actions and for the safety of our families and others on the road, no amount of big-stick penalties and better roads will on their own reduce the road toll.

The vast number of different issues raised in other letters, including red light camera infringements and the necessity for changes in general driver attitudes, indicate the high level of community concern over road safety.

In approaching the issue of road safety, the National Road Safety Strategy for 2001-10 written by the Australian Transport Council offers a comprehensive outline of the task at hand. The report states:

The Australian Transport Council, which comprises Federal and all State and Territory Ministers with transport responsibilities and includes an observer from local government, has adopted this National Strategy.

In Australia's federal system of government, road safety strategy and policy measures are principally driven by the States, Territories and local government who conduct their own comprehensive programs. The Commonwealth role is to collate statistics, conduct and coordinate research, fund National Highways and

the treatment of black spots, regulate new vehicle standards and monitor vehicle safety recalls, and facilitate the sharing of ideas among stakeholders. Accordingly, this Strategy has been developed as a framework document which recognises the safety plans of the Federal, State, Territory and local governments and other organisations involved in road safety. Individual governments will continue to develop and implement their own road safety strategies and programs consistent with this Strategy but reflecting local imperatives.

The National Road Safety Strategy aims to dramatically reduce death and injury on Australian roads. Road crashes are a major cause of human trauma. There have been over 163,000 road fatalities in Australia. In addition to the burden of personal suffering, the monetary cost of crashes has been estimated to be in the order of \$15 billion per annum ...

This improvement has come at a price in terms of money and social responsibility. The Australian people have been asked—and have agreed—to pay for safety in vehicles and for better roads, and to accept tougher regulations and enforcement measures. Most importantly, people have heeded the call to drive more responsibly. Australia achieved significant reductions in the road toll in the early and mid 1990s but since 1997 the road toll has remained constant. There is much more that we can and must do. Some other developed nations are achieving fatality rates of just 60% of our rate and these nations are working towards further ambitious reductions.

Our target is to achieve a 40% reduction in the number of fatalities per 100,000 population by 2010. It is a difficult target, but an achievable one. Achieving this target will save about 3,600 lives over the next 10 years. It is a target that will require strenuous effort by all parties involved in road safety. In addition to our own transport agencies we therefore ask for the continuing support of road users and user groups, the media, police, health care providers, schools, local government, vehicle builders, employers and the wider community.

The challenge is to move our thinking from ways to limit the toll to how to create a genuinely safe road transport system, and to work out how to achieve such a system.

Having mentioned the community's awareness of the importance of road safety and the national strategy plan to address it, I would now like to bring it closer to home. A study conducted by the NRMA-ACT Road Safety Trust in May of 2007 compares the amount of driving done by ACT drivers in NSW with that done in the ACT itself. In its summary, the report states:

The ACT's impressive road safety record is often attributed to its well designed road network. However, many ACT residents regularly travel in NSW. Previous studies by ... NRMA-ACT Road Safety Trust have found that as many fatal crashes involving ACT vehicles occur in NSW as in the ACT and that high numbers of ACT vehicles are involved in injury crashes in NSW (although fewer than in the ACT ...

That information was obtained by Imberger, Styles and Cairney in 2005. The summary continues:

The main findings are set out below.

- ACT vehicles have the highest percentage of kilometres travelled interstate out of all Australian states and territories (22 per cent of total vehicle kilometres travelled).
- Interstate travel by ACT vehicles is four times the national average.
- An annual average of 19 per cent of total kilometres travelled by ACT vehicles occurs in NSW—equating to 86 per cent of interstate travel by ACT vehicles.
- ACT vehicles were 2.6 times more likely to be involved in an injury crash in NSW than in the ACT per vehicle kilometre.
- NSW vehicles were 1.3 times more likely to be involved in an injury crash in NSW as ACT vehicles in NSW per vehicle kilometre.
- ACT vehicles were 3.3 times more likely to be involved in a fatal crash in NSW than in the ACT per vehicle kilometre.

Why do I mention these statistics, Mr Speaker? The answer is simple: we are safer drivers compared with our crossborder counterparts.

My fellow Assembly member Mr Pratt has often talked about provisional drivers and said that the ACT should inflict greater restrictions upon them. Mr Pratt has sent out many press statements calling on our government to do more to infringe on the rights of young drivers. Mr Pratt, it could be said, has a cynical view of young drivers—that they are reckless and dangerous to have on our roads. I seek leave to table a statement made by Mr Pratt dated 24 October 2006.

Leave granted.

MR GENTLEMAN: The statement reads:

The incidents of multiple deaths and injuries in P-plate driven vehicles are trending up across the country. Here in the ACT there have been a number of accidents resulting in too many deaths and injuries.

Through you, Mr Speaker, I am not too sure where Mr Pratt is getting his information from, but I believe it is incorrect. A report by the Australian Transport Safety Bureau in July this year states that between August 2005 to July 2006 and August 2006 to July 2007, there has been an 8.6 per cent reduction in road deaths of people between the ages of 17 and 20 years and a 17 per cent reduction in road deaths of people aged 21 to 25. I am no mathematician, but I believe these figures clearly demonstrate a downward trend.

I am sure Mr Pratt will be able to counter the ATSB report with some evidence that accidents causing deaths among young drivers in ACT are on the up. Mr Pratt has said that there are a growing number of incidents of reckless driving among P-platers here in the ACT. Again, I disagree. That statement is attached to the previous statement by Mr Pratt that those numbers are going up, which was tabled.

A report titled *Has road ready made a difference?* by Steer Davies Gleave from South Australia is an independent evaluation of the ACT novice drivers safety program. The report shows that there has been a steady reduction in the number of infringements by provisional drivers licence holders since the implementation of the program in 2000.

Between August 1998 and July 1999, prior to the implementation of the road ready course, 5,375 provisional drivers licences were issued in the ACT. During that time, 5,735 infringement notices were issued to provisional drivers. That is the equivalent of 1.07 notices per licence. Between August 2002 and July 2003, 5,905 provisional licences were issued. In the same period, 1,728 infringement notices were issued to provisional licence holders. That is a 75 per cent reduction since the implementation of the road ready course. These figures speak for themselves.

I will admit that reckless driving does happen. There are reckless drivers out there. But the point I wish to make is that they are not only P-plate drivers. There are other drivers on the road. In fact, provisional drivers in the ACT make up approximately 15 per cent of all drivers. When Mr Pratt critiques so heavily provisional licence holders, is he implying that older drivers are okay, that older drivers do not drive recklessly and that they do not break the law?

Mr Pratt paints the picture that provisional drivers licence holders in the ACT are the only people on the roads that cause problems. Perhaps Mr Pratt should listen to his colleague Mrs Dunne, who in a press statement was quite clear in her position that we should not be taking a punitive mentality towards young drivers.

What about young drivers with children? What about drivers that work the late shift at the supermarket or the fast food outlet? Are you saying that they cannot drive after dark because you think they are reckless, Mr Pratt? Do you want the ACT government to tell them that, even though they have proved that they can drive a car at a competent and safe level, even though they have gone through a competence based driver training program and achieved the glorious feat of obtaining a provisional licence, the rest of society does not think they are fit to drive on the roads with the rest of us? Mr Pratt would like the ACT government to penalise young drivers even before they have a chance.

The ACT has a sensible approach to driver education. The territory has moved forward to competency based training. As mentioned before, the road ready course, which has been running for seven years, has been yielding good results. The ACT government's road ready plus course—more commonly called the P-off course—is also a positive step in furthering driver education for our provisional drivers.

I would like to refer back to the report of the Australian Transport Safety Bureau. I quoted figures earlier showing the vast percentage of reduction in road deaths by younger drivers. From the same report, I inform the Assembly that during the period of August 2005 and July 2006 and August 2006 and July 2007, the same period mentioned before, there was a decrease of 0.5 per cent in road deaths of 26 to

39-year-olds. This is a good thing, but this is where the statistics become worrying. There was a 7.4 per cent increase in road deaths in the 40 to 59 age group. Furthermore, there was an 8.3 per cent increase in road deaths of those aged 60 years plus. Comparing these statistics with those of young drivers over the same period shows that, in fact, there was a reduction in road deaths of younger drivers.

The current trend of beating the road user into submission is not working, as there are still too many crashes across the territory. Fortunately for us, the majority are not fatal. As members would be aware, the trend to more energy efficient transport is gaining impetus, and the crash rates for motorcyclists have also decreased overall.

The ACT Labor government, under the auspices of the Minister for Territory and Municipal Services has, through the NRMA-ACT Road Trust, invested \$35,000 over the last three years in the community organised voluntary training, which has seen a steady improvement in crash rates for those motorcyclists.

My motion calls on the ACT government to reward road users with extra points for the completion of further driver and rider education. I propose the awarding of two additional points for the successful completion of an accredited vehicle control and road craft awareness course. I encourage members to support this motion, and call on the ACT government again to lead the nation.

MR PRATT (Brindabella) (11.58): The opposition welcomes the opportunity to speak in the debate on this motion today. We recognise the growing community concern over road safety. Today we have had presented to us data, which Mr Gentleman says runs contrary to the consistent feedback from other jurisdictions, on the rates of accidents and who is involved in those accidents. Again, we see this selective spinning of data in order to present a rosy picture about the government's wonderful performance in maintaining safe roads in the ACT. We are not getting a comprehensive analysis of that data. Also, the presentation we have had here this morning ignored the evidence that the community is concerned about the rate of accidents and the rate of bad driver behaviour here in the ACT.

Mr Gentleman: What evidence?

MR PRATT: I heard you chaps in total silence, so let us see if we can reciprocate, shall we? What we see here is a total ignorance of the concerns expressed by the public and of some of the more extreme examples of bad driver behaviour. A young driver killed an elderly lady—a driver who may well have been drug affected. A young P-plate driver belly flopped his car into somebody's swimming pool late at night. We have seen drag racing down Sturt Avenue, resulting in serious accidents, as well as many other examples of extreme driver behaviour. Concerns expressed by the community about the growing incidence of road rage would indicate that this government is still not doing enough to make our roads safe. The government, as one of its many duties of care, has a responsibility to do that.

We heard Mr Gentleman talk this morning about P-plate drivers. P-plate driver incidents involving deaths of drivers and multiple passenger loads are increasing across the country. Across the country, there have been statistics and strong information that P-plate driver deaths, and multiple passenger deaths as a

consequence of those things, have been increasing in the last five or so years. You cannot ignore that. We have had the selection of an element of statistics to try and prove that there are no problems. To ignore telling this Assembly what steps and measures the government has put in place to make our roads even safer, particularly for P-plate drivers, is an absolute abrogation of your responsibility. You are ignoring issues which are of deep concern to ACT residents.

If young adult, fully licensed drivers are behaving recklessly, as the anecdotal evidence proves, it begs the question as to whether our driver training and P-plate driving are adequately preparing learner drivers to learn and to accept their responsibilities when they are licensed. The P-plate debate is clearly a sensitive debate and it warrants further deep analysis. Contrary to what Mr Gentleman said here this morning, in quoting me, the opposition has not put out a P-plate driver policy stating that young P-plate drivers cannot drive to work at night because they are P-plate drivers. We have never put that out as a policy. We have asked the government whether it has noticed that other jurisdictions are analysing those possible policy or regulation changes and, if it has, what it thinks of that.

That is what we have always said. We have said: "Have you noticed that the New South Wales and Victorian governments are concerned about the rising rate of accidents, particularly fatal and serious accidents, among youth?" I am referring not only to P-plate drivers but to young adult drivers who have just got off their P plates. We have said: "Have you noticed that other jurisdictions have taken measures and what do you think about those measures? Some of those measures may warrant looking at. Some of those measures may be meritorious. Do you agree with that and what do you think about that? If you don't think those measures are meritorious, what measures might you put in place to make our roads safer for P-plate drivers and younger drivers?"

The opposition are deeply concerned. We are analysing the issue, and our analysis will involve consultation with P-plate drivers and peak bodies. It is consultation that this government has consistently failed to undertake on a regular basis. Mr Gentleman made the statement that I have said that P-plate drivers are the only drivers who cause accidents in the ACT. What a load of bunkum! We have expressed concern about P-plate drivers because we care that our young people are not properly prepared to drive and to take responsibility to care for their passengers. We care about that, so we have raised the issue. You misinterpret that as the opposition picking on P-plate drivers. You are misleading the public when you say that the opposition is only concerned about P-plate drivers and that they are the only drivers contributing to accidents.

We have never said that; nor have we demonstrated that. We have focused on youth driving and P-plate driving because we are concerned that our drivers are not properly educated, trained and prepared to accept the responsibility to drive as licensed drivers on our roads. That is what we have said. You, Mr Gentleman, have misled the public on what our position is. We will continue to look at the P-plate driver issue.

Let us look at driver training. The recommendation from the NRMA is that it does not support advanced driver training, which you talk about from time to time. It has said that while "it seems logical that more training would help to reduce crash rates of

P-plate drivers, the evidence is clear that it does not help". The NRMA has said that. The NRMA recommendation about driver training, we suspect, is made for the following reasons. The NRMA has made the statement that the problem is that P-plate drivers, particularly boys in that age range of 17 to 19, think of themselves as being bulletproof. I thought I was bulletproof at that age; you all did. That is just a natural part of growing up.

A little bit of additional advanced training at that age can be more dangerous than useful. If you put a young man onto a driver training course and invite him to let loose in his car under speed conditions and then try and recover, that is an enjoyable pastime. It does not necessarily prepare him to become a better driver. So the question is: are we properly preparing these young drivers? Are we giving them sufficient time in the saddle, so to speak, or are we, when they are still at a relatively young age and immature in terms of accepting responsibility for high powered machinery, perhaps giving them a little bit too much, too early?

I would like to quote to you, Mr Gentleman, and to you, minister, an interview conducted by Ross Solly with Professor Danny Cass, from the Royal Australasian College of Surgeons. He was talking about this phenomena of young drivers getting injured, particularly between the ages of 17 and 19. He said: "Look, we surgeons want a uniform learner driving age of 18, not 17 or 16 and 10 months, but 18." They say it will save lives and that it will also improve their attentiveness. Seventeen-year-olds apparently have a problem with the frontal lobe of their brain. This was an analysis of the learning ability and maturity of young men. The professor went on to say: "The evidence is that the brain is not fully maturing at the age of 17. They actually keep maturing up to the age of 25 in males and 23 in females." Females are ahead of us, and now we know why. They found that it was a particularly difficult age for skills to be taught at that time.

Mr Gentleman, so that you do not mislead the public on this, the opposition does not propose that driver training not commence before the age of 18 but, in terms of analysing what is important in ensuring that our young drivers are fully able to accept all the responsibilities of being a driver, you cannot ignore this evidence. It has to be factored in to looking at what is going on. The college of surgeons makes the point that, if you teach young people too early, you may be putting them in danger.

The other point is this: young drivers need to have sufficient time in the saddle, so to speak. You do not simply reward young drivers and allow them to shortcut their training because they may have impressed the instructor. You have to give them time in the drivers seat, under supervision, during those immature years, to properly prepare them. The opposition is asking questions about that. You cannot ignore that evidence. We are saying that we do not think any jurisdiction in this country has given proper attention to that aspect. Those are fundamental issues.

Let us look at a couple of other issues. We have talked time and again in this place about random drug testing perhaps being an important facet of a safe driving regime in this jurisdiction. In Victoria, they have moved fully into a random drug testing policy. In New South Wales, they are very close to doing that. The opposition in this place has provided you with the evidence to suggest that it is very important to urgently trial the concept and mobilise a policy here in the ACT. There is growing

evidence across the country that too many young drivers, and indeed too many middle aged drivers—even drivers in their 30s and early 40s—are driving while drug affected. There is no getting away from it. Recreational drug taking is, unfortunately, on the increase in our society. Therefore, that must mean that too many drivers are driving while drug affected. We do not see a millimetre of movement on this government's part to address this issue. With respect to speed cameras, I quote what Mr Hargreaves said in 1999:

Mr Speaker, the Labor Party is supportive of any program which would reduce the number of accidents on our roads. However, we do not want to see revenue from these initiatives going straight into consolidated revenue. We do not want to see a repeat of the insurance levy. It reaped \$10 million. Emergency Services got \$1 million, and \$9 million has gone into the black hole. We do not want to see that happen with the \$2.5 million ...

I suppose he means collected from the speed cameras. He continued:

We want this revenue to be spent on improving our roads and on introducing new driver behaviour schemes. We will be watching the Government to ensure that the windfall from these cameras actually has an impact on enhancing our road safety.

He said that in 1999 when in opposition, whilst criticising the then government. What do we have now? We have exactly that. How is that for hypocrisy of the highest order?

Mrs Dunne: Mr Hargreaves, the revenue raiser.

MR PRATT: Mr “Revenue Raiser” himself. The installation of speed cameras on the Tuggeranong Parkway, the Barton Highway and the Monaro Highway are part of a revenue raising regime. They are not measures to increase road safety. If we were installing fixed cameras to try and avoid deaths, we would be placing those at black spot sites. I refer, for example, to Long Gully Road, about a quarter of a kilometre east of the junction with Yamba Drive, where in the last two years three motorists have been killed on sharp bends. That is a very good place for a fixed speed camera. If drivers are brought down to about 70 kilometres per hour on those S-bends, you might save lives. Why aren't our fixed cameras going into places like that?

We are not impressed with Mr Gentleman's motion today about road safety because, as I have just outlined, there are many measures which should have been taken and have not been taken to improve road safety. (*Time expired.*)

MR SPEAKER: Before I call Dr Foskey, I draw members' attention to the Weston Creek Ladies Probus Club, members of which have joined us in the chamber today. Welcome!

DR FOSKEY (Molonglo) (12.14): It is great to see any efforts to reduce the number of accidents. Of course, public focus is particularly on the high-risk group of P platers. I think there are other issues in relation to road accidents in the ACT which need addressing. We all know that, in an ideal society, the best way we could prepare young drivers would be to put them, from a very early age, in a car in a paddock—a

paddock with very few trees and with soft fences. Unfortunately, that is not available to us all.

The second-best way is for parents and other experienced adult drivers to make themselves available to give unlimited hours of practice to our young people. Unfortunately, in this society, where everyone is so busy, that is not available either. The third way—and this is why I will support the motion—failing the availability of those two ways is to provide driver education courses. I am not so sure about the merit of giving extra reward points, but if it increases the take-up by young drivers then this is a very good thing.

As the parent of a child who has very recently gained her P plates, and after paying many hundreds, if not thousands, of dollars in driving lessons for her, I do share a lot of the concerns, but I note that the education she has been given does emphasise caution, and I have put my faith in that. I have anecdotal concerns about some of the driver education that is available. I would like to look into how we police somebody becoming a driving instructor. Amongst my daughter and her friends there have been examples of some very inappropriate remarks and actions by driving instructors. I am not referring to the bulk of them, and obviously not to the ones that we have stuck with, but this is something that needs to be addressed.

We are a city in which the gaining of a licence and the consequent gaining of a car is a rite of passage. We should aim at all times to reduce the need for young people to own cars. It is a very difficult thing for busy parents to do, when we are unavailable to drive our kids around all the time. We might find ourselves unwillingly supporting the child in the purchase of a car, whether that is with dollars or with advice. The first way to reduce the number of accidents is by reducing the use of cars.

I have a whole range of statistics here. I asked the government for a breakdown of fatalities and injuries in road accidents. While the statistics show that a number of pedestrians and cyclists have been killed, I would almost bet my boots that those people died by interacting with a car, and not in a very good way either. Car driving plays a very large part in accidents in the ACT. It is concerning that pedestrians have died or have been injured in the numbers that they have, and those are the issues that I will address here today.

I believe that we need better pedestrian and bicycle facilities in the ACT. I know that these are now on the increase, but we still have suburbs which do not have adequate paths where people can walk. Road safety matters do not relate exclusively to people behind the wheel of a car. People might recall that in August this year, after the tragic death of an elderly woman who was trying to cross Commonwealth Avenue, I raised the issue of the “walkability” of Canberra and how the area around our major tourist attractions in particular needs to be made more pedestrian friendly.

Visitors to our city do not know, when they leave Civic to walk to Parliament House, as many of them do, the distance involved. When I used to ride my bike from Yarralumla across Commonwealth Avenue bridge, I frequently answered questions like, “How far is it to go?” from exhausted tourist pedestrians. Unless Floriade or other major events are being held, there are no traffic lights and no potential to be able

to cross Commonwealth Avenue—this is a matter for the NCA, I think—between the Hyatt Hotel and the corner there and London Circuit in Civic.

Mr Hargreaves: It has been knocked back.

DR FOSKEY: It is a really big issue and somebody doing that has already died. I think we need to put a little bit more pressure—

Mr Hargreaves: It has got the underpass.

DR FOSKEY: An underpass is good but we are talking about a couple of kilometres, and that is a long way for a lot of people to walk. You cannot always see cars coming around the bends. You can start to cross that road and find yourself in the middle with cars coming.

A constituent contacted my office recently regarding the lack of footpaths in Red Hill, which he believed was affecting his elderly parents' ability to walk in the area around their home. I thought Red Hill was one of the suburbs that was well-supplied with footpaths, but apparently not. Even though drivers might be driving—

Mr Hargreaves: On a point of order, Mr Speaker: I do not wish to interrupt too much but Dr Foskey has a question about that very issue on the notice paper. I think it is No 1698 and it is about the Red Hill footpath issue. I ask you to let Dr Foskey know what the rules are; she can make the point but she should be careful not to break the standing orders.

MR SPEAKER: That is not a point of order. It might be a point of debate.

Mr Hargreaves: You can't debate something that is on the notice paper.

DR FOSKEY: I am not debating it; I am mentioning it in passing. There are plenty of other examples. Certainly, one of the issues that I noticed when I was living in the salubrious suburb of Yarralumla, which, as we know, has an ageing population, was the slow pace at which elderly people cross the street. They are extremely vulnerable to cars coming around and cutting the corner. I have seen it; I actually stopped the traffic to help one very elderly lady who I often used to encounter at the corner of Schlich and Novar streets, to make sure that she could cross the road safely. We have an ageing population; we need to make our city safer for pedestrians and we need to understand that some of them cannot speed up.

We have also had concerns raised about street lighting not functioning. Although this might seem innocuous, and something that can be fixed in time, it is an issue in relation to climate change. However, there are low wattage street lights which can be, and are being, taken up by many governments in their replacement program—

Mr Hargreaves: And us.

DR FOSKEY: Including the ACT, I am assured. We need to make sure that people can walk safely around the streets and that they are visible to cars. There is that point

about visibility. Of course, there is also the issue of safety and people's security and protection from attack.

While ordinary and P-plate drivers may be improving their driving, there are still worrying instances of dangerous driving resulting in accidents. I need to refer here to police chases. People will remember an article by Jack Waterford this year in which he noted that an accident will occur in one in 10 police pursuits and that a casualty will occur in one in 25. So we cannot leave issues like this out of a discussion on road safety, either.

In March this year, I supported the Road Transport (Safety and Traffic Management) Amendment Bill 2006 (No 2), which increased the maximum penalty from six months to two years for offences where the driver had not stopped to help in accidents occasioning injury or death. I thought this was a positive bill because intervention after an accident may save somebody's life, and that is really important. It is really important that we have a system where people are prepared to take responsibility if they are involved in or witness an accident.

The government's report and 10-year master plan regarding cycle and pedestrian infrastructure encourage walking and cycling as preferred means of transport. I am advised that improvements to infrastructure will commence in this financial year. That is admirable, and it was good to see community consultation in the preparation of that plan. I know that Pedal Power is quite happy about it. But have the proposed improvements commenced yet? Will there be studies into how much improvement is made to safety once these changes are complete? We need to monitor whether the changes we are making have the impact that we desire.

I support Mr Gentleman's motion but I think the first thing we need to do to prevent accidents is to provide alternatives to young people using their cars.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.24 to 2.30 pm.

Questions without notice

Civic library

MRS BURKE: Mr Speaker, my question, through you, is to the Minister for Territory and Municipal Services, Mr Hargreaves. Minister, in late February 2007, the Civic library was closed as a consequence of a severe hailstorm that swept through the north of the ACT. It took an extraordinary period of five months before the library was reopened in mid-July 2007. Minister, why was the main entrance to the Civic library closed from Monday, 17 September 2007?

MR HARGREAVES: Thank you, Mr Speaker. I thank Mrs Burke for the question. With respect to the former closure, Mrs Burke is quite right. It was caused by storm damage. However, I have said in this place before—so I am just going to have to reiterate it, I suppose—that the library is a tenant in that building of the Cultural Facilities Corporation. They are the building managers, if you want. They were the

people who organised the contract to do the repairs to the roofing, ducting and all the rest of it, and we were just dependent on their activities under the contract. I am not aware of why the main entrance was closed on that date. I will find out and get the information back to the Assembly.

MR SPEAKER: A supplementary question from Mrs Burke.

MRS BURKE: Thank you, Mr Speaker. Thank you, minister. While you are at that, minister, you could perhaps find out what prevented the planning and undertaking of the project of the main door to the Civic library during the five months that the library was closed. Thank you.

MR HARGREAVES: Again, Mr Speaker, I can only reiterate my earlier comment. We are just tenants of the Cultural Facilities Corporation.

Roads—speed and red light cameras

MR PRATT: My question is to the Minister for Territory and Municipal Services. Minister, in 1999, during a debate about speed cameras, you said:

The ACT should set the standards with speed and red light cameras for the rest of the country. We should learn from the problems of those other States and ensure that they do not occur here. There is a lot of dissatisfaction with speed cameras in the States, and I would hope that when the regime here is evaluated we will take into account some of the problems that have been encountered in those States.

What have we learned from other states and why are we seeing the same level of dissatisfaction, if not more than other states?

MR HARGREAVES: I actually attended a meeting just the other night and talked about speed camera issues. In a sense, I road tested the opinion on the new cameras, the mobile speed cameras and the red light and speed cameras at major intersections. I had 100 per cent feedback on it—all of the same view. The view was this: when people get caught going through any kind of speed camera at all and they get pinged, they are actually breaking the law. Everybody at this particular meeting said to me that if people do not go and break the law then they do not end up with a speeding ticket. They had absolutely no difficulties with it at all.

We have in the ACT different types of cameras, as many members would know. There are the mobile speed cameras, and they come with no notice at all—they just appear. They appear in locations which are determined by crash records and speed surveys, but they just appear. We also have police officers with radars, and they do exactly the same thing—they appear without notice.

The red light speed cameras at intersections are very well signposted. Notwithstanding that, there is a significant amount of speeding and running of red lights at the Northbourne Avenue and Antill Street intersections—significant. They are adequately signposted because those signposts are according to the standards. They are repeated elsewhere interstate, yet many people still continue to speed through that intersection and go through the red lights.

The signage which is out there at the moment with respect to the latest type of speed cameras is not available to the public when they come across mobile speed cameras and not available when they come across police officers. The signage, from memory, is about 400 metres and 100 metres from the actual cameras themselves. That is from my own testing of the one on the parkway.

The location of these cameras is determined, as I said, by a speed survey. People who travel on the parkway, for example, would know that they go across the little strips of plastic and that actually registers the speed. The highest speed determined across that particular area was 228 kilometres an hour, and the mean was, I think from memory, around 116 kilometres an hour for at least 15 per cent of the vehicles surveyed. There were about 16,000 vehicles assessed over the period and half of them were speeding.

What lessons have we learned? We learned that just having the one type of mobile speed camera was not going to change driver behaviour sufficiently. That is why we ended up with the red light speed cameras at the intersections. We also felt that we needed to have a more visible deterrent. We want people to slow down, so cameras are being installed on the high-volume, high-speed highways, with signage.

There has been some comment in the media recently about the actual signage. I can advise the Assembly that I have instructed the department to change the signage to make sure that it is consistent with those signs in New South Wales. So if members wish to find out what they look like, they can go along Lanyon Drive on the way to Queanbeyan, because there is a big speed camera on a pole there. It is in the high-volume, high-speed area. We are actually merely going along with the national trend.

MR PRATT: Thank you, Mr Speaker. Minister, will you make public the methodology and crash data used to justify the placement of fixed speed cameras in the ACT?

MR HARGREAVES: Mr Speaker, I am just seeing whether I have it about my person, because, if I do, I am quite happy to advise the chamber. With your indulgence, I will just look again. Mr Speaker, in Tuggeranong, the Monaro Highway near the Hindmarsh overpass, the speed limit there is 100 kilometres an hour. The highest speed recorded was 236 kilometres an hour. At Hume—

Mr Pratt: What about the crash data? What about the cash data from that area?

MR HARGREAVES: Mr Speaker, I am trying to answer Mr Pratt's question. If he would just hold his horses and hold his water, he will find out a few things. Now, at Hume, in an 80-kilometre zone, the highest speed recorded was 156 kilometres an hour; Tuggeranong Parkway, near the Hindmarsh overpass, the highest speed recorded, 223 kilometres an hour; near the Cotter Road overpass—which is the one that I presume Mr Pratt would know, I guess—228 kilometres an hour; Gungahlin, the Barton Highway between Gold Creek Road and Gundaroo, highest speed, 199 kilometres an hour. Mr Speaker, these are significant high speeds. As I said, crash data and high volume, high speed. The Tuggeranong Parkway at Hindmarsh Drive—

Mr Pratt: On a point of order, which relates to relevance, Mr Speaker. The question was: where is the crash data, not where is the speed data? We know about the speed data. The question is: where is the crash data to support the installation of those fixed cameras?

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

MR HARGREAVES: Mr Speaker, Mr Pratt is talking about the placement of these things, and I am giving him the rationale, like he asked. Now, Mr Pratt says he knows all about those very significantly high speeds. I do not see how he could possibly know about them—because I have only just received the information myself—unless he is one of the people doing 200 kilometres an hour! It could be, old Speedy Gonzales over there.

MR SPEAKER: Just come to the subject matter, Mr Hargreaves.

MR HARGREAVES: Mr Speaker, the crash data for the Tuggeranong Parkway, Hindmarsh Drive to the Cotter Road—

Mr Seselja: I don't think you want to be throwing stones in that area, John. Don't be throwing stones about driving behaviour.

MR HARGREAVES: If Mr Seselja would be quiet, maybe Mr Pratt can hear this; he has asked for it. On the Tuggeranong Parkway, Hindmarsh Drive to the Cotter Road, which is a camera site, for the period January 2001 to 2006, there was one fatal crash; injury crashes, there were seven; property damage, 130; total crashes, 138. The Tuggeranong Parkway, for the entire length between Glenloch Interchange and Sulwood Drive, there was one fatal crash; 26 crashes involving injury; 515 property damage crashes; total number of crashes, 542.

Mr Pratt: How many years?

MR HARGREAVES: I have already answered that question. Mr Pratt is suffering from a memory loss. Federal Highway, Antill Street to Majura Road and the intersection at the Antill Street roundabout—which is where I referred to earlier—there have been no fatal crashes; one injury crash; 66 property damage crashes; total, 67. The Federal Highway, the entire length between the Barton Highway and the New South Wales border; no fatal crashes; seven injury crashes; 247 crashes involving property damage; total crashes, 254. For the benefit of Mr Pratt's rather appalling lack of memory, these are examples of the crash figures for the period 1 January 2001 to 31 December 2006.

Mr Speaker, when you couple the crash damage with the volume of vehicles going through it and the maximum speeds going through it and the mean speeds going through it, you can see that those areas there need a change in driver behaviour. That is why those particular sites were chosen.

Mr Smyth: A point of order, Mr Speaker: under standing order 213, would the minister please table that document he was just reading from?

MR SPEAKER: Are you repaired to table it?

MR HARGREAVES: Mr Speaker, I have no difficulty; I have just read out the figures. There is no objection from me tabling this document at all. I do not have any objection. Therefore, I officially table the document.

Mr Smyth: Mr Speaker, if that is the case, we also need tabled the speeding data—the document which contained the speeding data—which he was also reading from.

MR HARGREAVES: Mr Speaker, I have already indicated those figures verbally for the *Hansard*.

Roads—speed and red light cameras

MR SESELJA: My question is to the Minister for Territory and Municipal Services. Minister, in August 1999, in relation to speed cameras, you said:

We want this revenue to be spent on improving our roads and on introducing new driver behaviour schemes. We will be watching the Government to ensure that the windfall from these cameras actually has an impact on enhancing our road safety.

In 1999, you regarded revenue from fixed speed cameras as “windfall” that would be hypothecated in order to improve our roads. Minister, what do you expect the windfall gain from speed cameras will be now, and do you stand by what you said with regard to the revenue being used strictly for roads based expenditure?

MR HARGREAVES: I will possibly stand corrected, but I do not recall using the word “windfall”. I do recall saying that this was a voluntary tax. People do not have to contribute to this. Because they do, that just shows they have particularly poor driving behaviour. As it turns out, the money goes into consolidated revenue, and the Stanhope government has an incredibly good record on investing money in its road infrastructure. And where does it get the money from? It gets it out of consolidated revenue, and that is supplemented by the voluntary tax paid by people who go through speed cameras. I refer, for example, to the airport road—\$15 million. Thank you very much to the Treasurer for being able to do that. I refer to Lanyon Drive; and we actually have the money to do the Athllon Drive extension. We have money to do the feasibility study for Tharwa Drive.

Mr Pratt can come up with various sites. He made the point about Long Gully Road, and I take his point. I think it is probably a reasonably good idea to stick a fixed camera in that particular locality. In fact, when and if the Treasurer sees fit to give me enough money to install another camera, I will take you up on your policy, Mr Pratt, and I will put it there.

Mr Seselja: On a point of order, Mr Speaker: I know Mr Hargreaves would like to answer the last question, but I asked him about a windfall gain from speed cameras. It has nothing to do with the previous question from Mr Pratt.

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

MR HARGREAVES: The thing about the gain from this revenue is that it will be money that goes into consolidated revenue from which I will seek permission from the Treasurer to install that fixed speed camera on Long Gully Road that Mr Pratt wants. This will be the Steve Pratt memorial speed camera, sitting there on Long Gully Road, as soon as I can get money to do it, because I believe that he is right: it is a dangerous stretch of road. But did you know, Mr Speaker, that the mobile speed camera vans are regular visitors to that particular road? So, too, are the police traffic group; they go out there by motor vehicle or motorcycle. That area is highly patrolled in both those two speed apprehension activities. We will give a lot of consideration to that matter.

I have said to this house before that I do not determine where they are going to go. We have road safety experts who decide where they go, based on proper data. Mr Seselja asks: "What are you going to use the money on? Are you going to use it on road safety?" The answer is yes. We invest a lot of time, energy and money with the road safety trust of the NRMA. I noticed yesterday, at the NRMA road safety trust launch of the postgraduate research into road safety, that Mr Mulcahy was there, and I am very pleased to acknowledge that he was there. Did I see the shadow minister for transport there? No. Did I see anybody else from the opposition? No. What is that organisation doing? It is doing research into things like prescription drug testing on the roadside. It is looking at young driver behaviour. The NRMA road safety trust is putting \$690,000 into road safety initiatives.

Where do we get money from to contribute to that? Consolidated revenue. And what contributes to consolidated revenue? All of that voluntary tax that people pay because they go through speed cameras. Really, if you have a massive, great sign up twice before you get to a speed camera, and the speed camera is taking a picture of you going away from that site, how silly is it to go through there and get an infringement notice? None of the other activities have that. These fixed camera sites have plenty of warning. I can only surmise that Mr Pratt wants another memorial speed camera traffic pole for himself and/or he is encouraging people to speed down the parkway, when we are doing everything we can to change that driver behaviour.

MR SPEAKER: Is there a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, could you outline for the Assembly the increased road spending in the past two years and how that correlates with increasing revenue received from speed cameras?

MR HARGREAVES: I have just indicated that the money received from the speed cameras goes into consolidated revenue. I would suggest that Mr Seselja do something which is really quite unusual—that is, go and read some budget documents for the last couple of years.

Mr Seselja: That means he doesn't know.

Mr Hargreaves: No, but I'm not going to do your work for you. You go and do it yourself.

MR SPEAKER: Order!

Yarramundi Reach—ATSI cultural centre

DR FOSKEY: My question is to the Minister for Indigenous Affairs and is in regard to Yarramundi Reach—the ATSI cultural centre. Minister, the centre is reportedly to be closed as of this Friday to undergo refurbishment. Could you please advise the Assembly how long the centre is expected to be closed and who will be responsible for the cost and management of the refurbishment?

MR STANHOPE: Thank you, Mr Speaker, and I thank Dr Foskey for her question. It certainly is the case that Yarramundi Reach is about to receive a long awaited and much needed refurbishment. There are some quite significant issues that Yarramundi has faced since the outset since it was established as an indigenous cultural centre for the ACT.

As members know, and I say this by way of preface, the Yarramundi Reach cultural centre is managed by the indigenous people through a democratic process. It is an organisation that is elected or has been elected by the broader community through an indigenous organisation, the Burringiri Association Inc, to manage the centre, and that indeed has been the governance arrangement in place since 2003.

The facility is managed in a partnership between Burringiri and the Department of Disability, Housing and Community Services and after the period of refurbishment they will develop and manage a quite dynamic cultural program. At the moment it is envisaged that the overall funding, which, of course, is budget driven through the ACT government, will be an amount of \$132,000 a year, which will be split evenly with \$70,000 to Burringiri for cultural programs and \$62,000 of the \$132,000 annual or recurrent funding to be managed by DHCS in its management role for the centre.

As I indicated and as I think we are all aware, the building at Yarramundi has not had adequate maintenance for a number of years and, in fact, is unfortunately in need of quite significant work. The Paul Barnett Design Group was engaged by the Chief Minister's Department through Procurement Solutions in 2005 to design the refurbishment of the centre. Throughout 2005 and 2006 the scope of the work was developed, in consultation with Burringiri. DHCS undertook a review of the scope of works and, as a result of that and in consultation with the management, the work has been split into two stages.

The first work to be undertaken focuses on building services and dealing with occupational health and safety issues. The second stage of the refurbishment will provide support for the cultural programs and revenue generating activities after these have been finalised and bedded down within the management arrangements. The preferred tenderer for the refurbishment is Cobul Constructions. It has been engaged to carry out the work at the centre.

As Dr Foskey has indicated, the centre is being closed. Work will commence on 2 October. The work is disruptive and the centre will be closed from 2 October to a date, at this stage anticipated, of 14 December 2007.

DR FOSKEY: Could the minister please advise what assistance the ACT government is providing to the groups that often use or hire the centre to ensure that their activities can continue while the centre is closed?

MR STANHOPE: Thank you, Mr Speaker, and thank you, Dr Foskey. I am not aware of what transitional arrangements have been put in place. I am sure they have been made. I am more than happy to respond to you on the transitional arrangements that have been made to ensure there is minimal disruption to the activities of those that now use the centre. I will seek to provide that information by close of business tomorrow.

Public housing—rights of tenants

MR GENTLEMAN: Thank you, Mr Speaker. My question is to the Chief Minister. Yesterday you referred to the important role the Human Rights Act 2004 and the Residential Tenancies Act 1997 play in providing protections for all members of the community and, in particular, the most vulnerable of the community, including the ACT's 23,000 housing tenants. Chief Minister, what other protections are provided for by the ACT government in regards to the rights of housing tenants in the ACT?

MR STANHOPE: Thank you, Mr Speaker, and I thank Mr Gentleman for this follow-up question to the issue that he raised yesterday. It is a very important question on a very important issue—namely, security of tenure—

Mrs Dunne: Point of order, Mr Speaker: is it the case that a question fully answered cannot be answered again? This seems to be the same question as yesterday.

MR STANHOPE: The question quite clearly is what other protections are there in addition to those—

Mrs Dunne: That was the supplementary yesterday.

Mrs Burke: No, no, it was exactly the same as yesterday. You answered it in your supplementary yesterday.

MR SPEAKER: Order. A point of order has been raised. I am just going to clarify the question. Can you repeat the question, Mr Gentleman?

Mr Gentleman: The final part of the question, Mr Speaker was: Chief Minister, what other protections are provided for by the ACT government in regards to the rights of housing tenants in the ACT?

MR SPEAKER: The question is in order.

Mrs Dunne: Mr Speaker, my point is that the supplementary question yesterday was almost exactly those words.

MR STANHOPE: That was in relation to yesterday's question, not today's question.

Mrs Burke: And you said exactly the same thing yesterday.

Mrs Dunne: Well, I am seeking the Speaker's ruling on whether a question answered yesterday is fully answered today.

MR STANHOPE: Why are we so touchy about this subject?

Mrs Burke: We're not. Why have you done nothing? That's why you're touchy about it.

MR SPEAKER: I just don't have the question in front of me; so on that basis I will allow the question.

MR STANHOPE: Thank you, Mr Speaker. One understands the sensitivity of the Liberal Party to this particular issue and the attempts to actually prevent an answer. That sensitivity, of course, goes to this matter. One wonders why the Liberal Party is so sensitive about a recently announced Liberal Party policy—

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

MR SPEAKER: Order! This is not a debate about a point of order that has been raised in the house. Just deal with the subject matter of the question now, Mr Smyth.

Mr Smyth: Exactly that point. Standing order 118 (b) says he cannot debate the topic and he must answer the question.

MR SPEAKER: Resume your seat.

MR STANHOPE: Thank you, Mr Speaker. I thank Mr Gentleman for the question, and I am pleased that Mr Gentleman is interested in the security of tenure of public trust housing tenants within the ACT.

Mrs Burke: No, you're not. You did nothing for the other tenants who live in fear.

MR SPEAKER: Mrs Burke, I warned you yesterday for interjections when a similar question was asked.

Mrs Burke: Oh, a similar question!

MR STANHOPE: Yesterday, I did refer to issues, particularly presented by the Human Rights Act and the ACT Residential Tenancies Act, in relation to the protections that apply to public housing tenants within the ACT, and, indeed, to all tenants, particularly through those two pieces of legislation.

In the context of the Liberal Party policy, which was essentially the subject of the question yesterday—which is the policy expounded by the Acting Leader of the Opposition—it does raise an issue or question about the protections that apply. I want to go to what other protections there currently are.

Mr Smyth: A point of order, Mr Speaker, the question was not about Liberal Party policy. The minister is not responsible for Liberal Party policy. He was asked to expound what further protections currently exist in ACT law, and he should answer the question. If he cannot, he should not be asked the dixer.

MR SPEAKER: Order! It is reasonable, I think, for the minister to give the reasons why those protections might be needed.

MR STANHOPE: Thank you, and by way of example, in order to answer the question asked by my colleague,. I could raise it as a hypothetical, but it has been presented as Liberal Party policy through the Acting Leader of the Opposition, Mrs Burke, their housing spokesperson. It is expressed in her releases and her public utterances that the Liberal Party believes that not enough inspections are being carried out. I am reading her words. She says that not enough inspections have been carried out on public housing properties and they have not been carried out to the extent that they should be. Mrs Burke goes on to say that it is about time that these properties were subject to on-the-spot checks in order to stamp out drug-related activity. Mrs Burke then goes on to castigate the minister, and housing officials, actually—here we go again; bash public servants—when she goes on to say, expounding Liberal Party policy on these issues, that in order to address these issues, it is time that tenants were given little or no notice—

Mrs Burke: Point of order, Mr Speaker. If the Chief Minister is going to quote me, can he quote me directly, all of my releases—

MR SPEAKER: That is not a point of order. Resume your seat. There is no point of order, resume your seat.

Mrs Burke: He cannot misrepresent me—

MR SPEAKER: Order!

Mrs Burke: That's a misrepresentation.

MR SPEAKER: Order! I warn you to resume your seat when I ask you to.

MR STANHOPE: Indeed, the protections that apply, of course, are rigorous and long held, particularly issues around the need for a search warrant and the need for a right to enter. The new Liberal Party policy on public housing is the need, or the intention to inspect, without notice, at any time, on the spot, random, without suspicion. Of course, there are protections within the law, protections that, obviously, the Liberal Party would need to actually overturn in order to implement this particular policy. *(Time expired.)*

MR SPEAKER: In relation to your point of order, Mrs Dunne, the question is in order. I have a copy of it in front of me. Now the first part of the question was:

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?

The supplementary question:

Chief Minister, what are some examples of protections provided for Canberrans in relation to housing?

I think today the question was “what other protections”. What I would suggest, for the efficiency of the house, is that if you are going to raise points of order about these, please have the question.

Mr Smyth: Well, we don't know until they ask their silly questions, Mr Speaker.

MR SPEAKER: Well, it makes it easier for everybody.

Mrs Dunne: I was seeking a ruling. I am entitled to seek a ruling.

MR SPEAKER: If it is possible, it would be helpful.

Mr Smyth: Mr Speaker, if we had computers here we could actually check on line here.

MR SPEAKER: Well, you might well be able to—

Mr Smyth: Oh, might well be able to!

MR SPEAKER: If you had one. Mr Gentleman, a supplementary question?

MR GENTLEMAN: Mr Speaker, I have a supplementary question. What else can be done by the ACT government to allay tenants' fears about their homes being subject to on-the-spot random drug checks?

Mrs Burke: What are you going to do for government tenants?

MR STANHOPE: At the moment, under this government and under the legal regime and the rule of law that currently apply, reliance can be had on provisions within the Crimes Act, which contains an extensive range of provisions dealing with search warrants that apply in relation to drug or other offences. Under those provisions, for instance, warrants may be issued where a judge, magistrate or registrar is satisfied, by information on oath, that there are reasonable grounds for suspecting that there is, or will be, material at the premises which constitutes an offence. In relation to drug offences—the issue that is exciting the opposition and that has led to these draconian new proposals in relation to public housing—warrants are available under the Drugs of Dependence Act. In limited cases of emergency, searches may be conducted if a

police officer reasonably believes it is necessary to undertake a search to prevent the commission of a crime.

As I understand the Liberal Party's new policy position, however, it is not that the police will undertake the random checks. The random checks, on the spot, unannounced—checks that Mrs Burke and the Liberal Party propose—will be undertaken by housing officials, one assumes, which—

Mrs Burke: Did you read what I said?

MR STANHOPE: Of course, this is a significant derogation of the rights and protections under the rule of law as it operates here and in most civilised places around the world. If the law were not to be changed in the way that the Liberal Party proposes or intends to change it, residents would have significant rights, both under the law and as a result of the passage of the Human Rights Act, to prevent those on-the-spot inspections which Mrs Burke proposes would be carried out without any notice of intention to inspect. Of course, that is a major departure by the Liberal Party from the law as it currently applies in relation to the sanctity and integrity of public housing properties—the homes of those 23,000 people who occupy them.

Mr Gentleman's question went to what the government does to allay the concerns which no doubt the 11½ thousand tenancies or 23,000 people who rely on public housing have in the face of these proposals by the Liberal Party. Today, I attended a quite significant event in the reception room involving the launch of a book prepared around the trials that residents of the Narrabundah caravan park faced in the context of the integrity and sanctity of their homes—the place in which they live, the place they call home, their community. I saw how important these issues are and the level of emotion and concern that those residents expressed to me today at the prospect of losing their homes or having their homes violated through the activities proposed there. One can understand how those 23,000 public housing tenants would feel in the face of this policy position that has been proposed by the Liberal Party.

This is a serious matter. The prospect that the Liberal Party in government would seek to change the law to allow on-the-spot, unannounced, non-approved invasions of their homes by either the police or housing officials is something that is absolutely intolerable. It is a disgraceful policy that the Liberal Party has developed. I have asked the Minister for Housing in the first instance to consult with all of those representative organisations that have at heart the rights and interests of public housing tenants, such as Welfare Rights, the Tenants Union and the Joint Champions Group. I propose that the Minister for Housing, through his department, will write personally to all public housing tenants, all 11½ thousand families that enjoy public housing in the ACT as their homes, in order to outline the proposal, and that he give a categorical assurance that this government will have no part of the Liberal Party's proposal to allow on-the-spot, unannounced invasion of their properties. I will discuss with him the capacity for a public advertising campaign.

Mrs Burke: What are you going to tell the other tenants?

MR SPEAKER: Order! Mrs Burke, I warn you.

MR STANHOPE: Of course, public housing tenants will not even get the benefit of a warning such as that before their homes are invaded under this new Liberal Party policy. I will ask the Minister for Housing to give consideration to a public advertising campaign, outlining the Liberal Party's proposal in relation to public housing and assuring them that under no circumstances will my government be a party to such a disgraceful proposal that undermines the rule of law, breaches their human rights and puts at risk their very homes. This is a serious issue. The Liberal Party has announced part of its housing policy through this particular announcement, and we will absolutely oppose it. *(Time expired.)*

Albert Hall

MR MULCAHY: My question is to the Chief Minister. Chief Minister, it has been over two months since you told the estimates committee that the government is certainly reconsidering the options potentially available in relation to the maintenance, restoration and future use of management of the Albert Hall. Can you provide an update on the government's intentions and plans for the future of the Albert Hall and tell the Assembly the nature of negotiations that have been entered into with the National Capital Authority or any other body?

MR STANHOPE: I thank Mr Mulcahy for the question. The ACT government at a number of levels has been giving and continues to give very serious consideration to the long-term management of the Albert Hall and to the maintenance of the Albert Hall. As members, I am sure, are aware, the Albert Hall has been privately operated for the past 11 years under a management agreement between Mr David McLachlan and the territory. The agreement requires that management pay an annual fee of \$38,000 to undertake some minor repairs.

As I am sure members are also aware, a request for tender was developed as a result of the expiry of the last extension of the management arrangement between the territory and Mr McLachlan for the Albert Hall. That request for tender was developed to manage Albert Hall and, through the request, hopefully to find a proponent that was willing not only to manage but also to invest in repairs and maintenance at a significant level to deal with the longer term security of the facility and to ensure that its heritage significance was appropriate and respected.

During the tender process—and, once again, members are aware I think very much of the history—BMCA released draft amendment 53 to the national capital plan for the Albert Hall precinct. That particular release of that particular draft came in the middle of a tender process for the future management. As a result of that, significant community interest has been excited in relation to the future and the management of the Albert Hall.

The government is dealing with, in the first instance, the implications of DA 53. We are leading with the Friends of the Albert Hall, a group of Canberrans who essentially united as a result of their concerns around the implications of DA 53 and have put alternative positions or submissions to the government in relation to appropriate management structures and an appropriate future for the Albert Hall. The government is considering those; it is there. It is appropriate for me to acknowledge that the

government had in place a process, and that process continues to run: namely, a management and maintenance tender that the government had intended or expected would allow for the continuing private sector maintenance of the Albert Hall, with provisos around its maintenance end—the protection of its heritage significance.

As a consequence of activities which we were not particularly pre-warned or armed to deal with and which nevertheless we are prepared to respond to and are responding to openly—namely, DA 53; the establishment of the Friends of the Albert Hall; suggestions around alternative models; a genuine concern by the government to respond to a significant representation of the significant interest in both the future of the precinct, the future of the Albert Hall and how best to manage it; to respond to representations in relation to whether or not the ACT government should accept responsibility both for its capital upgrade and for its longer term maintenance—these are issues that we are dealing with, consulting across government. We have involved Friends of the Albert Hall and others and the Heritage Council. We have recommended and are pursuing an application for heritage listing. As recently as last week I met with Mr Michael Ball, Chairman of the NCA, and the full board. As you would expect, issues around DA 53 in the long-term management of the Albert Hall and the Albert Hall precinct were a subject of those discussions.

No outcomes have been finalised. As the minister with a heritage interest, I am yet to be formally advised by the Minister for Territory and Municipal Services around the outcomes of the tender process. All of these issues need to be appropriately finalised and dealt with before we form a final position on the longer term management of the Albert Hall. It is receiving detailed and extensive consideration at a number of levels within the ACT government through the community and indeed by the NCA.

MR SPEAKER: A supplementary question from Mr Mulcahy.

MR MULCAHY: Thank you, Mr Speaker and Chief Minister, although I am not sure that I am terribly better informed than I was when I asked the question. But can I ask you as a supplementary question: when will the renovations required to bring this hall up to an acceptable standard be undertaken?

MR STANHOPE: I thank Mr Mulcahy for the question. Of course, the response to the question depends very much on one's interpretation of acceptable standard. What does one mean by acceptable standard? Is it to a standard that actually acknowledges and respects its heritage significance and allows it to be preserved in that sense, or does it mean up to a standard which perhaps allows alternative uses?

The Albert Hall does not have a functioning kitchen. Is the restoration of the Albert Hall to an acceptable standard to a standard that actually ensures that the roofing and perhaps the plumbing is repaired, or is an acceptable standard to a standard that allows a suite of other opportunities or possibilities for the future of the Albert Hall to be considered? There is a significant difference. An upgrade that would protect the essential fabric—

Mr Mulcahy: To the standard that Ted Quinlan promised a couple of years ago.

MR STANHOPE: Well, the standard that might have been anticipated was a standard that allows the fabric, as it is, to simply be maintained. This is perhaps to enhance the plumbing, by way of example, or to ensure that the roof is sound or to deal with the painting et cetera. That, of course, would be an upgrade that would have a certain value—say, \$2 million.

An acceptable standard in the context of further and other uses is a standard that requires potentially, say, the incorporation of a significant kitchen, a commercial kitchen that deals with a whole range of issues around that, issues around perhaps other aspects of the facility with a very significant other cost that no government would entertain until it had some view around the potential for further or other use of the Albert Hall and the basis on which it would be managed.

These are significant issues with significant consequences. The opposition says, “When are you going to bring the Albert Hall up to an acceptable standard and what processes do you have in place?” We have a process in place. It was an expression of interest tender that actually called for expressions of interest in its long-term management with provisos within the tender arrangement that would seek to impose on the manager or managing group a responsibility to upgrade it to an agreed standard.

Mr Mulcahy: It has not worked, has it?

MR STANHOPE: Well, I have just indicated two minutes ago that that process has not yet been brought to formal formality, and during that process there were significant changes, not the least of which being the dropping on the table of DA 53 and a range of other issues that actually burst forth as a result of that particular intervention by the NCA in relation to the precinct and other possible uses of the precinct which changed the entire landscape in relation to the future of the Albert Hall most significantly.

It has required, of course, an adjustment to our thinking in terms of how we might deal with the future of the Albert Hall. It is an issue that we are grappling with. It is receiving enormous attention across all government agencies, by the NCA, by the heritage council and through the Friends of the Albert Hall. It is an issue, of course, that we will bring to resolution.

MR SPEAKER: In relation to the provision of papers by ministers during question time, there is a long custom of not requiring ministers to hand over parts of question time briefs. Nevertheless, they would only be required to hand over documents they were referring to if a motion was passed in that regard.

Graffiti

MRS DUNNE: My question is to the Minister for the Territory and Municipal Services. Minister, over the last few months, the Cityscape depot in Turner has been adorned with a spectacular array of graffiti, evidence of which Mr Pratt tabled during the truncated budget debate last month. Minister, is it government policy to allow government owned buildings to be covered with graffiti? If not, why are you willing to tolerate it on these buildings for such a long period, as has been the case in Turner?

MR HARGREAVES: The answer to the question is no, and I will get it cleaned up as soon as I can.

Mr Stanhope: How come you haven't looked into it, Steve?

Mr Pratt: I'm giving the minister a chance to do it himself.

Mr Stanhope: Has that police investigation concluded yet?

Mr Pratt: Oh Jonny, you're a bit touchy, matey! Is your Cityscape depot looking like a graffiti haven, Jonny?

Mr Stanhope: It was an innocent question.

MR SPEAKER: Order! Barbs across the chamber should cease.

MRS DUNNE: I have a supplementary question for the minister. Given that you have already had a month's notice of the state of the Turner building, why have you done nothing until now?

MR HARGREAVES: If the graffiti is not offensive, to anybody except Mr Pratt, who gets offended by public art—privately owned public art—if it is not racist, if it is not violent, if it is not sexual in nature, and if it is tucked away in the suburbs, what we try to do with the graffiti clean-up team is to target those areas in public areas which do contain racist or violent graffiti, or graffiti of a sexual nature. What we do try to do, though, is to apply our clean-up talents to graffiti sites, not to public art sites.

Mr Pratt: Graffiti is okay, is it?

MR HARGREAVES: We don't do public art sites.

Tharwa bridge

MR SMYTH: Thank you, Mr Speaker. My question is to the Minister for Territory and Municipal Services. Minister, yesterday in question time you explained that the four-span Allan Truss Bridge at Tharwa is made out of old-growth timbers sourced from old-growth forests in New South Wales. You then went on to say, and I quote:

They are not available any more.

On the radio on 2CC this morning you repeated this claim. A gentleman then called 2CC to say that the Pambula bridge is being replaced and that perhaps the old-growth timber in that bridge could be available to repair the Tharwa bridge. Minister, we have contacted the National Association of Forest Industries and have received advice that this type of timber can still be sourced. There are various locations, such as northern New South Wales and parts of Victoria, that deal specifically in old-growth timber that would be suitable for use on the restoration of the Tharwa bridge. Alternatively,

you could use recycled timber. Minister, a Google search reveals very quickly that many firms specialise in recycled timbers, including structural-grade timber.

Minister, why did you tell the Assembly yesterday, and all of Canberra this morning, that this timber is not available? On whose advice did you rely on in making your statement to the Assembly yesterday, and what steps did you take to validate the advice before relying on it?

MR HARGREAVES: A couple of points there, Mr Speaker. Firstly, I received advice from my department. I am quite happy to rely on the experts in my department. I also need to make the point, Mr Speaker, that my colleague, Mr Corbell, actually asked a question, somewhat rhetorically, about what is the reason they are replacing the bridge at Pambula. Perhaps it is because it is sodden. Perhaps because it is in and around very wet areas. I have to say that bridges quite often are accompanied by a considerable amount of water.

As to the issue about old-growth forest, Mr Speaker, our information is that the original timbers that the bridge was made out of are no longer available. Similar timber is available, and I mention that point. I have made that point time and time again. Similar timber is available, but it is still old-growth stuff. It still has to be cut down and cured before it can be used. This is my information. This is what I have been told, and I believe it. The timber then has to be cured, it has to sit.

Mr Speaker, I really have to say that I do not embrace the idea of using second-hand timber to restore a bridge which is 110 years old. What we really need to do is look towards providing, firstly, a bridge across that river as quickly as we can for those people in Tharwa. That is the paramount thing that we have to do. So if those opposite want us to drop tools and start again, all that will really do is isolate the village for at least another 12 months.

Mr Speaker, what Mr Smyth does not say, of course, in his preamble is what other things were said in the interview, of which we should take note. For example, using concrete and steel will actually generate an enormous amount of carbon emissions into the atmosphere, and they are non-renewable resources. Of course, timber is a renewable resource, because you can just grow it again. Now, I have to say with old-growth forests of similar type, it is not just a case of planting another one; it is not. I have to say that I do not believe that we should be going around New South Wales encouraging the chopping down of old-growth forests. I do not think that is quite a good idea.

So, Mr Speaker, with regard to the answer to Mr Smyth's question, I think I have done that. I have relied on my department's advice to me, and I shall do that and shall do it again. They are the same people, in fact, who advised Mr Smyth that he should close the bridge for a week when he was minister. One has to ask the question, when Mr Smyth closed the bridge because it was not okay for people to drive on it, why did he not find out that the bridge was in such an appalling state? Why did I have to find out later on? Mr Smyth had that bridge closed for a week.

Mr Smyth: You've neglected it for six years, you goose!

MR SPEAKER: Order! Withdraw that, Mr Smyth.

Mr Smyth: I withdraw the fact that Mr Hargreaves is a goose.

MR SPEAKER: No, no, unreservedly.

Mr Smyth: I withdraw unreservedly.

MR HARGREAVES: Mr Speaker, I make the point that if the bridge was in such a state that it needed to be closed during Mr Smyth's stewardship, the question has to be asked, why did he not, as we have done, commission a full examination of that bridge to check for its stability? The answer is quite clear to everybody—because he was not watching.

MR SMYTH: Minister, why have you failed to investigate all options to enable the complete restoration of the Tharwa bridge?

MR HARGREAVES: I have not, Mr Speaker.

Emergency services

MS PORTER: Mr Speaker, my question, through you, is to the Minister for Police and Emergency Services. Minister, can you advise the Assembly on the progress of implementing the establishment of an additional 10 community fire units to help protect the Canberra community?

MR CORBELL: Thank you, Mr Speaker, and I thank Ms Porter for the question. I know that she has taken a strong interest in the development of community fire units in her electorate and I know that she has taken the time and effort to go out and visit a number of the community fire units, particularly one within Hawker. She has been a strong supporter of this program.

The government is very pleased to be moving ahead with its implementation of the 10 new community fire units that were announced and given funding in the most recent ACT budget. So far, since the announcement of the funding, the ACT Fire Brigade has commenced a series of public meetings to gauge residents' level of commitment to having a community fire unit in their area. Seven public meetings have occurred to date. The commitment and the interest level have varied across and between suburbs. The ACT Fire Brigade will be continuing these meetings and they anticipate that that meeting process will be completed by the end of October.

The areas canvassed so far include the suburbs of Duffy, Chapman, Cook, Aranda and O'Connor. Dunlop, Curtin and Hawker are still being assessed by the fire brigade. The training for our new CFUs will commence on the weekend of 6 to 7 October; so quite soon. This training program will reflect the experiences and the lessons learnt by the ACT Fire Brigade and the existing fire units that have been in place since 2003.

This highlights the government's very strong commitment to continuing to improve the ability of local residents who live on the urban edge in fire prone areas to better

protect their homes, property and families from fire, should it impact on the urban edge. The community fire units program has proven to be extremely successful. We already have 28 community fire units in operation. The most recent budget funded another 10.

I am pleased to say that not only is the training and the level of interest well progressed from communities and from the fire brigade, but we are also well advanced with the procurement of all the necessary equipment. The procurement plan for new personal protective equipment and firefighting equipment is running to schedule. That equipment has been ordered. The specification and procurement plan for the community fire unit trailers that are located in a range of areas across the suburbs has been completed and their delivery is expected early next year.

I am advised by the fire brigade that all 10 of the new community fire units should be fully in place by the end of January 2008, if not earlier. That is very pleasing news because that will bring to 38 the total number of community fire units across our community. It will provide for an enhanced level of protection, a level of protection that has not existed in Canberra before. Further, it highlights this government's commitment to making sure that we learn the lessons of 2003, that we are better prepared for the future and that residents get the benefit of not only the protection that community fire units can provide, but the increased sense of community belonging, interaction and communication between neighbours which is just as important when it comes to responding effectively in an emergency. I commend this program to the Assembly. I thank Ms Porter for her ongoing interest.

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

Supplementary answer to question without notice Roads—speed and red light cameras

MR HARGREAVES: I just wanted to correct something that I said earlier on. I mentioned in answer to one of the questions that I was at a meeting last night where I was talking about a range of issues, and speed cameras came up. That meeting actually occurred on Monday night and not last night. It was, in fact, with a group of people from various backgrounds and interests, and it covered quite a range of issues.

Mr Speaker, I would also like to expand on my response to Mr Smyth. He asked me to table a document, which I did, but I would also like to table another spreadsheet, which gives the statistics regarding of infringements issued from fixed and mobile speed cameras for the 12 months ended 13 September 2007. I indicate to the house that, for example, the worst statistics from a fixed red light speed camera are at the intersection of Northbourne Avenue and Antill Street going south. The number of infringements that were issued in that 12 months was 9,364. We are hopeful that the presence of the fixed speed camera further up the Federal Highway will actually slow that southbound traffic.

Papers

Mr Speaker presented the following paper:

Study trip reports:

Study trip—Report by Ms MacDonald MLA—United States, including California and Washington DC, 25 June to 17 July 2007.

Study trip—Report by Mr Smyth MLA—Menzies Research Centre Health Roundtable for State and Territory Shadow Ministers for Health—Sydney, 10 and 11 May 2007.

Study trip—Report by Mr Smyth MLA—Menzies Research Centre State Policy Conference—Sydney, 1 June 2007.

Mr Corbell presented the following paper:

Petition—out of order

Battery cages—Dr Foskey—(146 signatures).

Road safety and driver education

Debate resumed.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (3.31): Mr Pratt demanded that the government do this and the government do that and the government do something else, but did not actually propose what the opposition will do. Mr Speaker, he says that there is much evidence to prove his point, but he did not provide us with any evidence. He did not actually provide us with any statistics or any academic research to say where he got his position from. He says that the opposition's position will be developed in consultation with the P-plate drivers. Well, Mr Speaker, I have to say this: he has been here for three years, he has been the shadow minister for this sort of thing for seven years, and he still has not come up with anything. He has been responsible for the opposition's position on road safety for seven years—

Mr Pratt: No, no, no.

MR HARGREAVES: This guy has not produced anything.

Mr Pratt: One year, I think, John.

MR HARGREAVES: Pardon?

Mr Pratt: One year, or 18 months or something.

MR HARGREAVES: Okay. Well, there has been absolutely nothing—they still have not got a policy. Mr Speaker, nothing of substance has been contributed to show what their position is—just criticism and complaint. It is opposition for its own sake. It is negative, possibly for some negative media exposure, but it is not quite the position of an opposition. It does not tell us anything about what they would do as an alternative government.

Mr Pratt referred to black spots. We receive federal funding assistance to actually address those black spots. Quite frankly, Mr Speaker, the black spots are not on a major stretch of highway. They are usually at intersections or around bends. However, we do address those, and all of our black spot areas are mobile speed van sites—every one of them.

I reiterate again that I take Mr Pratt's point about the Long Gully Road. We do, as I say, have a mobile speed van presence, we do have police presence, but I will actually ask my department to consider that one when they allocate localities. Mr Speaker, Mr Pratt continually fails to understand this: I do not direct the locality of speed camera sites. I do not do that.

Mr Pratt: Why didn't your department put the first fixed camera there?

MR HARGREAVES: I always rely on the department of road safety experts to do that and to make sure that there is no political interference.

Mr Pratt: That's it.

MR SPEAKER: You are on a warning, Mr Pratt.

MR HARGREAVES: If there was, I would be putting one—

Mr Pratt: Sorry, I must have missed that, Mr Speaker.

MR SPEAKER: No, that is from now.

MR HARGREAVES: If there was, I would be putting a fixed speed camera sign at the bottom of his driveway to match the police officer.

Mr Speaker, I thank Mr Gentleman for his motion. The government recognises that road safety is an enormously important issue for the ACT community. In April this year I launched the ACT road safety strategy for the period 2007 to 2010, which incorporates the ACT road safety action plan for 2007 and 2008. For the information of members, a copy can be found at the TAMS website, which is www.tams.act.gov.au/move/roads/road_safety/act_road_safety_strategy.

This strategy outlines the government's approach to addressing ACT road safety issues and complements efforts at the national level through the national road safety strategy and action plan. The ACT strategy focuses on applying the four Es of road safety—education, encouragement, engineering and enforcement. This is developed in partnership with the NRMA-ACT Road Safety Trust to deal with ACT road safety issues in an integrated way.

Some key elements of the ACT strategy and action plan include the development and implementation of new awareness campaigns and engineering programs to address key road safety issues; maintenance of levels of traffic enforcement by ACT Policing, complemented by the ACT traffic camera program; and improved road safety coordination and support arrangements. Other key issues identified in the strategy are

speeding, lack of care and driver distraction, single vehicle crashes, rear-end crashes, right-angle crashes and motorcyclists.

The ACT is fortunate in having a very good road safety record in comparison with other parts of Australia and, indeed, the world. The ACT currently has an average annual road fatality rate of 5.2 deaths per 100,000 population, significantly lower than the national rate of 7.7 deaths per 100,000 population as at June of 2007. Nevertheless, there is still work to be done, particularly as in a national context young drivers are over-represented in the crash data by a ratio of at least three to one.

In 2005 about 37 per cent of all casualties in the ACT involved people younger than 30 years of age. The largest number appears to be between the ages of 20 and 24, accounting for 16 per cent of total casualties. In terms of vehicle controllers—that is, drivers and riders—those aged under 25 accounted for 27 per cent of casualties. Accordingly, learner and provisional drivers are key national and ACT-specific road safety issues.

Importantly, the ACT already has a number of interventions for novice drivers, including the mandatory road ready program delivered through the ACT Education system, a competency based training and assessment option for learner drivers, and a voluntary road ready plus program for provisional drivers. Over 1,100 provisional drivers undertook the road ready plus program in the last 12 months to the end of April of this year. Road ready and road ready plus were introduced in 2000 and 2001 respectively. The programs were formally evaluated in 2004, showing positive outcomes for both programs. The road ready evaluation found that those people who take the course are likely to receive fewer infringements compared to people who have not. The road ready plus evaluation also found that the program is of high value to the community, and the trends reported in the study were encouraging.

The demerit points system is a national program that allocates penalty points—that is, demerit points—for a range of driving offences. The scheme is designed to encourage safe and responsible driving. In conjunction with financial penalties, demerit points provide a very strong incentive to drive within the law. Different offences incur a different number of demerit points. Here in the ACT, provisional licence holders are restricted to a limit of four demerit points. The limit is increased to eight points following attendance at the road ready plus course. This is in keeping with Mr Gentleman's suggestion of rewarding those who undertake driver education courses.

Of course, Mr Speaker, the road safety measures in the ACT are not just restricted to those who are licensed to drive motor vehicles. I should also mention motorcycle safety. Motorcyclists can be the most vulnerable on any roads, including well-designed roads such as we have here in the ACT. The ACT system of motorcycle rider training requires the learner to hold either a current drivers licence or complete the road ready course and pass the road rules knowledge test. A nine-hour learner rider course must be completed before a learner motorcycle licence is issued. The provisional licence assessment can be undertaken after holding a learner licence for at least three months. If the applicant fails the provisional licence test, they are required to undertake a seven-hour pre-provisional licence training course—a course supported

and subsidised by the ACT Stanhope Labor government. Again, this shows the government's support for driver education courses.

The ACT also has a number of engineering programs to manage and improve the ACT road system, including road works, regulatory and information signage and traffic signals. In 2005-06, funding allocated to road safety improvements was a total of \$550,000 under a number of programs. Funding is also provided by the Australian government for the federal black spot program, with between \$455,000 and \$602,000 being provided annually since 1996-97. I should also mention the importance of other government initiatives, including the engagement by the government, through the Road Transport Authority, with members of the community throughout their driving careers.

Mr Speaker, in general, we work with the community, but we also work closely with organisations such as the NRMA-ACT Road Safety Trust, providing ongoing support. In fact, yesterday I had the great pleasure of launching the trust's postgraduate scholarships showcase event, which exhibited the work of leading road safety researchers. These six projects, funded by the NRMA-ACT Road Safety Trust scholarships, are producing innovative road safety research, and I look forward to seeing the final results in the near future. One of them was on the thinking of young drivers, and this will provide more academic analysis. They are also doing research, which is being analysed, into random drug testing for prescription drugs, not illegal drugs. In fact, there are probably—probably, and we want academic stuff to prove this—more accidents caused by people on over-the-counter or prescription drugs containing things like pseudoephedrine.

I applaud Mr Gentleman for bringing this motion forward. We have a whole range of road safety measures; we have a whole range of road safety initiatives. All I can see from those opposite is a whingefest—just a total whingefest. Those folks over there are not qualified actually to comment, I believe. Mr Gentleman, on the other hand, has actually been a professional rally driver. He also is a motorcycle rider, well-known to the Motorcycle Riders Association, well-known in the community, and I am happy to take his advice.

MR GENTLEMAN (Brindabella) (3.41), in reply: I thank members for their contribution to this motion today and I thank Dr Foskey and the government for their support. Firstly, I must address many of the inaccuracies in Mr Pratt's rant against young drivers today. Mr Pratt has said that I have ignored anecdotal evidence of community concern. But was he not listening? The first nine minutes of my speech were devoted to community concern. Secondly, I have recognised that young drivers do play a role in the number of accidents in the ACT. I am certainly not saying that the successful programs in place today are enough. We should strive to improve even further across the board on road safety in the ACT.

What I am trying to point out to Mr Pratt and the rest of the opposition is that there are others on the road as well—those who contribute to 70 per cent of accidents on our roads. Accidents, casualties and deaths on ACT roads among the young are decreasing, and I have quoted the statistics and the reports. Even after I asked Mr Pratt to provide evidence that accidents involving young drivers in the ACT are on the increase, he could not provide the evidence.

Madam Temporary Deputy Speaker, Mr Pratt also mentioned that I was twisting facts to suit my argument. Mr Pratt, they are facts, in black and white. What is not in black and white is Mr Pratt's continued cynical view of P-plate drivers. Mr Pratt just spent 10 minutes justifying why P-plate drivers are no good and should be punitively dealt with. He has continued to ignore the facts.

One other point, Madam Temporary Deputy Speaker: Mr Pratt believes that I only want to provide advanced driver training for the young. I am not talking about advanced driver training; I am talking about further educational programs for all ages. Mr Pratt did quote from an interview between Ross Solly on the ABC and a surgeon from the Royal Australian College of Surgeons, who, to my knowledge, is not an expert on road safety or driving instruction, but a surgeon. Mr Pratt says that the surgeon has indicated that females and males do not reach full mental maturity until they are 23 and 25 respectively.

Is Mr Pratt implying that further education or education full stop for our young is useless, or that they should not be allowed to undertake teachings that will make them further aware of the dangers on our roads? The only relevant source Mr Pratt quoted to support his diatribe on younger drivers that directly affects the ACT is an interview from a single surgeon. My facts, Madam Temporary Deputy Speaker, come directly from the Australian Transport Safety Bureau, an independent Steer Davies Gleave report and the Auditor-General's report. Mr Pratt, what you have is the word of a single surgeon.

Moving on, Mr Pratt mentioned that I was misleading the public. I have not misled the public on the opposition's position—I quoted directly out of their press releases. So either you agree with what you say in your press release statements, Mr Pratt, or you are back-flipping on your previous press statements.

Madam Temporary Deputy Speaker, I want to bring this debate back to the point at hand. Clearly, Mr Pratt has not listened to what I had to say, as he has made no mention of older drivers in his little rant. His whole speech was focused just on P-plate drivers. As I said before, and I will say it again, approximately 70 per cent of accidents and casualties in the ACT are caused by people over the age of 25. For Mr Pratt's benefit, and others here today, I will reiterate what I said earlier: we as a responsible Labor government have to ensure that the workplace for those that are continually using our roads—the drivers of taxis, buses and hire cars, and couriers et cetera—is as safe as possible, and by improving the mental and physical skills possessed by our road users, regardless of age, we can make their work environment safer.

Today I am proposing that the ACT government provide incentives for road users to raise and maintain their road craft and driving/riding skills. Yes, I am offering the carrot instead of the stick. What I am proposing is to reward drivers and riders who undertake continuing educational training by giving them additional points on their licences.

There are, of course, many driver and rider awareness programs already available to ACT road users. The Transport Industry Skills Centre on Sutton Road provides

excellent training for ACT road users. At present they train heavy-vehicle users and offer advanced driving courses. They provide motorcycle training infrastructure and other driver education support facilities. TISC has advised it supports a reward system and would be happy to tailor further education courses by accredited trainers in the industry.

The Motorcycle Riders Association clearly provide road craft courses both for new riders and some of us a little older. I will refer directly to the Stay Upright course that I attended after some 20 years of riding. I was completely surprised at the knowledge and skills I obtained at that course after riding for, as I said, over 20 years. I am confident that that course has saved my life at least once.

My motion calls on the ACT government to reward road users with extra points for the completion of further driver/rider education. I propose the awarding of two additional points for the successful completion of an accredited vehicle control and road craft awareness course, and a further two points for a second educational course that could involve vehicle control, road craft awareness, first aid and any other relative module.

Madam Temporary Deputy Speaker, I encourage members to support this motion and call on the ACT government again to lead the nation.

Motion agreed to.

Animal Welfare Amendment Bill 2007

Debate resumed from 2 May 2007, on motion by **Dr Foskey**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (2.48): The Canberra Liberals support the banning of cage egg production not just in the ACT, as is the proposition of the Greens, but also nationally. There are more considerations to this issue than an ideologically driven immediate ban, and particularly the hypocrisy of the Chief Minister in his approach towards business development in the ACT that has come out of this, but we will get to that later.

With respect to this bill, we agree with the Chief Minister's approach as set out in his press release from yesterday. There is an assistance package of \$1 million. We are seeking a national approach to phasing out battery farming and requiring ACT government agencies to source eggs from barn facilities.

Ultimately we need a national approach to abolishing cage egg production. A ban in the ACT will not save a single hen from the battery cage, nor will it result in the reduction in the sale of a single cage egg. I am disappointed, I have to say, in the government's response to the bill proposed by the Greens. All we have is words; very laudable words, but words nevertheless.

Where is the detail on the government's proposition? How will the industry assistance package of \$1 million be spent? Indeed, how was \$1 million calculated as the magic

figure? What is the timetable for the provision of this assistance? Will the government compensate, for instance, their contracted caterers for the increase in the cost of egg purchases now that they will be required to buy barn or free range eggs? How will that be calculated? How will that be paid? Where is the government's amendment to the bill? Where is the government's commitment? It is, in fact, absent.

Madam Temporary Deputy Speaker, one could be forgiven for thinking that the government is not putting its own amendments on the table because it thinks if it can vote down the agreements on our amending bill then the whole issue will just go away. They may save their \$1 million, and the Chief Minister will not have to talk chooks and eggs in COAG. The government caterers can then just resume normal buying habits, and everyone will just go on with their lives as normal. But we will still be left with the animal welfare issue of how we look after the caged chooks. How long will they continue to be caged, and in what cages will they reside?

I think what we need is a positive program of action to achieve a ban on cage egg production. At the same time, there are economic and commercial issues that should be considered. The Greens have said that there are not many jobs at risk if cage egg production ceases—fewer than 40 full-time jobs, they say. Well, I hope the Greens have seen the letters from those employees whose jobs are at risk. I would like to know the extent of their economic analysis on the impact of their proposal. I think even the Chief Minister contradicts their claims. There are more than 100 employees and their families who rely on these jobs, plus those who will be indirectly affected by any change in the current production arrangements.

The Greens say that there would be more jobs with alternative production methods. Unfortunately, I am not sure there is any evidence to support this claim, nor is there any evidence to say that these supposed extra jobs would actually come to the ACT. The Greens assume that Pace Farm in the ACT can just change to barn or free range production methods. It is really not that simple, hence the offer of assistance from the Stanhope government.

I think it is reasonable at this stage, Madam Temporary Deputy Speaker, to note the hypocrisy of the Chief Minister towards industry development in general in the ACT. Here we have an industry comprising one entity, employing around 100 people, and he offers \$1 million to facilitate adjusting to new circumstances. But this is the same Chief Minister and Minister for Business and Economic Development who had to be dragged kicking and screaming to the point of offering Integrated Forest Holdings assistance to overcome their difficulties and so preserve around 100 full-time jobs and many indirect jobs associated with the operations of that entity.

It is the same Chief Minister who has not made any offer to one of the ACT's biggest employing industries—the club industry—when his government banned indoor smoking and increased tax rates, leading to a fall in revenue and, therefore, profitability. It is the same Chief Minister who is yet to propose any recovery package for the horse industry in the ACT, which employs around 400 people directly and many more indirectly in associated activities, following the equine influenza outbreak. Yes, the hypocrisy of the Chief Minister is alive and well and seen almost every day.

Now, there may be very sound arguments for offering assistance to the business operating in the ACT if this bill is passed. Indeed, there is certainty if the proposal of the Greens for a three-month period in which to change production methods is adopted, in contrast to the decision in Europe, where the Greens acknowledge a phasing-out period for battery hens of 13 years. The Greens say that there is consensus about the cruelty of battery hen production facilities, and indeed the Greens cite a survey saying that more than 80 per cent of people say that battery hen egg production is cruel. Unfortunately, the reality is that public attitudes do not necessarily translate into buying habits, and around 80 per cent of the volume of egg sales in Australia still are cage eggs. Perhaps what is required is an extensive public education program that will lead to a change in buying habits, habits that are driven, typically, by price.

Our consideration of Dr Foskey's bill, particularly through the supporting amendment that I will move on behalf of Mr Stefaniak in the detail stage—if it gets that far—provides the ACT with an important opportunity to demonstrate national leadership with this issue. I note the Chief Minister said he wants a nationally consistent approach. Well, I take it from that that the Labor Party, therefore, will be voting to support our amendment, which legislates for that nationally consistent approach to occur.

We can do something positive about this issue today. We can do it collectively, and give as much strength as possible from the ACT to the national effort to remove battery hen farming.

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) (3.55): In collaboration with Dr Foskey, I move:

That the debate be adjourned.

It was the government's understanding that Mr Smyth was proposing to adjourn the debate, but I understand that, as a result of a lack of communication or sheer perversity, that was not achieved.

Question resolved in the affirmative.

Debate adjourned to the next sitting.

Civil Law (Wrongs) Amendment Bill 2005

Debate resumed from 17 August 2005, on motion by **Mrs Dunne**:

That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (3.56): The government will be opposing Mrs Dunne's amendment to the Civil Law (Wrongs) Act. Mrs Dunne presented the Civil Law (Wrongs) Amendment

Bill 2005 to the Assembly on 17 August 2005. Mrs Dunne wants this government to change the law to prevent a court from awarding reasonable damages for raising a healthy child born as a consequence of proven medical negligence in a sterilisation procedure. Mrs Dunne wants this Assembly to turn its back on and ignore the economic and legal responsibilities flowing from the proven negligence of medical practitioners and hospital administrators. I ask Mrs Dunne: what sort of message would this send to our community, the medical profession and our hospitals?

Mrs Dunne's claim is that wrongful birth law classifies unintended yet healthy children born as a result of medical negligence as a loss or damage. This assessment of the law is simply and plainly wrong. There is an important distinction that needs to be made here. In wrongful birth cases it is neither the conception nor the birth that is wrongful; rather, it is the medical practitioner's negligent conduct from which the child was conceived. The loss or damage suffered is not the birth of the baby but the costs associated with rearing the child. Wrongful birth jurisprudence is about righting the wrong done by the doctor, not about blaming the baby for its existence. The baby is the innocent party in wrongful birth cases. This is an important distinction which Mrs Dunne's bill fails to recognise and accept.

To say that the current law of negligence causes immense long-term psychological harm to children who discover that they were unintended and that their upbringing was paid for by another is absurd. There is no rational or empirical evidence or justification for the claim by Mrs Dunne that these children suffer long-term harm. The reality is, of course, that many people may be aware that their conception was unplanned or unintended, but this does not result in an unloved or unwanted child, or equate to long-term emotional harm to the child. Indeed, the awarding of reasonable damages for raising the unintended child would enhance the upbringing of the child and see the parents no worse off. To say that wrongful birth law is about classifying a baby as a loss or blaming a child for being born is mistaken and misguided. Mrs Dunne would be right to reject completely this notion, because it is plainly not what the law in wrongful birth cases is all about.

For these reasons, the government cannot support this bill. Mrs Dunne's law would discriminate between healthy and disabled healthy children. By saying that unintended healthy children are a blessing, not a loss or damage, implies that children born with a disability are somehow a loss or a wrong that should be compensated. By continuing to allow compensation where the child has a disability, the bill invokes an implicit assumption that a disabled child should not be considered a blessing but a loss that should be compensated. The "blessing" policy argument implies that only healthy children are necessarily beneficial to their parents, whereas, as we should all appreciate, it is often the case that many disabled children are as beneficial to their parents as are children without a disability. All children born are a blessing to society and to distinguish between them in this way is both discriminatory and morally wrong.

Mrs Dunne's law would also discriminate against mothers and fathers who suffer damage from medical negligence in sterilisation procedures by denying them their legal right to be treated equally before the law. It is a well-accepted principle in law that, where someone has suffered a wrong, they are entitled to a remedy. When the High Court handed down its decision in the wrongful birth case of *Cattanach v Melchior* in 2003, it was greeted by the media with claims of insurance crises,

exponential professional indemnity costs and the spectre of bankrupt doctors. Of course, none of this has eventuated. Since then, this government has moved to implement significant tort law reforms that ensure that doctors are not faced with frivolous medical malpractice claims, and that only genuine, legitimate cases of medical negligence are compensated. These reforms have ensured that damages awarded in negligence cases are reasonable and in proportion to the damage awarded.

Unlike other jurisdictions, this government went further and introduced unique tort law reform mechanisms that now provide the best protection for the rights of medical practitioners in Australia. The ACT does not need Mrs Dunne's proposed new law because the safeguards are already in place. Under the government's negligence system, it would be inconceivable for a party to succeed in relation to a wrongful birth claim unless the elements of negligence were proven. The safeguards are there. This Assembly does not need to act further, knowing that the courts will come to a fair and reasonable decision in light of the laws already in place.

As long as women and men are fully informed about the potential for the failure of sterilisation procedures, only a relatively small number of negligence advice cases would arise in the future. In those cases where the medical procedure itself fails, the reforms are in place to ensure that only genuine cases of negligence are compensated.

This bill is plagued with a whole range of ambiguities. The wording of the bill is unclear when it talks about the court being able to award damages for "additional" costs associated with rearing a disabled child. This is a vague and unhelpful term that sends the wrong message to the courts. The government's reforms that are already in place provide ample guidance to the courts to determine fair and reasonable damages in medical negligence cases. Mrs Dunne's explanatory statement creates further uncertainty as to whether the bill allows damages for the birth of a disabled child in contract or under statute.

If this Assembly were to accept Mrs Dunne's bill and change the law it would send the wrong message to our community, the medical profession and our hospitals. It would send the message that doctors can act negligently, can breach their duty of care, cause harm to their patients and not be accountable or liable for the damage that they cause. That is the matter of principle that is at stake in this debate today. This is bad law and for this reason the government will oppose the bill.

MR MULCAHY (Molonglo) (4.04): I welcome the opportunity to speak in support of my colleague's bill, the Civil Law (Wrongs) Amendment Bill 2005. Clearly, this is a topical and controversial subject but it is my intention to approach my remarks in support of this legislation from a balanced point of view. There are sound moral and legal reasons to support this bill. I firmly believe that the creation of human life should not be considered wrong and that the birth of a healthy child should not be the basis for claiming damages. In addition to my moral beliefs, this position is backed up by sound legal reasoning.

I would have liked this legislation to have been retrospective and to have extinguished all possible claims of this nature, but the constitution and the self-government act do not make that possible, and this bill specifically deals with prospective matters. I have

taken extensive legal advice on how to approach this matter, and that is the view that I reached last evening.

It is worth noting that the recent public response to this issue shows that many in the community in which we live share a sense of outrage that people and the law can consider the blessing of a child to be a financial burden that should be compensated. The High Court of Australia case that prompted this legislation, *Cattanach v Melchior*, departed from what had previously been the common law position which, as Chief Justice Gleeson stated in his dissenting ruling, “has always attached fundamental value to human life”. This fundamental value should be protected, and this is what my colleague’s bill seeks to do.

This position has been confirmed by cases in other parts of the world, notably by the House of Lords in *McFarlane*, where it was stated that it “is morally offensive to regard a normal, healthy baby as more trouble and expense than it is worth.” I cite these examples, which are reflected by similar positions in, for example, Canada and most state jurisdictions of the United States of America, not to demonstrate only a moral position but to show that *Cattanach v Melchior*, which was decided on a slim margin of 4-3, departed from existing law and established a new position. The impact of the High Court’s decision has been to reverse the previous law and allow parents to be compensated for the birth of a healthy child. This is not a position that reflects public sentiment or the moral position of our community.

As a result of the 4-3 judgement of the High Court of Australia, three state jurisdictions introduced and passed similar legislation to that being proposed by my colleague Vicki Dunne. The three jurisdictions—Queensland, South Australia and New South Wales—recognised that the law had changed after the High Court’s decision and legislated to prevent medical specialists being held liable for the cost of raising healthy children. This reflected, as one Queensland parliamentarian pointed out in debate, that “many people in the community—and this was the subject of significant debate at the time of the case—were saying that it is really strange that somebody can be awarded the costs of bringing up an otherwise healthy child”.

Whilst there were other considerations, including the need and desire in Queensland, South Australia and New South Wales to protect measures introduced to combat the cost of insurance premiums, the legislative intent to prevent people seeking financial compensation for the cost of raising healthy children was prominent. This intent is very much reflected in the moral position of the community, and this position should be reflected by the law.

As part of the balance that underpins the Australian political system, it is the role of the legislature to act as a check on the judiciary. The Assembly should not hesitate to correct a law or interpretation when it is in the public interest. This role of the legislature was acknowledged by Justice Kirby, who, despite being in the majority in that case I have cited, said in relation to the denial of a damages claim, “as such, denial is the business, if of anyone, of parliament not the courts”.

The need for this legislation goes beyond a dispute about the pure legal interpretation of tort law. It should not be possible for a court to determine that the value of a human life is outweighed by the financial cost. Although my time today is limited, I will

touch on some of the legal arguments discussed in the High Court ruling which, despite the result, demonstrate, I believe, that the court erred in their landmark decision. The parent of a child does not suffer because of that child. The only “damage”, and I use that word very loosely, is the monetary cost of raising that child. It is worth noting that it is an established principle of tort law that purely economic loss is only actionable under controlled circumstances.

Under common law—and I again refer to Chief Justice Gleeson’s minority decision—there has been a reluctance to impose a duty of care on an individual purely to avoid causing economic loss to someone else. The court, in *Cattanach v Melchior*, departed from this reluctance and this is how, as a result, the law in the ACT can now be interpreted.

It is highly questionable that the presence of a child in a parent’s life can be considered a damage. In fact, I do not accept it. The only damages that this legislation seeks to prevent are purely economic—a position that the common law recognises as inherently difficult. The economic damages that this bill seeks to prevent—the cost of raising a healthy child—are almost impossible to quantify, a point recognised by almost all justices in the pivotal High Court case. It is a financial harm that cannot be accurately quantified either by legislation or by the judiciary in a rational or fair manner. The very question of the monetary value, negative or positive, of a child is morally repugnant and should not be put. The overall benefits of a child should be universally recognised.

Several High Court justices have made the point that the ordinary costs of rearing a child should not be an admissible head of damage. This position would prevent the law from regarding, and I quote from Lord Millett’s decision in the House of Lords case *McFarlane v Tayside Health Board*, “a normal healthy baby as more trouble and expense than it is worth”. Justice Hayne stated, “No less importantly, the law would refuse to allow a parent to seek to demonstrate the contrary.”

Quantifying the cost of raising a healthy child is a proposition that is difficult even on purely economic terms, but it is made impossible when the human element of a parent-child relationship is considered. What dollar term possibly could be placed on the positive events that flow as a result of raising a child? The question of how these are to be factored against economic costs is, in my view and that of the dissenting judges in *Cattanach v Melchior*, an impossible and, indeed, undesirable task.

The position of Justice Hayne is worth noting. Justice Hayne stated, “If assigning value to the benefits of having a new child is impossible, it means that no value can sensibly be determined for the balance between benefits and burdens.” The accepted approach in law stated by Justice Brennan in the High Court case *Sutherland Shire Council v Heyman* is that “the law should develop novel categories of negligence incrementally and by analogy with established categories”. The position in *Cattanach v Melchior* goes beyond this.

The ACT Liberal Party firmly believes that it is not in the public interest and should not be public policy for people to be able to claim financial damages for the birth of healthy children. On a legal basis, the change made by the court in that case goes too far and should be corrected. It extends beyond the previously existing position of the

law and on that basis alone should be addressed by this Legislative Assembly. The fact that it is in the public interest to prevent people benefiting from the birth of children only adds to the need to pass this legislation.

It is worth noting that this legislation would not prevent a plaintiff from seeking any damages arising from negligence in relation to sterilisation or other specialist medical procedures. Contractual and other damages relating directly to a procedure carried out negligently will still be available to plaintiffs. It would, however, ensure that it is impossible, and rightly so, to be financially compensated for the birth of a healthy child. People will be unable to claim as damages the cost of raising a healthy child.

This is a position that I believe clearly reflects the views of the ACT community and the former longstanding legal precedent, which was a sound one. It should be enshrined in ACT legislation. I do not believe that it is possible to go out and place a monetary value on human life. This position that I am advocating, and which my colleague Mrs Dunne has put forward, fits with the law prior to the decision in *Cattanach v Melchior*. It fits with similar legislation in other jurisdictions, both within Australia and within countries that observe the Westminster parliamentary traditions, and fits with what we believe is the position of the ACT community and the public at large. I urge members to support this amendment bill.

MR SESELJA (Molonglo) (4.14): I commend Mrs Dunne for bringing this legislation forward. The Civil Law (Wrongs) Amendment Bill 2005 is an important piece of legislation. It is legislation that has been recognised in other jurisdictions in Australia, with very good reason.

This is a principle that legislatures actually need to protect. I will refer first to some of what Mr Corbell said. There was just the one line that struck me about what he was saying, and it undermined his argument about not seeing children as damages or as loss when he said that, under Mrs Dunne's legislation, medical practitioners would not be held accountable for damages flowing from their negligence. That proposition only stands if you see children as damage, if you see children as loss. That is where we are drawing the line. We are drawing the line against the concept that children can be put down to a commodity or to a monetary value. We see that as unacceptable. Even if the government does not, we see it as unacceptable, and that is where Mr Corbell's argument fell down. He said that people would be prevented from claiming for damages. It is only the case if you see the birth of a healthy child as damage or loss, and that is what Mr Corbell said.

I read with interest Mr Stanhope saying in the *Canberra Times* today that they are not saying that children are a damage or a loss. Of course, that is exactly what they are arguing. They are arguing against legislation which prevents these kinds of claims being made. It is a very simple proposition, it is a very short piece of legislation and it does very limited things. It does not do a lot of what Mr Corbell said; it does very limited things—very important things. We are standing here on a principle, and the principle is this: children are not loss. We are not going to define them as an economic loss, and they cannot simply be broken down in terms of their economic value or otherwise to their parents. We are standing on that principle.

In relation to the definition of wrongful birth, Mrs Dunne and Mr Mulcahy have gone into a lot of the legal background. I will not repeat a lot of that, but by way of context, where an act of medical negligence causes the birth of an unplanned child, the child may be disabled or non-disabled. In July 2003, the High Court of Australia held, by a 4-3 majority, that “where an unplanned child is born through medical negligence, the parents may sue the negligent doctor to recover the costs of raising the child to maturity”. Therefore, by the narrowest of majorities, the High Court allowed plaintiffs to claim for the damages associated with raising an unwanted healthy child. That is the law as it stands. That is not the law anymore as it stands in states which have acted quickly, whose legislatures have had the courage and the good sense to act quickly to close this loophole.

This legislation will simply restrict courts from awarding damages for the costs of raising a healthy child. It does not restrict people from suing for negligence. It does not restrict any other claims. It simply says, “We’re going to draw a line in the sand and we’re going to say that where there is negligence you can’t sue for the cost of raising a child.” It is a very simple proposition, and that is what the legislation does. It does not do any more than that. Mr Corbell has implied that it takes away the rights of Canberrans to sue for negligence. No; it simply says that we do not see children as damage and we do not see children as loss. We are drawing the line here on that important principle. Mr Corbell, either deliberately or otherwise, seeks to misrepresent what this legislation is about.

The principle at stake is clear. Human beings are not a commodity. They cannot be simply treated as an economic unit. For good or bad, they cannot be simply treated as an economic unit. We are going to draw the line in the sand. How do you quantify the cost of a child? Mr Speaker, you have to look at some of the complications that arise from the approach of the High Court—and this is the approach that the government is backing here by refusing to endorse this legislation.

Let us look at the issue of mitigation of damages. If you are suing for loss, if you are suing for a damage that has been caused to you, you need to try and mitigate that. This raises abhorrent, disgraceful scenarios whereby, in order to minimise the “damage”, does a couple have to adopt their child out? Should a couple be minimising the damage by spending less on their child? Don’t send them to the good school you were going to send them to; buy them cheaper clothes. These are absolutely outrageous scenarios that arise as a result of this principle.

These are the scenarios that this government are endorsing. Apart from the fallacious arguments from Mr Corbell in relation to what this does and does not do, they seem to be endorsing it because they are happy to just give this over to the courts. This is the role of a legislature. We stand up when the courts get it wrong. When the courts apply a strictly legalistic view of something, like in this case, the legislature needs to stand up. The legislature should be reflecting what the community wants. The legislature should actually be standing up on principle. This was a 4-3 majority of the High Court and, according to the Labor Party, we should just accept it, even if it is wrong. Even if it is abhorrent, even if it raises ridiculous, unwanted issues, some of which I have outlined, the Labor Party seems happy to adopt the approach because the courts have made a decision.

There comes a time when legislatures need to stand on principle. When we speak about it, we seem to all agree on the principle, except that what the Labor Party and the government are doing suggests they do not. It is all well and good for Mr Corbell and Mr Stanhope to say that they do not see the birth of a child, or a child, as some sort of damage or economic loss, but that is exactly what they are saying by refusing to support this legislation. That is what they are saying by endorsing this principle. Courts are free to make their decisions on their legal judgements. Whether I think they got it right or wrong does not matter. What does matter is that legislatures should be able to decide some of these crucial public policy issues, and this is about the commodification of children.

This is about the value of children in our society. We as a community and as a legislature should draw a line in the sand now and say: "We value children. We think this is unacceptable. We think it is unacceptable to make these kinds of claims, and that is why we are going to restrict them." There is no other reason. We are not doing anything more than that; we are simply drawing a line in the sand on this and saying that, because we value children so much, we are going to stop these kinds of claims being brought. The community overwhelmingly supports this because it is the right thing to do.

It does not matter what judges decide; we represent the people and we should draw a line in the sand on this issue. We should support this legislation and we should oppose these kinds of principles that have been put up by the High Court in this case. It is our duty as a legislature to stand up on issues such as this, and it is extremely disappointing that the Labor Party will not be supporting this sensible piece of legislation. This is a piece of legislation that is right; it corrects a wrong. It makes things better, it improves the situation and it draws an important line in the sand.

DR FOSKEY (Molonglo) (4.23): This bill was tabled just over two years ago, and we are debating it today. This, of course, is not a coincidence. The tabling speech refers to the High Court decision in relation to the high profile case known now as *Cattanach v Melchior* in 2003. Today's debate occurs in the midst of heated discussion of another high profile case, involving two women who are seeking what must, under the current law, be called "damages" to compensate them for the expenses they incurred as a result of medical negligence.

The emotional reaction to the use of words like "damages" and "wrongful birth" to describe the birth of a child is, for some people, understandably one of disgust and abhorrence. But, Mr Speaker, these are legal words. They are needed to fit the circumstances of a case into a cause of action that is recognised by the law. We could change the wording of the cause of action in these cases to highlight the fact that we are dealing with the life of a real human being, and maybe that would be a good thing, but that is a debate to be had on another day. Today, talking about this bill, in my capacity as an MLA, a lawmaker, the language I must always come back to is the language of the law that we are being asked to amend. I believe that we need to adopt another language if we are ever going to be able to discuss with compassion matters that are at once so intimate and yet so public.

When people are claiming that they need assistance to cover some expense of raising a child which they had not planned for, they must use the language of the law. They must therefore seek damages, and this is not really a word that is easily and dispassionately applied to a living being—a child. Further, they must identify a person or an institution which caused the damages and seek compensation from them or their insurance agency. Finally, Mr Speaker, all this must be done in the public arena where every Tom, Dick and Harry has a right to their opinion, the right to be a judge. It must seem as though the real judge's decision, when it is finally made, is bound to be an anticlimax; never mind the law.

This is the atmosphere, Mr Speaker, in which we are debating this bill. I do not believe it is the right context for the grave discussions that we are having today. There are likely to be many opinions and not enough cool, detached consideration of the bill as law, or, more precisely, an amendment to the existing law. Public debate is clouded by passionately held interests or opinions. For instance, the AMA has argued that the ACT will become a litigation tourist destination if this bill does not get up. The ACT AMA President, Dr Andrew Foote, was quoted in the *Australian* as saying that this couple became tourists and came back to the ACT to mount this case, so now we have the dubious reputation of being a litigation tourism destination. Well, Mr Speaker, the procedure did take place in the ACT, and the obstetrician is based in Canberra, so it is more than a bit misleading to suggest that the couple just became tourists and chose the ACT in which to bring their case. As the Attorney-General has explained, the court has a discretion to reject cases that do not have a sufficient connection to the ACT, and it is highly unlikely that cases that are not able to demonstrate such a connection will be brought in the ACT.

Dr Foote is also quoted as saying that he does not think that a healthy baby is a damage. No-one is saying that a healthy baby is a damage, and it is mischievous and misleading for the proponents of this bill to suggest that this is the case. I do have to suspect that in supporting this bill Dr Foote is actually representing the self-interests of medical specialists who do not want to be exposed to damages claims for medical negligence.

I understand that if this bill were to be passed, then the ACT would be stuck with the same ambiguities that beset the law in New South Wales, where parents seeking compensation are left arguing over whether a handicapped child's injuries are the result of medical negligence or an act of God, or, indeed, whether the child's physical and mental condition amounts to an actual handicap—and these are vexed issues, which Mr Corbell has touched upon.

These sorts of consequences are why medical specialists have to obtain medical negligence insurance cover, and this is how our society, whether we like it or not, allocates the costs of the consequences of a wide variety of professional negligences. I have not heard any arguments that convince me that we should discriminate to remove the cause of action to claim compensation for the consequences of this particular form of medical negligence.

For many, this law is an appropriate expression of the disapproval of the temerity of those women—women, so far—who have dared to declare publicly, as they must,

such is the nature of our court system, that a child was wrongfully born—again, a legal term—as the result of medical procedures they contracted and paid for. Some see it as a moral question. Others have described it as the commoditisation of reproduction. I have articles kindly provided by the Assembly library which argue all those views. Some I agree with, but others are so glaringly coloured by personal conviction that they make me squirm.

I admit, Mr Speaker, that I come to this bill with my own baggage. There would not be too many women, or men for that matter, who do not bring some life experience to these intense debates related to reproduction. It has been necessary for me to prune through all my own thorny bits of emotion and unconsidered assumptions to get to the bones of this bill. As an MLA, someone with the right—indeed, the duty—to speak on the record on a topic like this, I have to speak beyond my opinion and try to come to a position that is based on the law and the society we live in, and to balance the complex and intertwined rights issues involved. Now, I cannot say I have really succeeded in this. After all, these are far-reaching issues that require long thought and research, and we never have that time in this place, as we should. I would hope, Mr Speaker, that, if there is ever a minority government again, we would be prepared to give issues like this the time and the debate that they deserve.

This bill is an attempt to rein in the ramifications of a reproductive technological revolution which has proceeded along several courses, most of them focused on the female reproductive body, and they include: diverse effective methods of contraception—not all of them as safe as they are effective; sterilisation through tubal ligation, which does not any more involve major invasive surgery; assisted conception methods from donor insemination to embryo implant; surrogacy arrangements; technologies to ascertain sex and other foetal characteristics at earlier and earlier stages; the increasing medicalisation of birth, with disproportionate numbers of medically unsubstantiated caesareans; and the ability to keep babies born prematurely alive from earlier stages.

The list is long and it goes on. All of these technologies are available to women of moderate income in most parts of the world these days, and genetic manipulation may be just around the corner. Most of us have either stood by quietly while these technologies were developed or we have actively welcomed them. I am not sure that there is any point at which this continued march of progress in relation to women's ability—but also others' reach—to take some control of their reproductive lives could have been stopped. The entire parade has been conducted to the mantra of choice: a woman's right to choose. Yes, but also the wider notion of choice, which is used by economists as one of the glories of the market. Of course, women's reproductive bodies offer a rich market—from tampons and pads to the contraceptive pill, with the latter I note, incidentally, only available as a 10-year-old version on the subsidised pharmacy list because the current federal government has not authorised the inspection and review of newer and, people claim, safer methods, but which women have to pay the full price for because they are not subsidised.

So these issues are market issues, but they are also political issues. Not that there have not always been voices firmly raised in opposition to each new landmark in the expansion of women's choice; but I have noted that such voices are loudest around issues that relate to women's right to terminate a pregnancy. They have been known

to be raised to fever pitch in relation to lesbian and single women accessing the reproductive technologies which seem to be considered the rightful domain of heterosexual couples.

Let us consider other cases where women have sought reparation for damages, but on the basis that the medical intervention that they are protesting thwarted their ability to reproduce. I do not think that Mrs Dunne wants to stop people claiming these kinds of damages. For instance, more than 300,000 lawsuits were filed against the A H Robins company, the largest tort liability case since asbestos. The federal judge, Miles Lord, who was seen as an activist, made history with the judgements, personal liability findings and public rebukes of company heads. The cost of litigation and settlements, estimated at billions of dollars, led the company to file for bankruptcy protection in 1985. As a result, the stock value of the company quadrupled, and Robins was able to sell the company for a hefty profit to American Home Products.

What we will note is the average award to claimants in the class action was \$725, while the average claimant personally represented by a lawyer got \$21,000. The largest single payment was more than \$2.2 million to the family of a severely disabled girl who was conceived while her mother was using a Dalkon Shield. For the first time, as a result of these actions, in 1976 the US Food and Drug Administration organisation began to require testing and approval of medical devices, including IUDs. Now this action was long and hard fought and I do not think any amount of money could ever compensate these women for the pain and suffering caused in large part by the enthusiastic and glowing endorsements given by thousands of well-meaning doctors about the Dalkon Shield. It had seemed a major advance and it was much hyped by the manufacturers, but it went horribly wrong.

There have been many women I am sure who have had outcomes not anticipated when they put themselves in the path of assisted reproduction. An enormous amount of trust, and money, is involved. Few of them have gone to the courts to claim damages, I prefer the word "support" over "damages", because the litigation process is expensive and it requires a huge amount of courage. It is likely that the case will be highly publicised, and, of course, this publicity could cause psychological damage to the child in later life, as it is claimed, but this is very much in the hands of the family and society.

Litigation will be costly and there is no certainty of success. But I believe it is a process that must be available until society takes it upon itself to support every child adequately, making claims such as this necessary only when the issue is other than economic. It is a process which, if available to some, should be available to all, regardless of the economic circumstances. Mr Speaker, reproduction has another meaning; after the biological reproduction, there is that other process in the sense of performing the tasks of everyday existence, keeping the child alive, preparing food, cleaning its clothes, buying its clothes; all these tasks that maintain the future workers and members of communities. This domestic labour has historically been the responsibility of women, and while the act of biological reproduction is circumscribed by time, social and economic reproduction is not. It is expensive in time, in energy and in money.

This bill devalues at most, or ignores at worst, wrongfully or with good intentions, this other side to giving birth: the need to keep reproducing that life every day, putting food on the table and providing clothing, shelter and education to a child who, regardless of how much they are loved by their parents, is, on one level, the product of a medical error.

This bill is a valiant attempt to turn back the clock, to return us to a time when children were seen as acts of God rather than as the result of medical interventions which, of course, can also produce miracles. It is an attempt to hold back the tide of new and perplexing situations, which new technologies will continue to confront us with. Thank goodness we have legal avenues to protect us to a small degree against the mistakes that will inevitably occur. I cannot vote to remove that avenue, for if we are going to have all these choices in the reproductive armoury, we need safeguards. We cannot use our ability to make law to lead us to believe that we have the right to take away the choice of seeking monetary support for the expenses incurred as a result of what is, essentially, the consequence of medical negligence. (*Time expired.*)

MR PRATT (Brindabella) (4.38): Mr Speaker, I rise to support Mrs Dunne's Civil Law (Wrongs) Amendment Bill, and I commend Mrs Dunne for bringing this legislation on here today. Mr Speaker, why is this bill being introduced? Well, it is because we, the opposition, value the dignity of the child. We value the dignity of the child which is currently under attack in one of our own courts at this moment. There is a well-publicised case before the courts, and I am not going to refer to it here today in the interests of the privacy of those children involved.

Mr Speaker, what is the objective of this bill? The objective of this bill is to ensure that all children born healthy are spared the trauma of feeling unwanted or perceiving that their existence is somehow impinging upon the lives of those who gave the child life. To illustrate that paramount objective, I want to give you a little anecdote now. I am going to refer to a really sad interview I heard on the Ross Solly ABC 666 morning show a couple of days ago. A lady talking to Ross said that she was one of seven siblings born into a family, and that her younger sister committed suicide. She said the family believe—although they cannot be entirely sure about it—that the reason that this poor little kid committed suicide was because she had overheard her mother who, without any malice, had said “Oh well, that was the unplanned child. Number seven was always the unplanned child”. She carried that feeling with her, according to the sister who spoke quite publicly about that. It is exactly that circumstance that we wish to see avoided.

Mr Speaker, this bill of Mrs Dunne's goes to the very core of what it means to become a parent and to be part of a family. The decision to create life inherently entails an obligation that as parents we will love, protect and nourish our children unconditionally. Mr Speaker, we do not believe we should seek to treat our children as commodities. Frankly, I believe that where it is demonstrated that parents do view their children as commodities for damages profit, their right to parent must be put under the closest scrutiny, and you have got to ask that question in terms of contemporary events right now.

The birth of a healthy child is simply not reasonable grounds to seek damages. Such a policy is morally bankrupt and it is extremely offensive to people everywhere, not least the citizens of the ACT. The behaviour that we have seen demonstrated lately in relation to treating kids as commodities is an attack on the value of family and on the values that underpin family. Therefore, if you extend that, it is an attack on the foundations of our own society.

Our own society is based on the building blocks of family and the love with which we cherish our kids, who are the future of our society. We must uphold those values, and that is why Mrs Dunne is proposing this legislation today: so that we can continue to defend those fundamentals, which are the basis of a healthy society and a society with a future. Anything less is not a society with a future.

The potential for abuse due to a lack of legislation is never ending. What next—failed condoms? Will this be the basis of seeking damages? Mr Speaker, legislation is required to bring to a halt the potential for such abuse. Why leave the courts in limbo about this issue? Clearly this is a flagrant matter of social policy which is best determined in the legislature rather than the judiciary. Why leave it to the courts? Why not support this legislation? Why not stand here shoulder to shoulder as MLAs and make the decisions on behalf of society, on behalf of our community?

We have a leadership role and a moral responsibility to take a stance on this matter. We, as MLAs, must provide strong guidance to our courts on a range of matters, not simply this matter. After all, unlike the courts, we represent the community's needs and we represent community standards. That is why I commend Mrs Dunne for having stood up here today to present this legislation. She is performing a leadership role as an MLA elected by her community. We are not leaving it to the courts to make these sorts of judgements.

Mr Speaker, the fact that a purported wrongful birth took place in the ACT is apparently reason enough to seek damages. Why do we here today propose elevating the ACT to a jurisdiction which sees the birth of children as simply being treated as losses or damages and commodities for trading? Why do we want to see the ACT elevated to that level? Well, that is what you are doing when you do not support this bill. You are leaving it to the courts for opportunistic legal pursuits to be undertaken.

New South Wales as well as South Australia have made adequate provisions in their respective statutes to protect against this sort of behaviour. In New South Wales such provisions are contained in section 71 of the New South Wales Civil Liability Act 2002, and in South Australia they are contained in section 67 of the Civil Liability Act 1936—1936. Both are identical in effect to what Mrs Dunne and what the opposition are proposing here today. These states have set a reasonable standard, and there is no excuse for why the ACT should not follow suit, except, of course, if you are ACT Labor, which is into social engineering perhaps.

Such cases cannot be ruled upon within the modest parameters of medical negligence. Seeking damages in cases of wrongful births will unfairly and arbitrarily consider the worth of a life based upon the manner in which it was conceived. Mr Corbell and Mr Stanhope do see the position of our children as being goods which can be regarded

as losses or damages. This is Stanhope and Corbell social engineering at its worst. They should show us that that is not true and support this bill.

In no way, Mr Speaker, does this bill serve to negate the high duty of care that all doctors owe their patients. This bill very carefully steps around any possibility of cutting across damages action. That is the way that Mrs Dunne has designed this bill, so that fundamental is underscored. That fundamental is not opposed in any way.

Labor should support Mrs Dunne's legislation. This is sensible legislation; it goes to the heart of defending the family, the family value, the dignity of the child and all the things that we cherish as a society. That is all this legislation does. Well, that is not all it does—it is a powerful piece of work—but that is fundamentally what it is aimed at and nothing else: supporting the family, supporting our children, and supporting the dignity of our children so that our children know that they do not have to blame their parents for what they have become or for what their parents might think of them. That is very, very important if we are going to make our society successfully regenerate and continue our traditions.

Therefore, Mr Speaker, I commend Mrs Dunne's bill to this place. I stress to the government that it is a sensible piece of work. I call upon the government to support Mrs Dunne's bill.

MR SMYTH (Brindabella) (4.48): Much has been said this afternoon, and there are several points that need to be cleared up before we go any further. Mr Corbell is the expert at spin, interjecting across the chamber, latching on to a small thread and pulling at it so that it will unravel the carpet. He twists and he turns at every stage. He suggests that Mrs Dunne's bill, the Civil Law (Wrongs) Amendment Bill 2005, allows you to sue for a disabled child but not for a normal child. It is not true. Mr Corbell knows it, and if he does not know it then he should resign his portfolio as Attorney-General because he is not up to reading plain English. It is as simple as that.

The bill ensures that damages are still able to be sought for damage to a disabled child. It is for their disability, not for their existence. The damage is the disability, not the existence of the child itself. If you want to throw barbs and jibes across the chamber, Mr Corbell, you should go right ahead, but you are wrong, and expressing your ignorance in this way does not bring anything to your position as Attorney-General. I suggest you should read the bill.

As for Dr Foskey, I have never heard such a load of codswallop cobbled together in my entire life. If you want to take a serious issue and have a general spray at women's fertility and sexual health issues then go for your life. But all that you do, Dr Foskey, is to demean yourself and the Greens movement. You show that, yet again, you cannot read the bill. You should go back and do some remedial English courses if you think that what you have portrayed here is consistent with what Mrs Dunne has put in her bill.

I am probably the only person in this place who can speak from the experience of having twins. I have got twins. The *Canberra Times* editorial on Sunday was really interesting. Its description of the case was as follows:

The parents have described their emotional distress, the disruption to their longer-term plans, the financial burden, the strain on their relationship and even the effect a second child has had on the general nature of one's capacity to love.

I would defy anybody who has had a child to read that list and say, "Well, I didn't feel some, if not all, of that at some stage when raising my kids." I can assure you that there are moments when the emotional stress of raising kids is very real. With respect to the disruption to your long-term plans, that is somewhat clear. They are a financial burden; they cost. My girls are 21 and living in Sydney; they still cost. They will continue to cost, I understand, until they are about 35. With respect to the strain on the relationship, kids do pull at your relationship. It is part of life. If we are going to start suing for life, we are treading a very, very dangerous path because—

Mr Corbell: No, suing for negligence, medical negligence.

MR SMYTH: No, they are suing for the cost of raising a child; it is not for medical negligence. If they are suing for medical negligence, which has been left in Mrs Dunne's bill, you will vote for this, Mr Corbell. But then again, you cannot read, you have not understood and you just choose to spin.

Life is like that, Mr Speaker. You know it; you have got kids. All of us in this place who have kids know about it at some stage or other. With respect to everyone who has rung a radio station, written a letter, had a conversation with their newsagent or who has rung their mother, their sister or their brother and said, "You have got to be joking," it is because they actually understand that children do place a call on your physical, emotional and financial strength.

When we had our twins, the job I had was not well paid. I got another job. I used to get up at 4 o'clock in the morning and do a paper run. It was great. I would do the 9 o'clock feed and go to bed and the girls' mother would stay up and do the midnight feed. I would get up at 3 o'clock; before I did the paper run, I had to do the 3 o'clock feed. If the girls' mother was lucky, I would get home at 7 o'clock to do the next feed so that she would get a decent night's sleep. For a period of about 12 hours, we just did not see each other, but that is the routine that we adopted because we were dedicated to giving our kids the best that we could. It is a burden; it should be a burden. It is not easy. They are not Barbie dolls. They are not something you can dress up, trot out and play with any time you want. They are an expression, hopefully, of your physical love for each other. They are an expression of your respect for life. They are an expression—

Mr Corbell: That is patronising.

MR SMYTH: You can shake your head and interject across the chamber, Mr Corbell. We know where you are coming from. Go back and read the bill.

Mr Corbell: Extraordinarily patronising.

MR SMYTH: There we have it: extraordinarily patronising. That is the defence from someone who does not have an answer: "You are being patronising." No, I am

expressing how I feel, and I am expressing how a large number of people in the community feel, having regard to the disgust that they feel that we are taking ourselves down the litigious path that puts a price on a child's life. That is what this does. The effect of this bill is to put a price on life: this is the cost of raising and maintaining a kid, and that is what they are worth. I think it is a very dangerous path.

It is easy for those interjecting from across the chamber, because again we have a contradiction from across the chamber. On one hand they say, "Yes, we're all in favour of kids," and on the other they say, "No, we're not against having children." If that is the case then vote for this bill. It is quite simple. If that is what you truly believe, as the Chief Minister said in the paper this morning, it is really simple: vote for the bill. You cannot say you are in favour of it and then vote against it. You cannot say, "It's not the case; we've been misrepresented," and then vote no. It is crocodile tears again, and that is all it is.

Anyone who is on the IVF program will know that one of the things they are told is—and it often happens—you do not just get one, you get two, three or four. They often implant more embryos. I do not know the technical detail; I have not listened to the case and I have not been sitting in the court. But one of the side effects and consequences of IVF is that you often get multiple births. I have not heard in Australia of a single other case where, in what is often termed "life's little accident" or "one of God's little accidents", you go and sue for it. It is a risk; it is a consequence. Quite clearly, we are saying here today that if we start putting prices on these things then it is incredibly dangerous.

Somebody said to me, in a flippant moment, I suspect, "Well, what happens when the parents get old and the twins look after them?" I hope my twins look after me. I saw a sign once in the rehab ward at Woden that said: "Get your revenge. Grow old enough to be a burden to your children." It was a bit flippant and a bit tongue-in-cheek, but as we get older our kids do look after us. So as these children age and they look after their parents, will the parents pay the money back? Will they give the money back for the damages because they have now got two children to support them in their old age, to care for them, to love them, to nurture them? I am not cynical enough to talk about the return of service, but in terms of modern parlance that is what you might call it.

There is a natural effect here on families. Once we start valuing the components of families, if it is \$400,000 for the second child, what is the first child worth? Is there a discount rate for the third? If you had four, is there a discount rate for the fourth? Who determines this? You cannot put a price on a child and the cost of a child. Did I spend \$400,000 on each of my twins? That sounds like about \$20,000 a year. That is \$40,000 a year for the pair of them over the last 20 years. For most of that time, I did not earn that much, so clearly I did not. I would suggest that, when we get to the \$400,000 amount, it is a really interesting calculation. I would be intrigued to see it.

There are so many people who use IVF and it fails for them, and it is a huge disappointment for them. They would love to have a child. Here we have someone who has been lucky enough to have two children and they are suing for damages. I think we are starting down an amazing slippery slope. If we continue down that slippery slope, what else will we put a value on, what else will we legislate for and what else will we end up demeaning? As far as I am concerned, a child is priceless.

You cannot quantify it. With respect to the care of a child, you cannot quantify it. You give them all that you have got, whether it is financial, physical or emotional.

Mr Corbell: Unless they are disabled, apparently.

MR SMYTH: Mr Corbell cannot help himself and says “unless it is disabled”. I am sure that most parents of disabled children would give even more than they can afford in terms of physical, mental and financial support for their child.

Mr Corbell: Yes, but Mrs Dunne’s bill provides for financial compensation.

MR SPEAKER: Order! Mr Smyth has the floor.

MR SMYTH: You continue to lie to the Assembly, Mr Corbell, because what you are saying is wrong. All you are doing is simply showing your own ignorance. The question here is: what are we actually legislating for here today? Mrs Dunne will give her summary shortly. We are saying that we, as the Liberal Party of the ACT, refuse to put a price on a child’s life. We refuse to travel down the slippery slope of what the *Canberra Times* described as the “increasingly litigious, self-centred society”. Let us put more money into our kids. Let us spend more time with them. We all know the pressures of life, particularly in this place. We all know how much of our time is taken up. I have to say that the birth of my son David 18 months ago has certainly reawakened my mind to what is important in life.

Let what we refer to as “life’s little accidents” be accepted joyfully. I have twins; we had not planned for twins. We probably only wanted one at that stage. What should I have done? Should I have become the Billy Connolly of the ACT and been the man who sued God? What do you do? What do all the parents who have them naturally do? Mrs Dunne’s bill, if it is passed, still allows people to seek redress for negligence.

Mr Corbell: That is the point. It is about medical negligence. It is not about the birth of the child.

MR SMYTH: That is right, Mr Corbell: negligence. It is about negligence. What I think we are doing in this place and what we should represent in this place is what the community wants. That is what we are elected to do. We are certainly elected to make decisions on how to deliver what the community wants and needs. We only have to be out there in the real world and listening to the majority of people who are appalled at the very notion of this case. They would like to see something happen and they applaud what Mrs Dunne has done in bringing this forward today, having considered it over a period of time. The bill has been there for two years. It is here today; it is appropriate to debate it today in the context of what is going on in a Canberra court. I think it is very important that we as legislators use our ability to send a message to the present trial, and also regarding all future actions that may or may not occur, about what we feel is appropriate to happen with children.

It is very important that we get it right today. I am very pleased that Mrs Dunne has chosen today to bring on this bill. I am pleased that she has the support of her colleagues. I know, in talking to the community, that the majority of the community is in favour of this sort of legislation. I would urge the government, should they not want

to be seen to be just shedding more crocodile tears on various issues, to reconsider their position, to change their mind and say very loudly, very clearly and very strongly that we will do everything in our power to ensure that the children of the ACT are loved, cared for and nurtured to the best of our individual and our collective ability.

MRS DUNNE (Ginninderra) (4.59), in reply: This bill prevents parents from suing for the cost of raising a healthy child where the birth is the result of medical negligence. It does nothing more than that. It does not, as Mr Corbell has said, take away people's right to sue for medical negligence. There are many other harms that people can meet when they give birth to an unplanned child as a result of medical negligence—loss of income, mental shock, pain and suffering; husbands can claim lack of consorting and they can claim loss of income. Mr Corbell asked what the message from this bill would be. The message is that the Liberal Party draws the line at calling a child one of those damages. All of the other things are damages that people face and incur, but we draw the line at damages.

It was interesting to listen to Dr Foskey. I suppose it reflects the Greens' image of the Liberal Party as comprising people who want to go back in time. I almost expected her to use the words "picket fence" and "1950s". But in the farrago of her wide-ranging discussion of contraceptive and reproductive law and the impact of the Dalkon shield, she did not address this bill. The people who sued in relation to the Dalkon shield will still be able to sue, because that is medical negligence. That is the short and long of it.

The impetus for this bill came from the reaction by various state governments to the High Court case of *Cattanach v Melchior*. In this case, a couple successfully sought damages through the Queensland court for a range of harm that they claimed they suffered as a result of a botched tubal ligation. The parents received over \$100,000 for damages in pregnancy medical expenses, loss of income and depression following the birth of their son. The court also awarded \$105,249.33 for the cost of raising the child. It was this latter award that was unsuccessfully appealed to the High Court, and nothing else. It was not about what the minister said on radio the other day; it was only about the cost of raising the child. The minister clearly does not understand it. He is either entirely incompetent in his portfolio and he should resign, or he was deliberately misleading the community.

In their decisions, the justices referred to the lack of direction and precedent. In response, the Queensland, New South Wales and South Australian parliaments decided to give direction and definitively assert that the damages could not be awarded for costs of raising a healthy child. They did not limit damages in any other way. It is my view that the ACT should also go down this path.

In practical terms, such cases always benefit wealthy people over poor. Wealthy people will have higher expectations of the cost of raising a child, such as private school fees, while more modest claims will be made by families of modest means. In addition, the rising costs of insurance resulting from decisions like this would place a heavier burden on the poor. Also, the damages are paid in a lump sum, and there is no way that a court can guarantee that the money is actually directed towards raising the child.

These practical reasons pale into insignificance when we look at the impact that this has both morally and culturally on individuals and on society as a whole. The strong public policy case against the awarding of damages was summed up by Justice Thomas, who delivered a dissenting judgement in the Queensland Supreme Court in *Cattanach v Melchior*. Justice Thomas considered the notion of limited damages and said:

The reasons for such a rule are varied and extensive. They include the sanctity of life; the benefits of a healthy child being regarded as outweighing any economic loss; protection of the mental and emotional health of the child; the notion that it is unreasonable to shift the cost of maintenance to the negligent physician thereby creating a windfall for parents for that is disproportionate to the physician's culpability; the view that such damages are too speculative or remote; the undesirability of a child learning that the court has declared its birth to be a mistake; the prospect that little or no damages would be awarded for loving mothers and fathers while generous compensation would be obtained by those who disparage and reject their child; the general view that the birth of a child is a blessing and an occasion for rejoicing; and the crassness of a court making the child's existence the subject of a contest in value.

Justice Thomas went on to say:

Perhaps not all of these considerations are persuasive, although in my view most of them are. Considered as a whole they provide a strongly persuasive and rational basis in favour of recognising a rule such as the 'limited damages rule'.

Justice Thomas wanted to limit the damage to all those things, except making a judgement about the life of the child. In a nutshell, the justice put forward a persuasive argument that the legal system should not reward people for declaring their resentment of their children. The legal system should not create incentives for parents to repudiate their children.

The majority decisions in both the Queensland Supreme Court and the High Court in *Cattanach v Melchior* fundamentally changed the way that we look at children when they sought to characterise the birth of a healthy child as a calamitous event that should be rectified by money. Before this, children were viewed as having intrinsic value. We should look at what impact *Cattanach v Melchior* would have and how you actually weigh this up. In *Cattanach v Melchior*, the claimants were compensated for the cost of raising their child to the age of 18. The economic benefit and all the other benefits that may accrue to the parents beyond the age of 18 were ignored.

You do not have to talk about indeterminate things like love and joy. What about the prospect, as Mr Smyth talked about, of the child looking after the parents in their dotage? It is the nature of a parent-child relationship that there will be costs and benefits on both sides of the ledger. These will vary from person to person. In some cases, the child may well be in the debt of the parents in the final analysis; in other cases not.

We then have to think about the children. Today, somewhere, probably in Queensland, there is a 10-year-old boy name Jordan Melchior. Jordan Melchior has got nothing

wrong with him. He did not do anything wrong. He is pretty much, I suppose, like my own son, Connor. He is learning the joys of reading, and learning how to play cricket and soccer and all of those sorts of things. I suppose, because he probably lives in Queensland, that he is learning how to ride not a snowboard but a surfboard.

What happens to people like Jordan Melchior when they discover what has happened in their past and how their parents have reacted? This is partly, but not entirely, about the effect on the child. Just imagine the psychological effect of a mother totalling up the cost of every meal, every item of clothing, every school excursion, birthday party and music lesson that you have ever received and saying: "All these costs were imposed upon me. I should not have had to pay them, and I wish you were never born." But it is more than that. Even if the child never finds out about the details of the case, even if friends and relatives never find out, imagine what it does to the relationship when the mother looks back and realises that she testified in public under oath that having this child ruined her life, destroyed her most important relationship and caused all manner of damages that could only be assuaged by money. Does anyone want to live in a society that sees relationships between mothers and children in these terms?

This is not the only objection. I also believe that such suits perpetuate an important lie about human nature. There are very few people in this society today, apart from radical environmentalists and a few philosophical fringe dwellers like Peter Singer, who think of human beings as animals or as some sort of object. People do not think like that. Certainly, no government which claims to have a concern about human rights would view children in this way. When we uphold judgements like this, it is even worse than considering a child as a commodity. They are regarded as an object of negative value, and literally worse than useless—not just damaged but a damage. This is a categorical mistake. People can suffer harm and they can cause harm, but they cannot be a harm. This piece of legislation says that in the ACT children are not a harm. They can have harm delivered to them or perpetrated on them but they are not a harm.

The ACT government's response to this bill has been instructive, if unhelpful. Through real or feigned ignorance, the ACT's Attorney-General has blurred important distinctions and raised some dubious ones. Firstly, he continues to ignore the difference between harm suffered by the child and the view of a child as a harm. He and his Chief Minister focus on the doctor, sweeping aside what happens to the patient, and they blur the distinction between civil and criminal law. Criminal law is about punishing wrongdoing but civil law is about compensating people for the harm that is done to them.

The law of torts is difficult but some of the basic principles are readily accessible, even to non-lawyers like the Attorney-General and me. In any tort of negligence, the essential element is the proof of the existence of a compensable damage. To put it another way, negligence requires proof of fault and harm. Deciding whether a plaintiff has suffered harm requires some comparison with their position before and after the negligence. In suing a doctor for negligence that results in the birth of an unplanned or unwanted baby, the parents can receive—listen to this, Mr Attorney—damages for pain and suffering and loss of income, as well as direct medical costs associated with the birth. The Liberal Party believe that this should continue to be the case. That is our

message, and the Australian Medical Association agrees with us. I know it is discomfiting for the Attorney-General. He does not like to hear it, but that is the case. The Liberal Party in the ACT draws the line at the cost of bringing up a child because that places some value on the child, which we hold to be wrong.

In claiming that I have drawn an artificial line between a healthy and a disabled child, the Attorney-General has missed the point. The point is not that a healthy child is a blessing to a parent and a disabled child is a curse, which is essentially what he said before; far from it. He does not understand the basic laws of tort which he is supposed to uphold. The point is that a child, sick or well, wanted or not, is a human being. A disability as a result of medical negligence is a harm to that child and, indirectly, to the parents. That harm to that child and indirectly to the parents is something which is compensable. It has always been compensable, and nothing about this legislation will change that. Thus, it is not a case of a disabled child being a harm; rather, the child is a child, and the disability it suffers is the harm.

Today, the Stanhope government had a chance to stand up for children, to stand up for their rights and to ensure that they were not treated like chattels. Today, it had a chance to send a message—if we are talking about messages—to the community. It had a big chance to send the message that it would uphold the rights of the child that it set out in its own bill of rights. But the message that the Stanhope government is sending out from this debate today is that it is the most extreme Labor government of all extreme Labor governments in this country; that it will not support the right of the child to be treated as a human being, a sentient being, and not, as Mr Justice Hayne described in *Cattanach v Melchior*, as a commodity such as an antique car, a new dress or something that could possibly be appraised, like a partially paid out mortgage. We are talking about children, and the Stanhope government does not like it. It is sending a message to the people of Canberra that, despite the high level of outrage about the case before the Supreme Court at the moment, despite a groundswell of outrage at that, it will not draw a line in the sand and say that this will never happen again in our jurisdiction; that never again will a child born in Canberra be treated like a commodity. The Stanhope government has said that it does not care.

Mr Corbell: An absurd, emotional argument.

MRS DUNNE: The message, despite Mr Corbell's interjections, is loud and clear. For them, children are mere chattels. They have left it to the activism of the courts to decide one way or the other. As Mr Seselja rightly said—and what Mr Seselja said reinforced the views expressed by Mr Justice Kirby—it is the job of the legislature to take the lead in these things. The justices in *Cattanach v Melchior* bemoaned the fact that there was no precedent and that there was no direction. We seek to give direction. We seek to reassure people and children in the ACT that children are not chattels. The message from the Stanhope government is that they do not care about children, and they do not care about the public clamour for a change to this law.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 4

Noes 7

Mrs Dunne
Mr Mulcahy
Mr Pratt
Ms Seselja

Mr Barr
Mr Berry
Mr Corbell
Dr Foskey

Mr Hargreaves
Ms Porter
Mr Stanhope

Question so resolved in the negative.

Fireworks

MS PORTER (Ginninderra) (5.19): I move:

That this Assembly:

- (1) recognises existing regulation of consumer fireworks in the ACT;
- (2) acknowledges the importance of regular review of such regulation; and
- (3) calls on the ACT Government to ensure that any such review incorporates thorough community consultation.

Mr Speaker, this motion is important, as it deals with an issue that goes to the safety of the territory community—that is, the use of fireworks by the public. The ACT originally inherited the legislation that controlled explosives, including fireworks, from New South Wales. The Dangerous Goods Act 1975 of New South Wales and the dangerous goods regulation 1978 of New South Wales, in a modified form, were applied as ACT laws by the Dangerous Good Act 1984.

The management and control of fireworks have long been the subject of concern, and in 1988 the government of the day commissioned a review of the Dangerous Goods Act 1975. Regulations for shop goods fireworks, as consumer fireworks were then known, commenced on 15 June 1999 and restricted the sale of shop good fireworks to 14 days prior to the Queen’s Birthday long weekend. People wishing to buy fireworks during this period were required to apply for a fireworks purchasers permit.

In 2000 a requirement that consumer fireworks be classified before they were able to be sold to the public was introduced into the explosives control regime. Despite this, that year WorkCover found evidence of illegal use of fireworks, evidence of injury to people, damage to property and harm to animals as a result of the use of fireworks. The level of these incidents was judged to be an unacceptable risk to the community. On 14 August 2001, the then Occupational Health and Safety Commissioner wrote to the then Deputy Chief Minister to report on the 2001 fireworks season. The commissioner, in part, said:

The information shows:

increased injuries to people;

continuing injuries to animals; and

increased damage to property.

The information also shows a high level of concern from the agencies who contributed to the report such as the Director of Public Prosecutions, the Australian Federal Police in the ACT, the RSPCA and ACT WorkCover.

The quote continues:

The information also shows a high level of concern from the community.

These findings come after a concerted effort for two years to work with the fireworks industry to improve community safety.

I have carefully weighed the information against the need to respect people's right to have a good time. The evidence shows that only a few people are legally using fireworks and that the overall level of community safety is decreasing.

In this context I consider I have little choice other than to recommend the sale of fireworks to the public should be banned.

In 2002 the Standing Committee on Legal Affairs inquired into and reported on the operation of the Dangerous Goods Act 1975, with particular reference to the sale of fireworks in the territory, the general safety of setting off fireworks and any other related matter. An outcome of this report was that the legislation was reviewed, and in March 2004 a completely new act, the Dangerous Substances Act 2004, commenced. This was the first time that the territory had its own fireworks legislation. As a result of this legislation, a strict regime for the sale and use of consumer fireworks was established.

The availability of consumer fireworks to members of the public is limited to the week leading up to and including the Queen's Birthday weekend in June. It is illegal to possess or use consumer fireworks outside this period. The sale of fireworks to consumers is limited to ACT residents over the age of 18 who can provide evidence of residence and photographic identification.

The discharge of consumer fireworks is permitted only between the hours of 5.00 pm and 10.00 pm on the Saturday, Sunday and Monday of the Queen's Birthday weekend. Finally, the sale to and use by members of the public of fireworks that contain more than 60 grams of pyrotechnic substance, and bangers, crackers and strings of crackers is prohibited. Mr Deputy Speaker, this regime has been more successful in controlling the use of consumer fireworks than the earlier legislation.

It is clear that the use of consumer fireworks remains popular. WorkCover has reported that a total of 87 tonnes of fireworks were sold in 2007, compared to 65 tonnes in 2006. The dollar value of sales and the profit made from these sales is not known. It would be considerable. However, there are social costs that follow the enjoyment that some of the community get from fireworks. These include damage to property by the misuse of illegal explosives during the fireworks period, the disturbance of domestic and other animals caused by the noise of explosions, and the

irritation of many members of the public by the noise of what people describe as explosions during the night hours of the Queen's Birthday weekend, and often after the permitted time of 10.00 pm.

I should say, Mr Deputy Speaker, that the fireworks that are authorised for sale should not and do not include fireworks that make a loud noise on discharge. It is clear that our fireworks period is used as an occasion for the use of illegal explosives, and this causes me considerable concern for the safety of the community.

As we know, Mr Deputy Speaker, there will always be those who take advantage of the fireworks period to go further than they are allowed to and engage in dangerous and vexatious behaviour. Despite the heavy penalties for individuals who misuse fireworks, some people still do so. It is also well known that heavy penalties do not necessarily deter criminal behaviour.

In addition to the danger to the community of the use of illegal explosives, every year there are also considerable costs involved in administering the regime. These costs include: the processing of applications for fireworks to be authorised for sale; the administration of licences to sell fireworks and of the licensing of particular sale premises; and the sampling and assessment of fireworks. Then there are the costs of policing the period, of the WorkCover inspectorate's activities and of the enforcement of the regime by way of penalty notices and court action.

Mr Deputy Speaker, this government is committed to ensuring a safe and healthy community for all. If we want to continue to allow the purchase and discharge of consumer fireworks in the future, we will have to consider whether the enjoyment of some people and the employment sustained by the fireworks sector are balanced by the costs to the welfare of other people and their companion animals and other animals, to property and to the territory.

Mr Deputy Speaker, the government acknowledges that many in the community use fireworks in a responsible manner and enjoy the availability of fireworks as a unique aspect of living in the ACT. The dangerous substances legislation is to be reviewed this year, and I understand the regime controlling fireworks will be given close attention. Can I ask that the minister ensure that this review is thorough and extensive. The use of consumer fireworks is something which many Canberrans feel strongly about. I expect that all residents will have ample opportunity to provide input before the government make any further decisions regarding the future regulation of these products. I look forward to the report of this review when the minister brings it to the attention of the Assembly.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (5.27): As Ms Porter indicated the government is going to conduct a full review of the Dangerous Substances Act, and it is this act that provides a statutory framework for the regulation of dangerous goods and hazardous substances, including asbestos, explosives and consumer fireworks. The objective of the act, Mr Deputy Speaker, is to protect the health and safety of people and to protect property and the environment from damage from the hazards associated with various dangerous substances.

Section 224 of the act the Assembly passed in 2004 requires me as Minister for Industrial Relations to review its operation and to present a report on the outcome of the review on or before the Assembly's third sitting day in 2008. As we do not have the sitting pattern yet for next year, my expectation is that this time is likely to be late February or early March of next year. In particular, the review of the Dangerous Substances Act will see the government better placed to fully consider the future regulation of fireworks over the Queen's Birthday long weekend. This is indeed an important part of the review and one which the government is very keen to conduct in a comprehensive and transparent manner.

The act and associated explosives regulations do include strict rules on how consumer fireworks are supplied, bought and used. Only approved fireworks can be sold by licensed dealers for the week leading up to the Queen's Birthday long weekend, and, as Ms Porter indicated earlier, can be used only between 5 pm and 10 pm on the Saturday, Sunday and Monday of the long weekend. This ensures that fireworks can be enjoyed with a reduced likelihood of disturbing or endangering people, animals or property.

The clear message, Mr Deputy Speaker, is that people who use fireworks must do so safely and legally. But unfortunately, I and, I am sure, most members of the Assembly have received a considerable amount of correspondence suggesting that some of our fellow Canberrans have not complied with the strict rules that apply to the use of fireworks. Some concerns have also been expressed that some illegal fireworks may have been available for purchase over the Queen's Birthday long weekend this year, and it is clear that these illegal fireworks can significantly inconvenience residents and their pets and may expose the community to unnecessary danger.

Mr Deputy Speaker, other Australian jurisdictions have considered these issues and the costs to the community of the use of fireworks. New South Wales, Victoria, Queensland, South Australia and Western Australia have all prohibited the use of fireworks by members of the public. So apart from us in the ACT, only Tasmania and the Northern Territory allow the purchase and discharge of consumer fireworks. Tasmania allows small retail fireworks with a permit, and discharge is restricted to a location that is at least 50 metres from a building, vehicle or roadway. The permit process requires the consent of the police, the fire service and the local authority. I understand, Mr Deputy Speaker, that Tasmania are currently reviewing their regime.

In the Northern Territory, consumer fireworks are available to the public for only one day each year—Territory Day, which is celebrated on 1 July in the Northern Territory—and fireworks can be sold by licensed persons to persons over 16 years of age and they are available for sale only on 30 June and 1 July between 9 am and 9 pm. The fireworks may then only be ignited on 1 July between 6 pm and 11 pm.

Mr Deputy Speaker, I would like to take this opportunity to outline to members of the Assembly the government's plan for engaging the community, particularly on the consumer fireworks component of the overall review of the act. Members may be aware that yesterday I announced the commencement of the consultation period and released a discussion paper to facilitate the review. The discussion paper is intended to assist individuals and organisations to understand the purposes of the Dangerous

Substances Act and to provide some indications of how it has operated since its commencement in 2004. It invites those who have an interest in the operation of the act to prepare submissions to the review. Submissions must be made during the consultation period, which ends on 30 November this year.

Given the heightened community interest in consumer fireworks, the government is dedicating a large part of the review solely to this aspect of the legislation. In doing so, the government is undertaking considerable community engagement in order to ascertain community opinion, in particular the level of support or opposition towards consumer fireworks and the reasons behind this, the potential level of support for further regulation or deregulation, and the economic contribution of consumer fireworks to the ACT.

The government has engaged an independent consultant to assist the review. The consultant has developed an online survey which involves a simple questionnaire that is suitable for self-completion. All Canberrans are encouraged to log on to the ACT government website and participate in this survey.

I am aware, Mr Deputy Speaker, that there are critics of online surveys who would say that they are not worth while and are unlikely to produce a result that is representative. These views are held on the basis that the participants in such surveys are likely to be those with strong views for or against the subject matter. Whilst I acknowledge that that is the case, the government considers the online survey to be a useful market research tool, as it allows the wider community to have their say in a straightforward and efficient manner. However, I do acknowledge, as I say, the views of those who do not support such surveys. I would like to assure members that, in devising the survey, techniques have been employed to limit the potential for misuse; for example, by preventing, as much as possible, participants from completing the survey more than once.

In addition to the online survey, the independent consultant will also undertake a quantitative telephone survey. This survey will be conducted over the next few weeks and will involve a representative sample of 1,000 Canberra residents over the age of 18 years. A short, structured questionnaire is being developed and the survey will be sufficiently robust to ensure that reliable results are produced. I am advised that the confidence level for a survey of this type is 95 per cent and the results will be within three per cent either way of the results that would have been obtained if the entire population over the age of 18 had been surveyed.

The government considers this type of survey data to be critical to the consumer fireworks review. Whilst there have been inquiries into and community consultation on fireworks in the past, there has been no reliable data or benchmark on community-wide opinion. The government is very keen to understand what the community feel about the current regulation, and this will clearly assist us in determining whether there is a need to further regulate or deregulate the use of consumer fireworks. If there is an identified need, we will then be able to explore appropriate options.

The government will also be conducting a number of public meetings during the consultation period. Details of the meetings will be announced shortly and included

on the ACT government website. At these meetings, the results of the telephone survey will be discussed and discussion encouraged on community views in relation to fireworks. It will also be important to ascertain ideas from people about how the regulation of fireworks could be improved or addressed. Again, I encourage members of the Assembly and the community to watch out for the meeting details that will be coming in the near future and to participate in this process.

In early December, following the completion of the consultation period, a number of focus groups will be convened with a cross-section of Canberra residents and stakeholders. The purpose of the focus groups will be to gain an in-depth understanding of the nature, range and scope of opinions held by the general public. The focus groups will be conducted independently of government by the consultant. Membership for the groups will be investigated and determined by the consultant during the consultation period. Depending on the outcomes of the community engagement, it may also be worth while for the focus groups to explore options for further regulation or deregulation of consumer fireworks.

Mr Deputy Speaker, fireworks are an issue that interests a significant proportion of the Canberra community, and many of our fellow Canberrans have very strong views one way or the other on the regulation of fireworks. The government is serious about engaging the community in the review. I again encourage all members and Canberrans to express their views during the consultation period, either by written submission, by participating in the online survey or through attendance at the public meetings.

The consultation process will be comprehensive and transparent. I am seeking to encourage a cooperative and responsive relationship between the government, key stakeholders and community representatives in relation to this matter. Expressing a view on the regulation of fireworks is critical to any future decisions in relation to further regulation or deregulation. Once the review is conducted, the government will be in a position to fully consider future regulation of fireworks over the Queen's Birthday long weekend.

I will be tabling a report on the review of the Dangerous Substances Act, including the outcomes of the community engagement on consumer fireworks, in the Assembly early next year. As I indicated, my expectation is that that will be late February or early March. I did indicate, Mr Deputy Speaker, that, if the result of the consultation was an overwhelming case for a ban on fireworks, it would be appropriate to give the industry time to adjust. I am aware that the ordering process for fireworks has already commenced for the 2008 year, so I have indicated that, if the result of the consultation is a ban, then that would not come into effect until the 2009 year, as it would be too late to institute a ban in 2008 given the time frame of this review.

Of course, if there is no change to regulations then things would proceed as normal for 2008. However, there may well be time, depending on the nature of any further regulation or deregulation, to make those adjustments for the 2008 Queen's Birthday long weekend. It is my intention to provide clear advice to the Assembly and to the Canberra community as early in possible in 2008 on the outcomes of the consultation.

MR MULCAHY (Molonglo) (5.38): Mr Deputy Speaker, I will not make a long address on this particular motion, because I am essentially comfortable with the sentiments contained in Ms Porter's proposal. They seem to make sense. I am well aware of the matters that the minister went through in some details in terms of consultation. As indicated in public comment yesterday, provided they are done according to the normal standards of survey work, particularly the telephone work, then I think that would give us some reasonable indication of public view, and I think that is something which I would certainly be comfortable with going forward.

I guess I am one of those here who have an open mind on this particular issue and am still settling my own thinking on the matter of fireworks. I am conscious of the issues. I suppose I see five issues involved, the first and one of the most visible is the distress that I am informed by the RSPCA is caused in relation to animals. I am also aware of the general annoyance factor that people properly complain about when fireworks go off late at night, and there are concerns there. I am concerned about the possible impact on people physically—injury and the like. I suppose the fourth and fifth issues that come to light, and there may be others—I know, Mr Deputy Speaker, you had a long involvement in this issue—relate to the consequential acts of vandalism that happen with younger people sometimes misusing fireworks, as well as issues related to the regulation of the industry and the sale. I recall that before I was elected to this place there were some real issues of probity that emerged in relation to the way in which the industry was operating, and it brought itself under substantial scrutiny by WorkCover at that time.

In relation to the issue of pets, we need to be sensitive to the fact that, based on data that is provided by the RSPCA, they do report that June is the busiest month in the shelter in terms of the number of dogs coming in. In June 2005, for example, even though we had a wet June long weekend, the RSPCA say that they had an increase of 14 per cent in the number of dogs coming to the shelter. It was even more dramatic in the previous year, with 75 per cent more dogs being brought to the shelter in June 2004 than May 2004. In their terms that was the worst in recorded history. I do not like seeing animals being subjected to this level of distress, and if that data is sound then it is an issue of concern to us in a civilised society.

I grew up in an era where it was a pretty free and easy approach to fireworks. We used to celebrate Empire Day—which I am sure the minister would not be very fond of; I think it was May 24, as I recall—rather than Guy Fawkes Day. I am not sure what happens now on Empire Day; that seems to have slipped off the calendar. I know the minister is rather fond of proclaiming public holidays. Mr Deputy Speaker, rather than ruining the Melbourne Cup, the minister might want to think about Empire Day, notwithstanding his republican tendencies.

Mr Barr: Well, as long as we can have North Korean type celebrations.

MR MULCAHY: Well, this could happen too. This could happen with your Chief Minister; I think I see some parallels.

On a more serious note, I did look at the report of the Standing Committee on Legal Affairs of June 2002, and there was a series of recommendations which I understand

was the precedent that led to the creation of the Dangerous Substances Act. I am pleased to know there is a review underway. Standing out, in particular, was recommendation 13, which basically advocates the introduction of on-the-spot fines with the authority of the police to impose those on people committing various violations in relation to illegal fireworks. Now, I do not think that has happened to date, but it would seem to me that that would be a sensible measure.

A couple of my observations are that, apart from those areas of complaint and concern with regard to injury to individuals as well as misuse, there are concerns about those who persist in operating outside of the June long weekend. I am aware of two examples of that which I have stumbled across as a local member. I did notify the police in relation to that. I do not know what they do, but if the police are required to proceed with a prosecution, I can understand that that may be a disincentive for them to go through all the paperwork and trouble of going to court when the community probably sees larger or more serious offences warranting their time. It may be better if there were on-the-spot fines for those who persist in disregarding the constraints.

I know what Ms Porter says about people setting off fireworks after 10 o'clock or something, but I think it is a bit rich when people start setting off fireworks four and eight weeks after the celebration period is finished and assuming that that is fair game. In fact, the other evening I was in Griffith and I saw a fireworks display of some considerable magnitude going off on the oval there down in Canberra Avenue. I pulled up, because I thought there was some event on—I thought there was an electorate event I should be at. I was absolutely amazed to observe some of our younger people, who appeared to be visitors from across the border, out there running their own Queen's Birthday long weekend events a little bit late—some couple of months late.

It is all well and good to have high fines and pass more laws, but, at the end of the day, if you are going to break the law, either through ignorance or, I suspect, through design, then just passing more laws will not be the answer. I think what you need is to have a situation where the police can move on those situations when they receive complaints from residents and issue an on-the-spot fine. Hopefully, that will get the message across to people that this behaviour is unacceptable.

I am not a big advocate of these sorts of prohibitionist measures. I do understand the distress expressed by the RSPCA. As a kid, I always used to see on the front page of the paper after the fireworks night there was someone who nearly blinded themselves for had nearly blown their hands off, and they were always pretty terrible stories to read about. I know how careless we were when we were younger, but that was probably true about all sorts of things. I am quite amazed that I am still alive today to reflect on that. I am sure you, Mr Deputy Speaker, know that those in our era were a lot more carefree about our own safety. I think fireworks were a classic area where people were willing to be pretty relaxed about the whole approach.

Now we are in a society where we want to seemingly protect people a lot more vigorously, and I understand there are good reasons for that. We do not want our hospital wards filled up with more people, but I certainly would hope that we go with caution here and not overreact. I know that part of the minister's consultation process was to have a meeting—I think, north and south. I suspect those meetings will be

attended by those who have got an axe to grind on the issue one way or the other. I am interested in the telephone survey. If it is done properly, I think that will give us a more representative view.

I do not get a lot of letters about this issue, with respect to the magnitude of this issue. There are people who are passionate about it. I know Mr Pratt has had a number of letters over time. I have held the role of shadow minister for industrial relations twice, and there would be, I suspect, probably fewer than half a dozen letters that have ever come to me about this issue. That is not to say that that is the sole measure, but I do think that we need to move cautiously.

I know within the Liberal Party ranks here there are different views about this whole issue. I think the key going forward is to look at some solutions—and the on-the-spot fines is a relatively easy one that would, hopefully, tackle part of this issue. I think it is imperative that we have consultation. We do not want to be spoilers in this place, but we also do not want to cause distress to owners of pets, and we certainly do not want a situation where people could be injured or where homes and letterboxes are vandalised. I know that sounds a bit like an each-way bet, but, in fact, I do have an open mind, and I know that various colleagues of mine here—and I suspect on the other side as well—have mixed views about this whole situation.

I do think it is an issue that aggravates you more as you get older. It is more irritating as you get older in terms of things going off late at night than probably when you are 20, so we need to temper that. Those of us in this place who are over 50 need to balance our attitude on these issues and not impose all of our concerns on the community.

DR FOSKEY (Molonglo) (5.48): Thank you, Mr Speaker. It sounds like you have had a verbal submission from Mr Mulcahy. The Greens' office has had many lively discussions on this issue before I came here because even among four people there can be 10 opinions.

When a new and improved fireworks regime was created in 2004 via the Dangerous Substances Act 2004, the Labor government of the day agreed that the legislation would be reviewed independently from July 2005 and that that review would focus on social and environmental impacts. The ACT Greens, through the office of MLA Kerrie Tucker, were intimately involved in negotiations regarding this bill in fairly positive collaboration with the government and, at various times with others on the cross bench, and supported the bill through the Assembly.

However, in June 2005, the ACT government introduced and passed the Occupational Health and Safety Legislation Amendment Bill 2005, delaying the conduct of review for two years and removing the need for the review to be conducted independently or to focus on social environment impacts. It appears that the reason for this came down to the financial cost involved in conducting the review in such a manner irrespective of whether this could compromise the integrity of the review.

Now that the government has finally begun a review of the Dangerous Substances Act, we have got the details and we can look at them and see how far the government has gone back on its 2004 promises. I would actually like to have spoken before the

minister because he could have answered my questions. I am not sure how independent this review will be.

While ACT WorkCover is responsible for administering the dangerous substances legislation, it appears that the governance division within the Chief Minister's Department is responsible for the Dangerous Substances Act review as information regarding consultation is on their web page. However, all submissions to the review are to be sent to the Office of Industrial Relations within the Chief Minister's Department. I was under the impression that ACT WorkCover effectively is part of this office. So I am wondering: is it the case that the public servants who administer the legislation have now got the role of reviewer, and would not this compromise a review to some degree? Mr Barr mentioned an independent consultant. I would like further explanation as to the role of that independent consultant in this process.

I also note from the discussion paper that there is a lack of clear terms of reference for the review. I am interested to know if there are any terms of reference. If there are, could someone from government please tell us what they are? If they exist, do they include an analysis of the social and environmental impact of retail fireworks, as required by the original legislation?

People might think this is a rather trivial matter, but every time we watch a large fireworks display these days, those of us who are concerned about climate change—and I think that is all of us—probably wonder what amount of carbon the smoke from the fireworks is putting into the air. These are not trivial matters. If we decide that we will produce carbon emissions here, we have to look at where we can reduce them elsewhere to compensate. Although that may not be the situation now, it soon will be when we really start grappling with this issue.

The discussion paper that the government issued to accompany the consultation process does little to provide adequate discussion of the social and environmental impact of retail fireworks, including climate change impacts, as was required in the review by the original legislation. There is, I note, a table on page 27, which is a very interesting table, which displays statistics for items like the number of fireworks sold, the number of complaints and the number of dog incidents, which have all increased dramatically in the last year from previous years. Unfortunately, however, the discussion paper does not talk about these issues and fails to ask the reader key questions about these impacts.

My final question is: will a copy of this submission or the findings of the review be provided to the Assembly and public before the government takes it away to consider? I would appreciate it if we could be advised on this matter in the Assembly during this debate or as soon as the minister finds it convenient to do so.

MS PORTER (Ginninderra) (5.54): I thank members for their contribution to this debate this evening and their support for the motion. This is a vexed question, as people have been saying. I do not want to be a party pooper. I remember quite clearly as a child in England celebrating bonfire night some time in November each year. I can remember the big bonfire and the fireworks. I am sure we could not contemplate doing that in November in Australia.

But notwithstanding people's enjoyment, during the night and after there is damage reported to property, including damage as a result of illegal activities and vexatious explosions that potentially harm people and animals. I believe it is a reason for considerable concern. I am very pleased that the minister has affirmed that the upcoming review will be thorough and is likely to be tabled in the Assembly in February 2008, or as early as possible. Thank you for that, minister.

Motion agreed to.

Adjournment

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

That the Assembly do now adjourn.

Good Shepherd Catholic primary school

MR SESELJA (Molonglo) (5.55): Today I had the pleasure of attending the official opening of capital works at the Good Shepherd Catholic primary school in Amaroo. Senator Gary Humphries was on hand to officially open the new works. The principal, Graham Pollard, was there. Archbishop Coleridge was there to bless the works and my Assembly colleague, Richard Mulcahy, was also in attendance, as were many parents and friends of the school and, of course, students.

We saw the completed stage 6 at the school, which features general purpose learning areas, information technology areas and more. The Australian government provided funding of \$650,000 to assist in the further development of the school and its facilities. I also note that the school has applied for and received funding for the chaplaincy program.

The school opened in 2002 with 84 students and today there are 535 students from kindergarten to year 6, and it is bursting at the seams. I want to congratulate Mr Graham Pollard, the school principal, for his excellent management and leadership. I also congratulate the parents and volunteers in the local community that make the school an important part of the fabric of Amaroo and an important part of the fabric of our community.

Mr Speaker, I had the opportunity while I was there to talk with parents and members of the Catholic Education Office about some of the challenges facing non-government schools in particular. There are concerns over not only the ACT government's funding but also federal government funding. The SES model, as it applies in the ACT, will soon start to disadvantage new non-government schools in the ACT. They have avoided that because existing schools have had their level of funding maintained, but if they want to open up new schools, particularly in expanding areas like Gungahlin, there is the potential of less federal government funding.

I will certainly be lobbying my federal colleagues to have another look at that because I think it is important that the ACT not be disadvantaged in that way. The ACT government does give, I think, the lowest level or amongst the lowest levels of

funding to non-government schools in the country. Non-government schools in Canberra are doubly disadvantaged by, one, the SES model as it will apply prospectively and, two, by the complete underfunding of the sector by the ACT government.

This is a real concern. The fact that there is no Catholic high school in Gungahlin is a concern to many of the parents I spoke to who would like to send their kids to a Catholic high school in their area. It is a growing area. As I said, there are 535 students at Good Shepherd at Amaroo and there will be many more in years to come.

Mr Barr: It is just as well there are so many quality government schools, then.

MR SESELJA: Indeed, we are grateful for the government schools. I would make the point, as Mr Barr interjects, that there is only one side of politics that is actually committed to both government schools and non-government schools in the territory. That is the reality. We have seen that in their attitude. We saw that at the Labor Party conference where a motion that was totally anti non-government schools was defeated by only one vote.

We know the Labor Party's position on non-government schools. We saw the hit list from Mark Latham at the last election. We have seen the inadequate levels of funding from this government. We have seen what they have done in ripping the heart out of many government school communities in the ACT as part of their slash and burn approach to closing government schools in the territory. We know that there is only one side of politics that actually supports both government schools and non-government schools.

The underfunding of non-government schools in the territory continues to be an issue and will continue to be an issue going into the next election. This government has slashed and burned in the government sector and completely neglected the non-government sector, and we will continue to hold the government accountable for that.

Once again, I congratulate the parents and staff of the Good Shepherd Catholic primary school at Amaroo. It is a great school community. It was wonderful to be there to celebrate the opening of the new part of their school. I look forward to many more visits there in the future and to continuing to contribute to the Gungahlin community.

Housing

Narrabundah Long Stay Caravan Park

DR FOSKEY (Molonglo) (6.00): I want to talk about a couple of related events that I have attended in the last week or so, starting with the most recent. Today at lunchtime the Chief Minister launched a book that has been produced after quite a long time in the gestation about the threat to the Narrabundah Long Stay Caravan Park. At the height of the campaign it was decided by some of the community organisations involved in the campaign that some of the stories of the residents, accompanied by photos of those same people in their dwellings, would make a really good book and, hopefully, campaign tool.

As we know, there is no more need for that campaign tool, but the book remains. I must say it is a very fine book of coffee table quality with some very lovely photos and stories about the very interesting, very ordinary people who live in the long-stay caravan park, detailing in particular how important that accommodation has been to them in terms of their independence and, sometimes, survival. I commend the book to members. I am not sure whether you will get a free copy. I know that those of us who assisted the campaign did. We will find out.

As we know, the long-stay caravan park is going through a process at the moment to work out what kind of ownership they end up with. While the land swap is not entirely complete, the Chief Minister said with some confidence that it would occur. I hope that is the case. Whatever happens, the long-stay caravan park people have been pretty much promised that they will be able to stay as an entity.

I wonder what kind of legal formation might suit them. Last week I went to the national housing cooperative conference in Melbourne. I am a believer in cooperatives. Back in the 1970s, I was part of a group that set up Warm Corners Cooperative Ltd, which was a way of community settlement that gave people access to land and accommodation at a cheap price. That is what housing co-ops are all about. They are closely related to the community housing associations. Indeed, the conference that I went to was auspiced by the Victorian community housing organisation, a group that is expanding hugely.

Housing cooperatives empower their members. Members own, in a sense, the assets of the cooperative and they make decisions about the cooperative. Again, there were some great people at that conference, people who would not have been out of place at the Narrabundah long-stay park, people who are the sort of core and the heart of any community. I am not sure what kinds of structures are being considered by the government, but it seems to me that the long-stay caravan park would be quite well run as a cooperative.

To remind people of what cooperatives are about, we see less of them now in our society, but some of them are quite famous. Of course, there are the Spanish cooperatives—workers' cooperatives where workers actually have a great deal of say about the conditions of their work. It goes past unions and often workers own and share the assets of their work. Bega Cheese is still a cooperative. In fact, rural cooperatives are very common, or were very common, but, of course, if they are profitable, they are very much desired by corporations.

I have made some inquiries into the focus on cooperatives in the ACT. It seems to me there is a very small unit in JACS with that focus. I have certainly benefited from conversations with Peter Quinton, who is that unit, I believe, and I commend him for the work he does. I would be very happy to work with the government to expand cooperatives. I would like to put on the agenda that perhaps this is a structure that could be offered to the long-stay residents of the Narrabundah caravan park.

Camp Quality 2007 esCarpade

MR SMYTH (Brindabella) (6.05): I wish to bring to the attention of members and the Canberra community at large the 2007 esCarpade for Camp Quality. The esCarpade

for Camp Quality this year will be quite important for Canberra because it will be the first time in 16 years that the esCarpade has started from Canberra and it will actually be the first time that Canberra has entered a vehicle.

That vehicle—because I know you are a car lover, Mr Speaker—is a 1973 Holden LJ Torana with a 202 Holden motor, XU-1 rods, ACL 30,000 pistons and a stage 5 heat seeker solid cam and lifters.

Mr Barr: The Speaker is a Ford man, isn't he? He would rather push his Ford than drive a Holden.

MR SMYTH: Mr Speaker, Mr Barr points out that you are a Ford man, but I thought you should know that there are some other vehicles on the road and some of them are trying to do good things for kids with cancer. Over the last 16 years the Camp Quality esCarpade has covered about 48,000 kilometres and visited 200 towns. It translates roughly to 2,000 entrants, 320 officials and millions and millions of dollars raised for Camp Quality. This year it starts in Canberra. It circles around the north of Goulburn to Laggan. It goes down to Bombala, Lakes Entrance to Melbourne, across to Devonport, to Hobart and then back to Devonport. So it will cover an interesting route. In another first for the esCarpade, it is the first time it will actually cross the Bass Strait and go to Tasmania.

At the heart of Camp Quality is that we do have in our community a group of kids who are affected by cancer. We all know how sad that is. A child in a family living with cancer is a dreadful thing, and the goal this year will be to help a child and their family living with cancer by not only sending the kids to camp, but also offering financial assistance to those families finding it hard to balance the cost of cancer treatment and everyday living, as well as handing out doses of fun therapy in paediatric oncology wards in each capital city and helping the McDonalds Camp Quality puppets visit more schools throughout Australia.

We know that Camp Quality currently helps more than 5,000 kids with cancer and their families in this country and I urge everyone to get behind this group of brave adventurers, who are Ivan Slavich from ActewAGL, Andy Mills from Camp Quality and Eoghan O'Byrne from FM 104.7.

I think it is a tremendous way to have a bit of fun, but it is a great way to get that message out on the road so that people do understand that there are those less well off in the community through no fault of their own who really do deserve any assistance we can offer. If people want to make donations, they can do so at the ActewAGL office in the city or they can contact SERVICE ONE Members Banking. I have the details in my office if people would like them.

Question resolved in the affirmative.

The Assembly adjourned at 6.08 pm.