



Debates

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Wednesday, 21 November 2007

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Wednesday, 21 November 2007

The Assembly met at 10.30 am.

(Quorum formed.)

MR SPEAKER (Mr Berry) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petition

*The following petition was lodged for presentation, by **Mr Pratt**, from 145 residents:*

Tharwa bridge

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 Governments 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 Pre School will remain open despite a lack of enrolments caused by poor access to Tharwa.

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

Leave of absence

Motion (by **Ms MacDonald**) agreed to:

That leave of absence be given to Mr Corbell (Attorney-General) for today and tomorrow.

Sentencing Legislation Amendment Bill 2007

Mr Stefaniak, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (10.33): I move:

That this bill be agreed to in principle.

Crime is an issue that affects many in our society, and many Canberrans have been victims—many of them victims of very serious crime. All Canberrans have been touched in some way by crime in our society. Sentencing is a difficult and vexed issue but I think it is very important that our laws and our courts reflect proper community expectations in relation to this very important area of criminal law.

Back in September 2003, the *Canberra Times* had an opinion poll which gave some rather disturbing statistics. It showed that 82 per cent of our population felt that our courts were far too lenient when it came to sentencing people for violent crimes. Twelve per cent said they were somewhat too lenient and five per cent said they had got it about right. I think that is a pretty accurate poll; it is certainly accurate in terms of what I hear in the community from people who express opinions on this important topic. I refer especially to people who are involved in the system—corrections officers and others involved in the system—who talk about the frustration of victims and police if the courts get it wrong.

There are very few people who think the law does not need to be changed. The bill that is before the house, whilst respecting the discretion that the court has, and in no way destroying that discretion, is very similar to a bill I introduced previously which dealt with things like recommended non-parole periods. The discretion is there; it respects the traditional role of the court in regard to sentencing but it does provide very strong guidelines. It provides recommended non-parole periods, which work very well in New South Wales, and it provides criteria that courts need to look at, over and above what we already have, in relation to the most serious offences that are listed.

It is disturbing to see how the ACT rates in terms of the rest of Australia. It is disturbing that police tell me regularly, and people in the system say, that we are, unfortunately, seen as a soft touch. Thankfully, many people stick to their patch when they commit crimes, but in other instances they do not. Crime is more sophisticated, and obviously there is a temptation for criminals to go to a jurisdiction in which, if they are caught, they are less likely to receive serious punishment than would occur in a jurisdiction across the border.

The Bureau of Statistics showed that, for the 2005-06 year, the ACT Supreme Court sent fewer people to jail than any other superior court in the country. It showed that 30 per cent of those convicted of a crime were ordered to spend time in jail, 40 per cent were given a fully suspended sentence, and the remainder got a non-custodial order such as a good behaviour bond. If we compare that information to what occurs in New South Wales, we see that 73 per cent of convictions resulted in a custodial sentence. In Victoria, the figure was 56 per cent and in Queensland it was 54 per cent. So there is a big gap between us and Queensland, which has the next highest figure.

This issue of leniency within our system has been raised on a number of occasions, and it is of concern even to people such as the DPP, police and other people in contact with our system on a regular basis.

Offences that are dealt with by our superior courts—in our case that is the Supreme Court—are serious. They are the most serious offences in most instances, and they need to be dealt with in an appropriate manner that is consistent with that of other states and territories. Indeed, recent statistics—and I saw the quarterly reports for the last quarter, and going back several quarters—show that the 30 per cent figure is pretty consistent and that, if anything, the figure is probably a bit lower now. In the third-last quarter, four out of 18 people found guilty by the Supreme Court were sentenced to a full term of imprisonment.

In the following quarter, the figure was four out of 22. More recently, and interestingly, the figure was eight out of 26. So if we correlate that information, it is even less than 30 per cent. The trend is not changing, and I think it is crucial that we do have consistency. To me, it is ridiculous that someone who commits an armed robbery in Queanbeyan could expect to spend significant time in prison, yet someone committing a very similar crime in the ACT may well get off with a suspended sentence.

The general policy needs to be looked at across the nation. I was pleased that shadow attorneys-general have called on the current Attorney-General to push for uniform sentencing laws. Their communique stated:

Sentencing laws differ significantly and we have a responsibility as elected representatives to push for law reform in this important area.

... there was clear consensus that there are strong legal and policy reasons to progress this as a new initiative. Nationally consistent sentencing laws should form an integral part of proposals towards uniform criminal laws.

That will take time. We have not quite got uniform criminal laws yet; that proposal has been around for 15 years. All of us will probably be out of this place before that occurs, but there are very strong legal, policy and practical reasons to implement sensible laws that have been introduced across the border. I must say they are laws that have been introduced by the New South Wales Labor government. These laws were introduced during the time that Bob Carr was the Premier of New South Wales. They are laws that have been in place for a number of years and we have seen how effective they have been.

I have talked to a number of practitioners who practise in both New South Wales and the ACT. They understand the laws and have adjusted to them. They say they work quite well and that there is considerable merit in them. These people often scratch their heads when asked why we do not have similar laws and why our system is so lenient. It is certainly something that causes great angst among the public, and especially among police, victims and others who regularly come into contact with the system.

I will go through some of the salient features of the bill. It is very similar to a bill that I introduced in 2005. Some slight changes have been made in order to update it in

terms of the Criminal Code. Probably the most significant part of it, which I will deal with first, relates to the standard non-parole periods. These are working well in New South Wales. The New South Wales legislation has been largely duplicated by this part of the package. It will see standard non-parole periods—that is, the time that a criminal actually spends in jail—introduced for a number of serious offences. The courts must use these standard periods when setting a non-parole period unless there are mitigating or aggravated circumstances in the case that justify a court deviating from the standard non-parole period.

Those standard non-parole periods are: for murder, 25 years for a special category of public officers such as police, emergency services workers, doctors, nurses, judicial officers and teachers; for murder in other cases, 20 years; for attempted murder, 10 years; for gang rape or rape in the first degree, 15 years; for intentionally inflicting grievous bodily harm, seven years; for aggravated armed robbery, which is with a weapon and someone is injured, seven years; for aggravated burglary, if serious injury is caused to a person, seven years; for carjacking, which is a new offence which I am including in this package, three years or, if it is committed in aggravated circumstances involving injuries, five years; for burglary, if the offender has been convicted of a burglary offence in the previous five years, one year; for supplying more than 50 times the trafficable quantity of a drug such as heroin or speed, 15 years; for supplying between 30 and 50 times the trafficable quantity, 10 years; and for supplying at least 20 but less than 30 times the trafficable quantity, five years.

Those last three are more of an extrapolation of the New South Wales drug provisions. New South Wales tends to have a lot more sections in its criminal law and acts than we do, so there is some extrapolation there. If you follow the New South Wales system, you will see that, for most types of murder, the courts will give that 20-year non-parole period. They will deviate from that. I have seen cases involving the battered wife syndrome, where the wife just snaps after taking a horrendous amount of violence from her dreadful husband, say, over a 10-year period and a court has given a suspended sentence because of those mitigating circumstances. In cases where the murder is particularly nasty and outside what the court regards as the norm, the courts will give a much lengthier non-parole period or, indeed, in some instances, none at all. So that discretion is there, but it is a guideline that people involved in the system in New South Wales, including even some practitioners from here, say works well. It gives a degree of certainty. There is the ability, depending on the case, to deviate from it.

It is not, as some opposite probably have said before, mandatory sentencing—nothing like it. It was introduced by Bob Carr and his government. But it does provide that certainty and it works well in the state that surrounds the ACT. I return to my earlier point: why on earth should someone sentenced in the Queanbeyan District Court or Supreme Court for a serious offence get a jail term while someone in the ACT Supreme Court sentenced for exactly the same offence committed in Fyshwick, a few miles across the border, gets a completely different sentence? It does not really make sense. Crime, of course, knows no boundaries. Especially in the case of the ACT, there is a large incidence of people committing crimes in both jurisdictions.

The other very important area relates to sentencing guidelines. The package enables our new court of appeal, which has been going for a few years, to issue guideline

sentences and sentencing guidelines for use by the Supreme Court and the Magistrates Court. The Attorney-General will also be able to request the court of appeal to give a guideline judgement. For those offences where there are not those recommended non-parole periods, it will enable the court of appeal to set out the guidelines to be followed for certain types of crimes and to detail what sorts of penalties should be imposed by the lower courts for certain types of offences. It is used very effectively, I understand, in New South Wales, where there are guideline judgements for things such as culpable driving, in the case of a person killing someone as a result of culpable driving. The New South Wales Court of Appeal has issued guideline judgements in relation to offences such as that.

It is a very effective way for a lower court to handle those types of incidents. Of course, every crime is different but some have a very similar pattern. There is the ability in this package, as happens in New South Wales, to take very different circumstances into account. This system is working well in New South Wales. ACT practitioners comment to me, "It's a pretty reasonable system and makes a lot more sense than what we've got." They are being honest about it; in many instances you might think it would be in their interest to get their client off. So I take notice of that. I am pleased that what always appeared to me to be a sensible system is actually working well.

As I indicated, there is a new offence of carjacking, which would carry a maximum penalty of 10 years, or 14 years for aggravated circumstances. Some additional things were included in a previous bill, and which I will deal with later, but they are not included in this legislation.

Finally—and to an extent this is probably less than the standard non-parole period in the sentencing guidelines—our criminal law is very much out of kilter with New South Wales in simple things such as maximum penalties. A maximum penalty does not give any guarantee that the court will adhere to it, but in many instances it does. It does express the legislature's concern—and, through the legislature, community concern—about certain offences. Even this government has introduced in some areas increased maximum penalties for a number of offences. I think arson was one, which was up to 15 years. The late Justice Connolly issued quite a strong sentence in relation to one act there as a result of the legislature plainly making known that it was a serious offence. Accordingly, a maximum of 15 years was seen as sensible. So it is important for consistency reasons.

I will give some examples of what is included in the bill. For rape, all maximum penalties need to be increased, with the current maximum penalty available for rape in the first degree rising from 20 years to life. For manslaughter, the maximum penalty for industrial manslaughter will rise from 20 to 25 years. For malicious wounding, it will rise from five to 15 years. For culpable driving causing death, it will rise from five to 14 years. For abduction of a young person, it will rise from five to 10 years, and for false accounting it will rise from seven to 10 years.

In all, there are about 40 offences that have their maximum penalties increased in this legislation, basically in order to bring us into line with New South Wales. In a couple of areas, there has been a bit of an extrapolation simply because we have three

offences and New South Wales has about seven. Apart from that, it is pretty faithfully in line with what New South Wales has done. There is immense sense in doing that. That is the state that surrounds us. That is the state with which we have the most cross-border dealings in terms of crimes, and it makes eminent sense to follow that state if it makes sensible improvements to its law. I must say that the New South Wales Labor government has done that over a number of years. I have no compunction in praising the Labor government when it does the right thing.

Most states have much stronger laws. In fact, virtually all of them do have stronger laws than us. Certainly, with sentencing guidelines and recommended non-parole periods—and a few other states do this, too—New South Wales has a scheme in place that I believe we should replicate. I hope that this time the government, rather than just knocking this out, will give some serious consideration to it, as it should. I note that in a couple of areas of criminal law the attorney has given some encouraging signs in relation to some immediate law reform in the criminal justice area and in other ancillary areas of the law.

I commend the bill to my Assembly colleagues. I am happy to take people through it and discuss any issues before we debate it in due course. I am certainly interested in any proposed amendments. It is something that, quite clearly, the vast majority of people want to see happen. They want a justice system that delivers. It is crucially important that we have a well-resourced police force. Indeed, there are still some real issues there. At the other end of the scale, it is essential that the court system and the laws represent proper community expectations in order that the system can work as it should work and deliver those community expectations. Sadly, at present, those community expectations in terms of sentencing are not being delivered. Legislatures can effect that in the sensible way that the New South Wales Labor government has done. I commend this legislation to the Assembly.

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

Residential Tenancies Amendment Bill 2007

Dr Foskey, pursuant to notice, presented the bill.

Title read by Clerk.

DR FOSKEY (Molonglo) (10.50): I move:

That this bill be agreed to in principle.

The Residential Tenancies Amendment Bill 2007 hopefully represents another small step down the road towards truly sustainable housing in the ACT. Now that climate change is on everyone's mind and well recognised as the most significant issue facing our generation, it is imperative that everyone becomes as aware as possible of their own impacts and of the many things, big and small, that can be done around our homes to minimise our energy use and impact on the planet. The latest IPCC report tells us just how dire the situation is and how pressing the need for action is. Released last weekend, the fourth report shows very clearly that we are very close to the

two-degree tipping point and that we must act immediately if we are to prevent the worst impacts of climate change.

In that context, this is a very small but nevertheless important step as part of a conscientious effort to ensure that all our homes, both privately owned and rented, are as energy efficient as we can make them. The Energy Efficiency Ratings (Sale of Premises) Act 1997 created the mandated EER disclosure scheme for sales in the ACT. This is unique in Australia and I understand that Denmark is the only other international jurisdiction, with the EU to introduce it in the next few years. All the available evidence seems to suggest that the scheme has been very successful indeed.

The Australian Greenhouse Office will soon, I understand in the next fortnight or so, be releasing a paper titled *A study of the impact of mandatory energy performance disclosure requirements for class 1 buildings in the ACT*. This mouthful of a title does, we believe, present evidence that suggests it will be a very interesting and promising study, not only to people in the ACT but to those in the rest of Australia as well.

Energy Partners, a local Canberra based firm specialising in energy-efficient building design and house energy ratings, has been very involved in Canberra's household energy efficiency pursuits. Indeed, it is one of their reports that prompted this bill. Energy Partners has found that an improvement in the household EER also leads to an improvement in the sale price. Clearly, the community wants to know and the market responds to EER statements.

In 1999, the Assembly passed amendments to the Residential Tenancies Act requiring rental homes to also disclose an EER, if they had one, but it did not require them to go out and get one, as is the case for sales. In effect, disclosure of energy efficiency ratings for rental properties is optional. This bill intends to rectify this anomaly and hopefully to emulate the success experienced in the sales domain in the rental market.

As well as raising community awareness, and particularly the rental community's awareness, these changes will, I hope, encourage landlords to improve their properties and implement measures to improve energy efficiency and reduce greenhouse gas emissions. Essentially, all that these changes do is to ensure that the current system is complied with. The current regime is simply ignored by most landlords. Because it is optional, they choose to ignore it. These shortcomings are clearly shown in a report written by Mr Trevor Lee and Ms Jessica McMahon from the firm Energy Partners. I seek leave to table this report.

Leave granted.

DR FOSKEY: I table the following report:

EER Disclosure Non-Compliance in the ACT Rental Market, prepared by Energy Partners.

This very comprehensive report highlights that, over the last eight years, on average, only slightly more than one in 10 rental advertisements contained an energy efficiency rating for the dwelling. This is in spite of the fact that it is now estimated that

47.2 per cent of rental dwellings have actually been rated for energy efficiency. I reiterate that it is not mandatory for landlords to disclose the energy efficiency rating of their property if they have not obtained one, but if they do they are supposed to, and this report indicates they are not even complying with that.

In early to mid-2003, there was a spike in the level of compliance. I have been told that this was limited to one real estate agent who was threatened, although this has not been confirmed, with enforcement measures. In any case, the compliance quickly subsided back to the ordinary level as soon as the apparent threat of enforcement eased.

The other key point to note is that, predictably enough, compliance is skewed to those dwellings that achieve better ratings. This might be attributable to the fact that landlords who have a more energy-efficient house would want to spruik that and get ratings for them. Therefore, this anomaly is not an issue of compliance failure; rather it is a product of the system itself. Even so, it is still an important reason why the requirement should apply across the board.

Given these problems, it is certainly clear that, in order for the market to properly discriminate between efficient and inefficient houses and to reward and encourage landlords to improve the efficiency of their houses, we need an all-encompassing scheme that is easily enforceable and effective. The options are to either actively enforce the current requirements by maintaining a register of EER assessments and checking advertised properties against a list or, as this bill does, requiring that all advertisements contain an EER. This is a much simpler and cheaper way of doing it and, we believe, much more effective and helpful for potential tenants.

The cost of EER assessments is relatively low, at approximately \$200 to \$250, which includes recommendations for improvements. In other words, it is an energy audit with proposals as to how to increase the energy efficiency rating. It is not unreasonable to expect landlords to get their properties energy efficiency rated, particularly in light of the very high rents that Canberra landlords are able to charge. So we have to understand that people are not only paying high rents but they are then paying very large electricity and gas bills in order to warm energy-inefficient places and, unfortunately, in summer, turning on the air conditioning.

Given Canberra's significant rental population and the fact that it is much more difficult for tenants than it is for owners to make changes to their dwelling, we should be doing everything that we can as regulators to encourage improvement and promote awareness. While there are things that tenants can do, it may simply not be practical. Heavy curtains with pelmets, for instance, make a significant difference, and tenants can put these up. However, if they are not going to be there for a long time—and nobody can be guaranteed more than a year in our current rental market—what is the tenant going to do with curtains that might not fit the windows of their next house? It makes much more sense to encourage landlords to implement these sorts of measures. And, by the way, landlords at the moment are supposed to provide curtains and blinds in the houses they rent.

There is much more that can be done that is relatively inexpensive yet will make a big difference. The most appropriate person to be doing this is the landlord and not the

tenant. Examples of fairly easy improvements that will improve the energy efficiency of a house include insulating ceilings and walls, heavy curtains with pelmets, double glazed windows, draught proofing, low-flow hot water units and shower heads, and well-placed trees.

This is just a start. I think that most would agree it is reasonable that these types of measures be done by the landlord rather than the tenant. Everyone needs to do their bit, and we are not compelling anyone to do anything more than disclose the EER. In the current very tight rental market, it is not likely to work against the landlord if a dwelling has a very low EER because the situation for many people looking for houses is desperate. It may, however, mean that they can be justified in charging higher rents for a house or a flat that has a higher EER. The rest is up to the market, which we hope will reward those who actively take on the responsibility of making their homes as efficient as possible.

As I have said many times, the government's climate change strategy is woefully inadequate. The targets are not enough to prevent the worst impacts of anthropocentric climate change. Having said that, there are some good initiatives in the action plan. Government spending on energy efficiency measures for public housing is a highly commendable example. However, as a 10-year plan, this will simply not be enough. As the pace of climate change becomes more evident and the resulting need for much greater action becomes even more apparent, I expect that this will change.

Nevertheless, it is a start, just as this bill is a start and a first step towards raising awareness and promoting some simple actions. This bill is an initiative to assist private renters who, along with public housing tenants, will need good government intervention to assist them in doing their bit to reduce our emissions.

As I have said, I hope that this bill is one of many that appear before the Assembly with the aim of improving the sustainability of housing in the ACT. The introduction of the five-star requirement is certainly a good step forward. I would say, however, that I do not think we ought to tie ourselves to the slow pace of national reform. The star rating system actually goes up to 10 stars. It is somewhat misleading to give a house five stars when it is really only half-way there. I should say that this is better than the requirements for multi-residential apartments and commercial buildings. There is one new office building being built in Marcus Clarke Street, for example, that is essentially just a sheer glass wall facing west, and I expect the air conditioners are already installed.

We need a comprehensive approach to sustainable building that includes all new buildings and also clear guidelines for planning of the suburbs and sites to ensure that we make the most of what the environment gives us. I hope that both parties can see the potential benefits that this bill offers to both landlords and tenants and that everyone is able to recognise the need for these types of initiatives if we are to progress down the path to a sustainable Canberra.

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

Sustainability legislation

DR FOSKEY (Molonglo) (11.03): I move:

That this Assembly:

- (1) acknowledges that sustainability legislation is vital to the climate change strategy; and
- (2) calls upon the ACT Government to keep to its 2004 election commitment to introduce sustainability legislation in this term of government, by releasing:
 - (a) for full public consultation, the 2005 sustainability legislation discussion paper; and
 - (b) a timeline for comment, public meetings and the tabling and debating of the legislation.

This week we had an updated report from the IPCC about the urgency of climate change and its effects on the planet. Some of the effects, such as the rate of icecap melt in the Arctic and ice-shelf melt in the Antarctic were not expected to occur for at least another 20 years, if not the end of the century. This report was based on research concluded in February; one scientist has said that at this rate of change February's research is already too old.

This brings me to the first part of my motion today, calling on the Assembly to acknowledge "that sustainability legislation is vital to the climate change strategy". Recently we have had a few debates about this strategy. I do not wish to repeat them now. What I do want to emphasise is that strategies come and go. We have seen a greenhouse strategy with targets come, and we have seen it go, leaving the ACT strategy-less until July this year.

As a key plank of its environment platform for the 2004 ACT election, the Labor Party announced its intention to introduce sustainability legislation. It was intended to set in place a sustainability code of practice to assist in the incorporation of sustainability into the decisions, actions and operations of government agencies; financial management guidelines for evaluating the sustainability of activities and programs of government agencies; sustainability procurement guidelines for agencies; a sustainability fund to promote and support innovation in sustainability; and a framework for sustainability reporting by government.

Environment organisations welcomed this announcement. In voting for a Stanhope Labor government, people thought that they were voting for a government which intended to embed sustainability in all its processes. We are still waiting for this legislation. It amazes me how easy it is for governments to make promises but then not enact them. Despite a number of government initiatives on sustainability, which we applaud, we still have not seen any legislation specifically identifying key issues which should be integrated with existing legislation as well as areas of sustainability which need a separate bill.

At a sustainability breakfast once regularly hosted by mecu and Green Globe, Peter Ottesen, the head of the sustainability office as it was then, described the work that was taking place in his office in developing a discussion paper on the legislation. I am not sure, but I think he may even have said that a draft of the legislation itself was in progress. It is hardly surprising, then, that I keep asking the government where the process is at: like the climate change strategy, the sustainability legislation was imminent. However, each time I have asked about it, I have been told that it has been put off till its priorities are reassessed, that it has been put off until after the climate change strategy is released and so on.

Now what is the excuse? In January this year, we were told, through the annual reports process, that the ACT government is embedding sustainability into its decision making—that is pretty much the thrust of this amendment—and that, while this work continues, consideration is being given to the shape and form of sustainability legislation. So sustainability legislation was still being talked about in January this year. I was glad to hear that it has not been dropped, but the process has taken so long that, frankly, I am worried the problem is that the government does not know what sustainability legislation is. Or perhaps the embedding of sustainability in government practice requires such a profound rethinking of business as usual that the government is afraid to introduce it.

The Greens believe that that fear is misplaced. The consequences of business as usual will put off the difficult process of change, but all that means is that, instead of being in control of the process of adaptation, we will be the victims of it. As biodiversity loss—meaning the possible extinction of species such as the golden sun moth and the earless dragon and the loss of local populations of native birds—and the worst effects of climate chaos kick in, then we as a society will fully understand how much we rely on the ecosystems around us.

Thinking through sustainability legislation will be an important and large step towards a Canberra which sets an example for other inland cities. A number of sustainability policies have been put forward by the Stanhope government, though we are still waiting for a legislative framework for implementing sustainability. This is an opportunity to turn the general concept of sustainability into tangible practical outcomes.

A key strategy is institutional change in the way we make decisions. The Environmental Defender's Office knew that the Office of Sustainability was developing this legislation. In July 2005 they put in a submission to the minister for the environment called *Options for sustainability legislation in the ACT: a critical analysis of sustainable development legislation in other jurisdictions to inform drafting of ACT sustainability legislation*. It is on the EDO website and is a thorough examination of what other jurisdictions have and a summary of what we could practically do in the ACT. It was not radical. What it was proposing was not much different from what we already do. The key difference is that it is legislation. It means that expert reference groups will not just disappear overnight and greenhouse targets will not disappear when they do not suit the government. Instead we will have a set of rules about sustainability which we can agree on and work with. The EDO put forward similar points. It said:

Sustainable development legislation could significantly assist in the promotion of sustainable development principles in the ACT. Making a formal and long term statutory commitment to sustainable development will mean that these principles will prevail over short-term economic and political trends.

The conservation council also discusses the proposed sustainability legislation on its website. It has three key points:

Firstly legislation can ensure some level of permanency. Administrative structures will of necessity change over time to reflect differing government arrangements. However a key feature of sustainability is a commitment to permanent process and legislation is one way of indicating that.

Secondly legislation would clearly set out the powers and responsibility of the relevant Office and decision-makers.

Thirdly legislative power would require other Departments or Administrative Units to comply and provide inputs for implementation.

Further, I would say that sustainability legislation is needed to make the climate change strategy work. It will be a means for making everything government does a link in the climate change strategy. A sustainable development act would establish the ACT as a leader in Australia in the field of sustainable development. This is a process that government must lead, but there are many individuals and organisations in Canberra that can contribute helpful expertise and experience.

The Auditor-General's Office has provided a very useful critique on the government's inability to embed ESD into its work at the departmental level. Everything points to the need for a whole-of-government approach. We need to see sustainability prioritisation starting at the budget-setting level, following through in the strategic indicators and seen again in the annual reporting process. Some of this is happening already, but it is by no means a whole-of-government exercise yet, given that many agencies still find the concept of sustainability foreign to them. Mr Hargreaves indicated that in an answer to a question I asked last year at estimates. A year ago, when I put forward a motion on sustainability issues which included supporting and encouraging sustainability industries in the ACT, Minister Hargreaves said that he did not actually know what sustainability was. I hope that in the meantime he has taken the opportunity to find out what it is.

There are key things that we would like to see in the legislation, including some new initiatives and enshrining existing and earlier practices. We would like to see regular sustainability reports—annual and with agreed and useful indicators across all relevant departments and agencies. We would like to see a sustainability code of practice and action plan. We would like to see the application and implementation of the precautionary principle—and giving it a solid meaning. We recommend that the principle of sustainability be inserted as the object of all relevant legislation.

And we believe that there is a need for a sustainability round table or something like the Sustainability Expert Reference Group, which was in existence early in this term. I

have to wonder if the demise of this very useful and hardworking body of scientists, sociologists and others, I think sometime in 2006, signalled a quiet pulling back from the promise to introduce sustainability legislation, because that was one of the things that they were advising on.

The SERG met directly with the minister for the environment, thus bypassing advisers and bureaucrats. It is very important that the minister for the environment has direct access to experts like this, but was that a reason for them to be silenced? The deactivation of the SERG is of grave concern; it was reassuring to know that the government was getting expert advice and opinion on a range of issues relating to sustainability.

The combination of the downsizing of the Office of Sustainability and the loss of the entity "Environment ACT" as a discrete functioning unit means that the government needs to draw on as much external advice as possible. One of the recommendations of the Environmental Defender's Office submission on sustainability legislation was to enshrine the SERG or a similar round table.

Specific sustainability legislation is a relative new concept, but there are some potential models. In 2004, the WA government introduced a draft sustainability bill. In South Australia, the Development (Sustainable Development) Amendment Bill 2005 was introduced to amend the Development Act 1993. Because it was so large, it was split into four bills, and passed. This is an indication of the evolution that can occur through discussion about legislation like sustainability legislation so that we end up with something else. What I am saying in my motion today is that we need to have that discussion.

The need for sustainability reporting was highlighted in the ACT Auditor-General's performance audit report *Reporting on ecologically sustainable development* in July 2005. The report said:

There is scope for considerable improvement to the ESD guidance and information contained in annual reports ...

The majority of information in agencies' annual reports did not provide a useful indication of agency progress against the ESD requirements.

It also said:

There was little evidence that decision-making processes take into account ESD principles. In almost 70% of agencies reviewed, ESD information was not a regular feature of reports to agency's senior management.

All ACT agencies are legally required to report on how they are meeting ESD principles and to operate in a manner consistent with ESD principles. However, this is clearly not enough to ensure that ESD becomes part of day-to-day thinking and decision making. We are particularly concerned that the lack of sustainability legislation and a sustainability framework meant that the reform of the land act into the Planning and Development Act meant that sustainability issues were not prioritised. This is a feature of both the New Zealand legislation and the legislation in

South Australia, where sustainability is written into the planning act. We want to see sustainability legislation integrated, complementary and developed from a whole-of-government perspective. Planning and development are key areas which need improvement in the area of sustainability.

The conservation council was hoping that this would be the first comprehensive sustainability legislation in Australia. I do not care about being first, but I want to make every effort to ensure that we are not the last. It is possible to introduce simple, applicable legislation to improve sustainability in the ACT. We should do it fast. I would like to have future generations thanking us rather than damning us.

To reiterate the motion, we would like to see the government's sustainability legislation discussion paper from 2005—we presume that there is one; that the Office of Sustainability was doing something—and we would like it to be available for full public consultation. The Greens believe in involving experts. We never know who the experts are until we ask for input. We would also like to see a time line for comment, public meetings and the tabling and debating of the legislation.

As we all know, the next ACT election is just around the corner. It would be a shame to miss the opportunity to implement this during this Assembly and it would be embarrassing for the ALP to have to announce it again as another election promise.

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) (11.18): I regret that Dr Foskey, on behalf of the Greens, did not take the opportunity to table their climate change strategy and expose the embarrassment of not having one. It always strikes me as remarkable that the party that comes into this place and pontificates, moralises and postures on climate change, the environment and sustainability does not actually have a climate change strategy.

In the last three years, I cannot recall a single achievement for the Greens in relation to the environment—in fact, in relation to anything. What has Dr Foskey achieved in three years in the Legislative Assembly? In the context of the next election, a subject which Dr Foskey brings up in her presentation, and any embarrassment that the Labor Party might feel in relation to its achievements, one might reflect on what the Greens' election campaign next year will look like in terms of their list of achievements. No sustainability policy—no policies at all. No climate change strategy. Essentially no achievements on anything.

Yet we have the pontification, the moralising and the spite that we have just heard again—that the Labor Party, the government, does not understand sustainability and that, if only the ACT government would take advice from experts, it might get some understanding of the significance or importance of sustainability or even an understanding of the meaning of sustainability.

The depth of patronising and, frankly, offensive moralising by the Greens on these issues when they have absolutely no track record—in fact, not a policy! I invited Dr Foskey to table their climate change strategy. The reason she did not is that they do

not have one. What the Greens have done—in concert with the conservation council—is to simply damn the government’s climate change strategy.

We saw Dr Foskey’s stand in her presentation again today. We saw her damn as totally ineffectual the ACT government’s climate change strategy, a climate change strategy which, in a report released two weeks ago, the Planning Institute of Australia detailed as the best climate change strategy of any of the Australian jurisdictions. That was the Planning Institute of Australia.

But as far as the Greens and the conservation council of the ACT are concerned, it is totally and entirely ineffectual. They talk it down to make a shallow political point; they talk down a significant strategy with 43 actions which the government is committed to and in relation to which it has already invested \$30 million or thereabouts—sending the message to the people of the ACT that it is not worth reading, that it is not worth engaging with and that it is not worth being part of a partnership to implement. Essentially, they are ridiculing it and rubbishing it.

The contribution of the Greens in relation to a detailed strategy has essentially been to rubbish it. We see it again today—a strategy that is totally and wholly ineffectual. It has been parroted by the conservation council that this is a strategy in relation to climate change that is not even worth engaging with, according to the Greens—

Dr Foskey: Point of order, Mr Speaker: I think it is irrelevant to the debate.

MR STANHOPE: You raised it.

MR SPEAKER: Dr Foskey, in the contribution to the motion I think that you were critical of the government—

MR STANHOPE: You were.

MR SPEAKER: Chief Minister.

MR STANHOPE: Here we have it again. In her presentation, Dr Foskey stands, moralises and calls wholly ineffectual a strategy of which I am enormously proud, the climate change strategy.

Dr Foskey: I did not say that, Jon; I did not say that.

MR STANHOPE: When I respond to that, Dr Foskey jumps in her place and says, “This is outrageous; the government is attacking the Greens.”

Dr Foskey: I did not say that either.

MR STANHOPE: That was the point of your interjection—that this was simply not relevant. It is relevant for the Greens to attack my climate change strategy in an environment where they do not have one. It is relevant, so far as Dr Foskey is concerned, to talk down and rubbish the strategy which the government has presented to the people of the ACT—essentially to seek to render it irrelevant, to encourage

people not to engage with it, not to engage with the issue of climate change, not to seek to work with the government in partnership in the implementation of the 43 actions.

That is what we are seeking to do. We want to work with all institutions and people of the ACT. In the last two weeks the Planning Institute of Australia described the strategy as the best climate change strategy in Australia—not, of course, to the standard of the Greens and their non-existent strategy, but nevertheless an excellent strategy which we all need to engage with and which we all need to work in partnership to implement.

The Greens have a destructive, negative approach to good legislation, good policies and good strategies that have the support of the broader community—but not of the Greens or the conservation council, because it does not meet their high and reverent standard in relation to these issues.

I turn to the government's actions on this subject. I move:

Omit all words after "That this Assembly", substitute:

- (1) notes that the principles of sustainability have been incorporated into every aspect of the ACT Government's decision-making and policy development;
- (2) notes that the ACT Government has embraced the concept of sustainability, evidenced by the ACT Government's Canberra Plan, its commitment to sustainable budgeting and its climate change strategy, *Weathering the Change*, and the 43 initiatives identified in its Action Plan;
- (3) notes the ACT Government's commitment to implementing each of these action items; and
- (4) notes that the Government will amend the *Commissioner for the Environment Act 1993* to expand the role of the Commissioner to include responsibility within the Commission specifically for sustainability and will consult widely with the Government, business and the broader community on the scope of legislative change.

As reflected in the amendment, in the last six years the government has indeed taken this subject very seriously. We have, across the board, led in terms of the decisions we have taken; the sustainability reports which we have delivered; the structures which we have put in place; and the appointment of the first Office of Sustainability within Australia, a decision designed to ensure that there was a government approach, that there was a focus on these issues. It was given the profile and the precedence that it deserved and demanded.

The creation of the Sustainability Expert Reference Group and issues around the Sustainability Expert Reference Group and its role over the last two years is very much a change in focus that was driven by the SERG itself in relation to its place and the role that it might play. It was not a change driven by the government in relation to a walking away from or a rolling back of commitments to sustainability at all; it was a

constant striving for better models, more effective models and models that responded to the expert advice which we received.

In everything we have done, we have given significant attention to sustainability, whether it be economic, social or environmental. We cannot separate them. We cannot adopt the attitude that we need to expend, expend and expend on that aspect of, say, climate change—certainly the number one issue facing the nation—at the expense, for instance, of the sustainability of our budget, economic sustainability, the mistakes we have made in the past or perhaps the inability of the previous government to fund its strategy.

We had the much-lamented past strategy that would return to 1990 emissions by 2008. That was quite remarkable. It was entirely unachievable—not just because it was unachievable scientifically, but because, with the available resources from the year 1999, it would have been impossible to achieve 1990 emissions by 2008. It was undoable, particularly without funding. And why wasn't it funded? It was not funded because the budget was not sustainable.

How can you put a piece of paper on the table and say “Here is our strategy: an aspirational target of a reduction to 1990 emissions by 2008” without a single cent in the budget to achieve it? There was not a single cent there in relation to other priorities to expend. The budget was not sustainable; we had run a series of deficits. At the time the strategy was introduced, the then government was into its fourth major \$100 million deficit. No wonder it did not provide any funding for the implementation of its strategy. No wonder it did not provide a single cent in any of the outyears.

When we came to government in 2001 there was not one dollar in the outyears devoted to implementation of the strategy; there were no identified actions. There is not a single identified action in that strategy other than “Oh, let us set ourselves this wonderful aspirational target of a return to 1990 emissions by 2008”—no actions, no time lines and, most particularly, no funding. There was none—not one, and not one cent devoted to any action that might assist in achieving that notional aspirational target.

That is why we have not adopted that attitude. That is why we have devoted significant resources to a climate change strategy that is detailed, that is rigorous, that is backed by science and that is accompanied by 43 actions, with specific funding commitments which we have already made.

Let us not forget that the strategy was introduced only in July. Between July and now, through a budget process in which we anticipated some expenditure and a second appropriation, we committed somewhere in the order of \$30 million to a number of the specified 43 actions. That is a sign of our commitment. In a second appropriation bill, \$17 million was devoted specifically to actions mentioned within the climate change strategy. That is the level of our commitment and of the resources that we have already identified—within the space of four months—for this most important issue. It is a sign of our commitment to it.

To suggest, as the motion does, that sustainability legislation is vital to the implementation of the climate change strategy is simply wrong. It is not. It is another

tool. To suggest that it is vital is simply to completely misunderstand the climate change strategy and the 43 actions. Which of the 43 actions would require or depend on sustainability legislation? None. It is a nonsense to propose positions such as saying that the climate change strategy, which has been rubbished at another level as totally ineffectual, will suddenly become effectual if it is backed by sustainability legislation. How was that explained or justified? It is a nonsense.

There is something to be said for formalising. That is behind the position the government has taken in relation to this. We have done it administratively. We have embedded sustainability principles within our administration. There are requirements on all agencies; there is a specific requirement of Treasury in relation to the budget and preparation of budget papers. There is all the work we have done through our sustainability policy, "People Place Prosperity".

There is all the work we have done in relation to the Canberra plan and its three sub-plans: the Canberra spatial plan, the economic white paper and the Canberra social plan identify sustainability as the fundamental theme shaping the future development of Canberra. At the core of every major strategic document that we have produced in the last six years—as a fundamental principle of the management of the territory and the business of government—is the centrality of sustainability to everything that we do.

One might identify gaps in relation to that overarching strategic network. Perhaps one of the gaps is sustainability legislation, something which we have identified as another plank in the formal mechanisms for dealing with issues around sustainability at all three levels. We are mindful of that; we have not abandoned that commitment.

In the last couple of months, as members would be aware, I have announced that for the first time we have appointed a full-time Commissioner for the Environment. Part of the restructuring of that role, which is an ongoing function in this determination, is that the commissioner will henceforth be known as the Commissioner for Sustainability and the Environment. It is a full-time position significantly funded in the budget, to the tune of over \$600,000 additional a year. Just this week I met with the commissioner—now the Commissioner for the Environment, but she will be the Commissioner for Sustainability and the Environment once the appropriate amendments are made to the Commissioner for the Environment Act.

In the context of creating that as a full-time position—a position of commitment to sustainability of the environment—we will amend the legislation, not just to change the title and the name but also to broaden and incorporate within the role and the function of the Commissioner for Sustainability and the Environment a whole range of additional responsibilities. We propose to provide the Commissioner for Sustainability and the Environment with a formal role in relation to the auditing of the climate change strategy. I foreshadowed that, and it is incorporated within the documentation in the strategy itself.

The Commissioner for Sustainability and the Environment will have a role in the auditing of the implementation and the achievement of the action plans—their outcomes and the milestones in the reduction of greenhouse gas emissions. I have

foreshadowed that we propose to incorporate within the role and function of the Commissioner for Sustainability and the Environment responsibility for some of the functions which the Conservator of Flora and Fauna currently pursues as a result of something of a misfit between the statutory and administrative role and function that the conservator has traditionally pursued.

This week I discussed with Dr Cooper the prospect for legislatively incorporating within her role responsibility for catchment management and the need to formalise arrangements in her role as Commissioner for Sustainability and the Environment and a role with the SERG, a professional reference group. It has not been abandoned; it is a new structure that has been sought. I propose to incorporate that. We will be making significant amendments to that legislation to incorporate those different aspects of responsibility. Through that process, we will consult, in relation to that piece of sustainability legislation, on other aspects that might be incorporated. (*Time expired.*)

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.34): In speaking to the motion I will also speak to the amendment and a few points that have been made. Despite what the Chief Minister says, I think there is some merit in part of Dr Foskey's motion, at least in relation to full public consultation. I hear what he says in relation to what he is doing with the Commissioner for Sustainability and the Environment and I make note of that, but I think there is still quite clearly here a broken government promise and I am amazed the government has not actually put out something more than just its climate change strategy that it introduced back in July this year. But more on that later.

The Chief Minister does also need to go and check a few facts and figures in relation to the previous government strategy. I am told by the then minister who introduced the strategy that there was money spent prior to that government losing office. The Chief Minister needs to go and get his facts right on that as well. In terms of targets, there were some specific targets there and that was the most advanced strategy at the time in the world. I am disappointed to see the Chief Minister's climate change strategy not embrace and indeed delay certain targets there. They well may not have been unworkable; it was a strategy introduced at a time that was groundbreaking and indeed there was some money in the budget before the previous government lost office.

Mr Stanhope: That is bulldust, Bill.

MR STEFANIAK: You should talk to the former minister and he could perhaps take you to it, Chief Minister. As usual you go off and I think you may be twisting some of what you say there.

In terms of sustainability, I hear with interest what both speakers say. It is important to have principles of sustainability incorporated into aspects of government decision making. Whether you need a specific act dealing with sustainability is a moot point. I think it is far more important to have the principles there, the principles guiding what you do, and then having specific actions taken—and specific actions may require some legislation and some detail of where you need to regulate. On a lot of other things too we just need to encourage people to embrace the notion of sustainability.

So I think there are some problems with part of what Dr Foskey is putting forward today.

I will come to the previous government's approach, which the current government adopted for some time, because I do think it was a groundbreaking document. It did point the way to the future. It was achievable, just like the No Waste by 2010 was quite achievable, which is now simply "no waste", and I think—

Mr Smyth: It is "not much waste by 2010".

MR STEFANIAK: Yes. We are certainly still going to have waste in 2010. Let us look at that one. Chief Minister, I must say I was a little bit sceptical when the then government introduced that No Waste by 2010. That is going to be hard. But it was quite achievable and the actions taken were quite achievable. We were really moving along and some of the key points and the key sort of timelines were achieved in relation to that, and it just shows what you can do. Back on 15 February 2000—

Mr Stanhope: You are committing to that now, Bill, and that's for the next election? You are maintaining that commitment, are you, Bill?

MR STEFANIAK: Well, you have changed it, haven't you, Jon—just like you have changed the climate change strategy—

MR SPEAKER: Order!

MR STEFANIAK: just like you have pushed out by many, many—

Mr Stanhope: There is another \$500 million.

MR STEFANIAK: Here we go. We are twisting again—the twister; go the twister. You have pushed out by many, many years a number of these strategies and that is something that we all have to adapt to and seek to perhaps change in terms of policy. But you have pushed out these things. You have dropped the ball and that causes—

Mr Stanhope: Are you repeating the commitment, Bill?

MR SPEAKER: Order! Mr Stefaniak has the floor.

MR STEFANIAK: And don't twist, Jon, really. Anyway, on 15 February my colleague Mr Smyth, when launching the then government's climate change strategy, stated:

The release of this strategy is a first for any State or Territory.

It was. He went on to say:

The ACT remains the only jurisdiction to date to set a greenhouse target, and the first to adopt a strategy that will demonstrate that the target can be achieved. The ACT Government, Mr Speaker, is an active member of the international local government group called Cities for Climate Protection Campaign. With the

release of this strategy, the ACT is leading the way in local government by setting emission targets and implementing a strategy that will meet these targets. We will be the first local government in Australia to achieve four of the five milestones in that program.

That was a groundbreaking policy, which even you, Mr Stanhope, and your government did embrace when you came to office. Sadly, it was later dumped and the reason I think you gave at the time was “this is actually going to cost too much”. It took then fully six years for the current government to develop a climate change strategy of its own and, unfortunately, in those six years the government came up with a strategy that actually put us fully 17 years—that is right, 17 years; probably more than half a generation—behind where we would be had the previous strategy been kept in place. And it was kept in place for several years by this government; it was only fairly recently that it was totally ditched and the government came up with this new strategy which, I must say, was disappointing—a couple of good aspects but fundamentally very disappointing.

Funnily enough, too, the Stanhope government’s strategy will cost pretty much the same as the Liberals’ strategy would have cost, but it puts us 17 years behind where we could have been. That is typical, unfortunately, of this government. It rarely embraces anyone else’s ideas. It seems to have trouble doing that. It has either got to be its own or none at all, no matter the cost. This was most unfortunate in relation to this because 17 years is a long time—it is four Assembly terms; as I said earlier, more than half a generation.

In relation further to that, Mr Stanhope indicated there was absolutely nothing specific in the budget. But I refer to the 2001-02 budget just as a case in point. Apart from garden waste recycling services for \$310,000, there is implementation of the ACT’s greenhouse strategy, \$180,000; implementing a range of strategies to reduce greenhouse emissions within the ACT, including assisting small to medium sized businesses to identify ways of reducing energy consumption and corresponding greenhouse emissions; and an energy efficient lighting retrofit project to be carried out in Macarthur House to demonstrate the energy-saving potential of innovative technology. And if you go—

Mr Stanhope: That’s it. Repeat that, Bill; repeat it.

MR STEFANIAK: No, no, that is just one thing. If you go back to the 2000-01—

Mr Stanhope: Repeat that, Bill—that \$200,000 commitment to greenhouse gas reductions.

MR STEFANIAK: I am giving you that as an example, Jon, because you said there were no targets, and that is absolute nonsense. The previous government set ambitious targets of stabilising greenhouse gas emissions at 1990 levels by 2008 and reducing them by a further 20 per cent by 2010.

Mr Stanhope: That is priceless, Bill. Read out that budget bit again, the full \$200,000.

MR STEFANIAK: And that is not just the usual Labor pipedream either. We embarked on a range of initiatives to ensure that that target was met. Just go back and look at our strategy, Jon. Go on, Jon—you go back and you look at that strategy. You said there was no money. There is just one example. Have a look at the 2000-01 budget as well; you will find a few others.

Mr Stanhope: Read out the rest of the examples—greenhouse gas strategy, \$180,000.

MR STEFANIAK: Despite accepting these targets when you came to office, you jettisoned them in 2005 and you said that the \$114 million costing over 10 years was too much to pay. Your strategy costs very little less at \$100,000, so that is interesting in itself as well—and, unfortunately, your strategy for reducing greenhouse emissions is extraordinarily unambiguous and disappointing. You plan to reduce emissions by 60 per cent by 2050. Well, most of us will be dead by then, so it is probably pretty safe to make claims like that with nothing to back them up. But by 2025 it is envisaged that emissions will be at 2000 levels. They will not be at 1990 levels until 2035. That is fully 17 years or so after what would have happened had you stuck with the previous strategy, which you did stick with for over about 3½ years.

I refer back to the 2004 election when we had an environment policy that had a solid range of initiatives and targets—an initiative, for example, relating to energy consumption was to reduce per capita use of electricity in households by eight per cent by 2007, 15 per cent by 2011 and 25 per cent by 2015, through education, regulation and leadership, and to meet our previously accepted targets to reduce greenhouse emissions to 1990 levels by 2008.

As well as that, I think there was one promise that we had which you did pick up. However, that was a promise for energy efficiency improvements in government housing. You regurgitated our promise, with \$20 million instead of \$30 million. So again that is somewhat light on. What you actually produced was really quite uninspiring and we will certainly be launching a policy that is far better than that. I hark back again to the fact that you basically just got it wrong in terms of what was a groundbreaking strategy back in 2000 when it was introduced. You kept it for a while and then ditched it and came up with something that certainly does not really hit the bill and that does take many, many years to achieve targets that could have been achievable a lot quicker, had you kept the original strategy.

Mr Gentleman: I would just like to ask Mr Stefaniak to table that Liberals' greenhouse strategy paper that he was reading from there.

Opposition members: It's on the web.

Mr DEPUTY SPEAKER: On a technical point, Mr Gentleman: are you seeking to move a motion that Mr Stefaniak table those documents under standing order 203? Is that what you are seeking to do, or was that just a passing comment?

Mr Gentleman: I was just calling on Mr Stefaniak to do this.

Mr Stanhope: It was an invitation.

Mr Stefaniak: I point Mr Gentleman to the website where he can see it all.

DR FOSKEY (Molonglo) (11.44): Thank you very much, members, for your contribution. I will just take you back to the motion and talk through it again. My motion was in no way an attack on the climate change strategy; I just want to put that on the table. I do not expect members to listen avidly to everything I say but I guess if you are going to talk about it it does help. I am sorry that what I said has gathered the ire of the Chief Minister. The reason I think the sustainability legislation is important to the implementation of any climate change strategy is that it has become absolutely clear that we are facing something that is going to require a change in the way we do things, and that is why I had in my speech that point that perhaps government is scared of doing so.

We know governments are scared of doing it; we know it because everything points to the coal industry as a real problem and yet we have got an Australian economy that is based partly on exports of coal. So these are not easy matters, and it is a great disappointment that we do not talk them through and come to a solution. We all want the same solution; we want a world that will be here for our many generations of descendants. We are all on about the same thing, so to spray at each other across the chamber is hardly conducive to achieving a solution.

That is why I believe sustainability legislation is important. The climate action plan is 43 actions. Sustainability legislation is about embedding processes into the way things are done—it is separate, it is different and it is necessary because it means that the government itself can make sure that it is not contributing to the problem. I have pursued this all the way through the time I have been in the Assembly, and my predecessors did it beforehand. The Australian Greens have very, very extensive strategies on climate change, which the ACT Greens will be drawing on when we come up with our—

Mr Hargreaves: Are they costed?

DR FOSKEY: Yes, they are, Mr Hargreaves. I draw everyone's attention to that, but we are actually here to debate sustainability legislation. If the Greens were in government we would be in a position, as the government is, to respond to the community's desire for a climate change strategy, as the government did, after quite a considerable delay, which was also noticed by the community.

That is the reason why sustainability legislation is important. The other reason is that the government actually made a commitment to produce it. No-one has talked about that, but it was an election promise and, if I am drawing the government's attention to a promise that it has made and there is no public indication that it has fulfilled it, I think that deserves serious consideration.

Paragraph (4) of Mr Stanhope's amendment to my motion suggests that the government is still going to go ahead with some legislation. Instead of sustainability legislation called for in my motion, the amendment mentions "the scope of legislative change". Optimistically, I would hope that that is what that means. Incorporating

principles of sustainability into written documents is one thing—and of course the Chief Minister is right: the word “sustainability” appears in many of the government’s documents—but implementing it is another matter and that is what the legislation is all about.

I do not think that we needed to spend so much time debating climate change here today. It became one of those issues—a football regularly kicked between the opposition and the government. I do not feel that Mr Stefaniak seriously engaged with my motion in terms of the legislation. He was too easily distracted by the Chief Minister’s insults and comments about the earlier climate change strategy. Paragraph (4) of the government’s amendment says:

Notes that the Government will amend the *Commissioner for the Environment Act 1993* to expand the role of the Commissioner to include responsibility within the Commission specifically for sustainability ...

That is really good and that is something that we have had coming for a while. What I would have liked to have seen in the amendment, because the amendment will become the motion, is a commitment to developing legislation on sustainability particularly or an indication that the government has actually decided not to do that. I have not heard from the Chief Minister whether the government is not going to produce sustainability legislation, and in that case has reneged on an election promise. I think those sorts of things should be declared and the reason given. I have not heard that today; perhaps we will see it in the media release later on.

I applaud everything the government has done to further sustainability. I have urged it today to implement its election promise of sustainability legislation. As I said, I know considerable work was done on that topic within the Office of Sustainability. I would love to see that work that was done because I am sure that it is something the community is waiting for and would really want to contribute to.

I was interested to hear that the Chief Minister is still referring to the Sustainability Expert Reference Group and that perhaps that group will meet again to advise him. I am also aware that today the commissioner for the environment is conducting a roundtable on grasslands with a number of key stakeholders, and I commend that as well. So there are good moves ahead, and the Greens applaud them. The Greens need to be here to continually bring these things up, even if it means we have to take quite a lot of flak in the process—apparently we do. Having only one vote is sometimes an impediment—

Mr Hargreaves: Sometimes an impediment.

DR FOSKEY: Sometimes, Mr Hargreaves—

Mr Hargreaves: You are the mistress of the understatement.

DR FOSKEY: It is an impediment to developing and implementing a Greens climate change strategy in the Assembly anyway. So thanks, members, for your contributions to this debate. It is something I will be pursuing. Obviously before the election we

would like to hear from the government whether or not it is going to go ahead with legislation for sustainability, but I expect to hear that announcement in due course.

Amendment agreed to.

Motion, as amended, agreed to.

Public Hospital Board Bill 2007

Debate resumed from 17 October 2007, on motion by **Mrs Burke**:

That this bill be agreed to in principle.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (11.54): The government will be opposing this bill. The proposed establishment of a hospital board as a solution to the perceived litany of problems in the health system as identified by Mrs Burke shows great naivety and narrowness on Mrs Burke's part.

In the first place Mrs Burke makes the assumption that the ACT health system is broken and then moves to the assumption that a hospital board would fix it. There is no evidence to support either of these assumptions. I have taken the time to have a read through Mrs Burke's introductory speech to have a look at the reasons behind the Liberals' desire to establish a hospital board in the ACT, and the speech just simply does not support the argument at all. The speech refers constantly to increases in bureaucracy; that the number of public servants in the health bureaucracy has, in some way, damaged the health system; that it is management failure. Infiltrated in amongst the speech is a constant bagging of the Chief Minister and me as the Minister for Health. But it does not substantiate an argument for a public health board or a hospital board in any way. In fact, there is not one reason given, other than perceived management efficiencies in the health system.

Mr Mulcahy: That's not a bad reason.

MS GALLAGHER: As I said, perceived inefficiencies. It refers to more management than ever before, when there is less management. We have fewer managers, fewer bureaucrats—and this is something that the Liberals just refuse to accept. They just keep talking about it but the numbers simply do not support their argument.

According to the introductory speech the bill is allegedly going to fix the Liberals' perceived problems, but it does not say how. It just says that you appoint a number of people—no nurses, no allied health staff—

Mrs Burke: That's not true. Read the speech again.

MS GALLAGHER: I have read the speech and I have read health care consumers; clinicians—

Mrs Burke: Yes, what are they?

MR DEPUTY SPEAKER: Order!

MS GALLAGHER: which are medical; the division of general practice; the AMA; the mental health coalition and the general community. There is not the representation that is even provided through my ACT Health Council, for example. The minister's health council has broad representation which provides advice to the minister and the government on issues to do with public health. Mrs Burke's speech put forward arguments, if you can call them arguments, including that this board will "tackle very difficult issues within our public hospital system". How? It goes on with "reverse the gradual decline in overall management of the public hospital system". Where? Where is the overall decline in the management of the public hospital system? It says that we want to be as far away from the coalface as we can possibly be. What a load of rubbish! A board will put a minister further away from the coalface than we currently are at the moment, where there is direct communication from the hospital through the chief executive and to me. There is no way that putting another layer of bureaucracy—in effect, a hospital board—will keep the government any closer to the hospital.

Mrs Burke continually attacks bureaucrats, saying that they fail in their inability to lead and manage. She refers to a bureaucratic regime, a cumbersome disaster wreaking havoc on helpless staff, management letting every one of these people down at every level, unprecedented increases in waiting times, waiting lists, and an exponential tally of mishaps and inefficiencies. But, again, there is no further explanation of that. It is what we get used to from Mrs Burke. She comes in and makes a whole range of clichéd accusations or allegations but she does not go on to say—

Mrs Burke: Have you got the emails; have you got the letters yet?

MS GALLAGHER: Well, "an exponential tally of mishaps and inefficiencies"—list them for us. List them and tell us why and how a board will fix those. How will a hospital board fix that? The board, you say, will be able to monitor hospital performance. We currently report more publicly than any other jurisdiction in the country on every aspect of public health. Every aspect of public health is reported on in quarterly performance reports that are provided to members. In fact, it has been the interest of the Assembly in health that has delivered those performance reports. It is because this Assembly has wanted to see the hospital perform that performance reports like the ones we provide every quarter have been provided.

It is also interesting to note that the hospital board, under Mrs Burke's system, would have responsibility for hospital budgets, have a closer focus on fiscal responsibility and ensure that the health system delivers on all fronts. Again, how it will do this is unclear. It is interesting to note that, although the Chief Minister is criticised for abolishing the board in 2002 following the Reid review, prior to that a second appropriation had to be made in order to deal with the budget blow-out at Canberra Hospital, which was being run by a board, which supposedly will be able to manage a

budget better. Budgets are very difficult to manage in health; they are constantly changing because of the demands that we are seeing, and the hospital needs to respond to that.

For Mrs Burke to sit here and say that a hospital board will manage a hospital budget better, without going through and explaining how that would happen, is incredible. You cannot come forward and just say that there are all these problems with management, which you do not substantiate; that there are all these problems at the hospital, which again you do not substantiate; and then that a board will manage the budget better, which again you do not substantiate. You do not extrapolate how that will happen. You constantly bag the public health system—

Mrs Burke: No, you constantly tell mistruths as well.

MR DEPUTY SPEAKER: Order! Mrs Burke.

MS GALLAGHER: No, this is your speech.

MR DEPUTY SPEAKER: Mrs Burke, just be careful on that matter.

Mrs Burke: Yes, I withdraw.

Mr Hargreaves: Mr Deputy Speaker, Mrs Burke has accused the minister of speaking with mistruths.

Mrs Burke: I withdraw.

Mr DEPUTY SPEAKER: The matter has been withdrawn.

Mrs Burke: But she does.

Mr Hargreaves: Mr Deputy Speaker, I want that withdrawn. She has just reinforced the fact that the minister, in her view—

Mrs Burke: Unqualified withdrawal—and maybe the minister might do the same, as I am reading the *Hansard*, Mr Speaker. She does exactly the same.

Mr Hargreaves: No. Mr Deputy Speaker, that is not unqualified.

Mr DEPUTY SPEAKER: Minister, resume your seat. Mrs Burke, resume your seat.

Mrs Burke: I withdraw, Mr Deputy Speaker.

Mr DEPUTY SPEAKER: Mrs Burke, have you completely withdrawn?

Mrs Burke: Yes.

Mr DEPUTY SPEAKER: Thank you. That is the end of the matter. Ms Gallagher, you have the floor.

MS GALLAGHER: Thank you, Mr Deputy Speaker. There is constant criticism of the health system, when there are simply no grounds to support that. The opposition have to accept that there have been massive improvements in the hospital system since we have come to government. In fact, even in the last quarter, we can go through the achievements of the health system as it is performing. We have more doctors and more nurses than ever before and—guess what—fewer bureaucrats, Mrs Burke. We have told you this—

Mrs Burke: I'm not saying more. Who said more bureaucrats? Not me.

MS GALLAGHER: You constantly go on about the increase in bureaucrats in ACT Health, when there has actually been a decline and more frontline health services are being provided. That is why ACT Health has grown. In fact, since I have been minister 95 per cent of the increases in staff have been in extra doctors and nurses into our hospital, because that is what runs a hospital—doctors and nurses—Mrs Burke.

In the fourth quarter of last financial year, we have seen significant achievement in ACT Health and in the Canberra Hospital. In fact, let us look at it: emergency department access block, down to 26.3 per cent, the lowest recorded in three years; a decrease in bed occupancy from 97 to 91 per cent in the same quarter; record access to elective surgery, 9,326 people receiving elective surgery in 2006-07, which was 200 more than the previous year and up 1,400 from the last four to five years—

Mrs Burke: Oh!

MS GALLAGHER: Mrs Burke sighs at that. Mrs Burke sighs because she cannot accept that there are good things happening in ACT Health—and they are happening in the Canberra Hospital. Day surgery admissions are better than target; a reduction of 19 per cent in the rate of hospital-initiated postponements due to no available beds; waiting times for hospital assessment by the aged care assessment teams remains lower than two days; all emergency dental cases seen within 24 hours; all urgent radiotherapy cases received care within the target time; an increase of seven per cent in the number of women who have had breast screens; immunisation rates consistently above the national benchmark; 147 extra beds over the last four budgets and an injected additional \$34 million into the hospital system for additional elective surgery.

So where is the bad news in that, Mrs Burke? Where is the management failure in that? Where is the system letting everyone down in that? You cannot support your argument. You do not have the arguments to support a new management system at the Canberra Hospital. All a hospital board will do is bring back an outdated, probably 1950s or 1960s, model of hospital administration. It is not how it is done anymore. Hospital boards are not how it is done. Traditionally they have been a haven for very influential people to pursue their own agendas—not to look at the system as a whole, not to make the decisions across the hospital as a whole, not to respond to the increasing demands in particular areas. That is not how it happens under a board.

In fact, if the coalition win on the weekend—in that very unlikely scenario that the federal coalition will win on the weekend—if they impose a hospital board on the

ACT, which we will probably have to accept because they will tie it to funding, as they have done in education, and they require certain levels of performance data, we will not have to change anything we do, because we already provide all the performance data that Tony Abbott is seeking—

Mr Mulcahy: You are kidding yourself.

MS GALLAGHER: We provide all of it, Mr Mulcahy. Come to me and show me what level we do not report on, what information we—

Mr Mulcahy: I did last week. I didn't say you didn't report on it. I said—

MR DEPUTY SPEAKER: Order!

MS GALLAGHER: Well, listen to the point that I am making. The point I am making is that tied to the hospital board is a proposal to improve performance data and performance information being provided to the public—and you will not find one area that we currently do not report on. So, if it is all about openness and transparency and getting back information to the community and all that, we already do it. We will not have to change a thing.

I can tell you about imposing a hospital board on the Canberra Hospital alone. I do not think you are looking at extending your proposal to Calvary, because presumably the public system at Calvary does not have the same range of issues that the Canberra Hospital has. I do not know. I do not know whether you want to talk to the Little Company Of Mary about how they might fit in with your whole new agenda of hospital boards. But there is not one way you can say that a hospital board will deal with the issues that our hospitals deal with day by day and that it will be able to respond. Have you looked at the structure of the Canberra Hospital—the way the Canberra Hospital is structured now? It is a very flat approach. There are directors of units within the hospital and there is the chief executive, who is supported by a chief nurse—

Mrs Burke: It is just not serving the people of Canberra. They are the ones saying this, not me.

MR SPEAKER: Order! Mrs Burke.

MS GALLAGHER: That is absolute rubbish, Mrs Burke. You need to prove your point: “it is not serving the people of Canberra”. What an outrageous thing to say—attacking our hospital and our hospital staff as not meeting the needs of Canberra.

Mrs Burke: Read your letters. In denial: I am attacking you! It is about you as minister—

MR SPEAKER: Order! Mrs Burke.

MS GALLAGHER: We have a major tertiary referral centre. We are servicing a region. Every single day our emergency department deals with over 150 people

coming in seeking treatment. Our outcomes are the best in the country, Mrs Burke. The delivery of services at the Canberra Hospital rivals every hospital in the country—and you hate it. You hate that they deliver that level of service. You are an outrage. You are a disgrace to your party and you are a disgrace to the community.

Mr Mulcahy: On a point of order, Mr Speaker: the minister should be directing her comments at the chair, not at—

MR SPEAKER: Direct your comments through the chair. And discontinue the interjections, Mrs Burke.

MS GALLAGHER: As I said, Mr Speaker, I should probably wind up now. I have made my point. The government will not be supporting this bill. Mrs Burke has failed terribly in any way to argue her case. The bill purports to fix a system that those opposite would like us to believe is in chaos. Mrs Burke does not even argue how it is going to do that. The system we have in place now is excellent. The management at the hospital is excellent. They have my full support. The chief executive at the hospital, the chief executive of ACT Health, the chief nurse, every nurse unit manager, every doctor who directs a unit—they all have my full support, because I know they go in there every day and they do their best for our community. Every single day those staff go in there and do their best for our community, and they respond to the challenges that the community present in terms of every single day coming with different issues. Every day they do it—and Mrs Burke's attack on them today is outrageous.

Mr Stefaniak interjecting—

MS GALLAGHER: And, Bill, if you ever do get government here, the last person you will be able to appoint is Mrs Burke because you will not have any staff left at the hospital to work there.

MR MULCAHY (Molonglo) (12.10): Well, I am a bit at a loss for words after that melodramatic performance by the health minister. The minister's incapacity to take any criticism about the administration of the health system is quite extraordinary. Her comments seemed to descend to a level of personal abuse directed at my colleague. I think that is because we have raised, through this bill, a sensible measure that is supported by the Australian government that will go substantially towards improving the management of public health in the ACT and decentralise power over the public hospitals in Canberra.

Ms Gallagher: How? Are you going to tell us, Richard?

MR MULCAHY: Well, we will come to that. I commend the Australian government and my colleague Mrs Burke for taking the initiative on this issue of management within public hospitals. It is an area where we have seen state Labor governments from coast to coast continually struggle. Their track record of the management of public health has been nothing short of a disaster. Sadly, the ACT government has been the worst offender in this regard with a record on public hospitals that has been the worst in the country. It has completely failed to address this issue.

The minister said, “There is no evidence. Everything is going wonderfully. We have got the best public health system in Australia.” And yet, when we and look at some of the reports, we see that out of somewhere in the order of six key categories of rankings the ACT is tracking number seven or eight. I do not know how ranking seven or eight puts you in the best performing health system. I am not relying on some back office Liberal Party research. This is from the *State of our public hospitals* report for 2007. I raised it last week. The minister has never, ever been able to respond to these points, but I will repeat them again for the record: we rank number seven in terms of public hospital beds per 1,000 weighted population; number seven on elective surgery—

Members interjecting—

MR SPEAKER: Order! Mr Mulcahy has the floor.

MR MULCAHY: We rank as number seven on elective surgery for the percentage of people seen within the recommended time. We rank as number eight—

Members interjecting—

MR MULCAHY: Mr Speaker, I know that it is terribly painful to have this put on the public record, but the fact of the matter is that we rank number eight in percentage of admissions that waited longer than one year and number eight in terms of the median waiting time for elective surgery. We rank number eight in terms of the percentage that were seen within the recommended time within the emergency department and number eight in terms of the median waiting time for the emergency department.

I do not quite understand what the minister does not get from those figures and I am still waiting to hear her provide some explanation of the poor report in the report that has been produced this year. This is not something we are dredging through from years ago. This is current data. This minister says, “What problems are there? I do not know of any problems.” Well, maybe the minister needs to get her head around some of these figures and come up with some explanation as to why the job is done poorly.

Sometimes people can come up with ideas other than your own that will in fact improve things. On this occasion I suggest that the federal government and my colleague, with her bill, have put forward an idea that will in fact lead to improvements in our public hospitals. The ACT sadly has done worse than nothing and has instead dismantled the previous system of hospital boards within the ACT that allowed decisions to remain close to those affected. The ACT government has centralised power through an unwieldy chain of command that leads to the minister’s office where solutions to the problems have been sorely lacking. I think that is central to the minister’s reluctance to concede that things have been handled badly.

The problems are not simply the result of a lack of money. They are the results of poor management. I made that point last week. When you look at the comparative data with other jurisdictions, money is not the sole answer to this problem. There are issues of management. The Chief Minister conceded—

Mr Hargreaves: Like what?

MR MULCAHY: Well, I will come to that, Mr Hargreaves. The Chief Minister conceded this point on radio on 9 October 2007 when he said, “To get bogged down in a deep debate about, oh well, this is about bed numbers or money really belies perhaps some of the systemic issues that need to be investigated.” They are the words of the Chief Minister. Even he knows that there are significant problems in the administration of the hospital.

Mr Stanhope: I raise a point of order, Mr Speaker. That is a misrepresentation of the position I put in that particular debate.

Members interjecting—

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

Mr Stanhope: I was talking about a specific issue. I will respond to it at length during the debate.

Members interjecting—

MR SPEAKER: Order! It may be a debating point. It is not a point of order, Chief Minister.

MR MULCAHY: I urge the Chief Minister to stress this point to his own health minister, who seems continually determined to shift the issue onto the question of hospital beds—anything to avoid talking about the serious management problems with ACT hospitals. Recently the Acting Minister for Health squirmed and interjected somewhat like an angry child when Mrs Burke introduced this bill into the Assembly in October. His sole argument seemed to be the mantra that hospital boards are just another layer of bureaucracy. I do not think he understands the purpose of boards.

Interestingly, last night at a dinner I spoke with a few people who actually initiated discussion on this matter. They were very enthusiastic about the board. Ms Gallagher cited Calvary Hospital and asked the question: what are they doing? Certainly they do not have a local board at each hospital, but they do have a board of directors which deals—in the words last night of a learned scholar in this town—with every single issue and sees it through.

They run efficient operations, and there are lessons to be learnt by the minister from that structure. Ms Gallagher would have us believe that you do not have boards on companies. We have them on territory owned corporations and the like, and they are there for a purpose. Sometimes they work and sometimes they do not. But mostly they do work. Certainly, in terms of health care, there is a strong and compelling argument to have a board in place to ensure that issues are addressed properly and by people who have a front-line involvement and interest in these matters acting on behalf of all the participants involved, rather than letting them be buried by the bureaucracy and left to the minister to try and step in when she has the courage to do so.

By allowing decisions on hospital issues to be made at the level of a board uniquely concerned with the running of the hospital, the distortion and delays that occur can be reduced. Moreover, by administering the system on a hospital by hospital basis, there is even more accountability over the performance of individual hospitals and their areas. It seems to me that we have a situation where ministers in this chamber continually look for excuses in the face of more and more damning evidence on the performance of ACT hospitals. What are needed in this area are a decentralisation of power and a return of decision-making power closer to those who are actually affected by the decisions, and that is what this bill proposes to do.

The position of the ACT government in opposing hospital boards is at odds with experts in the field. For example, on 2 October 2007, Dr Rosanna Capolingua, the recently elected President of the Australian Medical Association, threw her support behind the Australian government's proposal. She speaks on behalf of a very large number of people involved in health care in this country, and I urge the minister to have regard to her perspective. She has stated:

... local hospital boards bring management accountability and responsibility right back to the community. It is a good idea.

She also clearly stated, for the benefit of the minister, that the proposal has the support of the Australian Medical Association. She went on to explain the advantages of individual hospital boards, and I hope the minister will listen to this. She stated:

Local boards mean that the Chair of that board can make direct representations to the Health Minister, make demands with regards to funding, the opening of beds, and the needs of that board—of that hospital, and I guess that might be uncomfortable for state Governments and State Health Ministers—

I would interpose and include territory governments and territory health ministers who do not want to hear bad news occasionally. This is an insightful statement into the nature of bureaucracy and management, one which recognises the importance of keeping control and decision making close to those affected by the decisions.

The bill would create a public hospital board for the ACT in order to place issues of public hospital management closer to the hospitals themselves. Mrs Burke's bill proposes a board comprising nine members, including the chief executive, a visiting medical officer, a member of the Royal Australian College of General Practitioners, a medical educator, a member with substantial qualifications in financial management—that would be a novel area for the minister to have as a line of advice—a member with substantial qualifications in business, a member with substantial qualifications in law, a member of the Consumers Health Forum of Australia and a pastoral care worker.

The board would have a chair and deputy chair to administer the meetings of the board. The chief executive would not be eligible for the position of the chair. The composition of the board would ensure that a diverse range of medical and managerial skills would be available to the board and would be able to be brought to bear on the problems of ACT public hospitals, which are being identified nationally as not up to

the mark and which this minister repeatedly refuses to acknowledge are in fact behind the eight ball.

It is happening on her shift. The Chief Minister has been advising Mr Stefaniak about the composition of the ministry after October 2008. I have every confidence that the same person will not be in the role of Minister for Health after October 2008. Health has turned into a bit of a disaster zone for this government. Research conducted in the community shows that Canberrans are more distressed by the administration of health than by any other area of government policy. I know that the Labor Party has done research as well, and it is telling them the same thing. This is a disaster zone for this territory's government.

The management of public health, the management of hospitals, the elective surgery waiting list, the state of the emergency department—these are areas where the people of Canberra are making it very clear that the minister is not doing the job properly. Mr Stanhope ought to listen to that community and shovel the job somewhere else. I do not know where you would go because we have had a few others who have had an attempt there and they have not proven up to the mark. But maybe Mr Gentleman or Ms MacDonald is ready to be moved into the front row and they might have a go. Everybody else seems to have made a fair hash of the role of Minister for Health.

In any event, clause 6 of Mrs Burke's bill sets out the functions of the board. These functions are: to oversee the application of the health budget in relation to public hospitals in the ACT; to advise and make recommendations to the minister—you will still have to make some decisions, minister—on matters relating to public hospitals; to review public hospital services; and to enquire into and report to the minister on matters referred by the minister. The minister, of course, can also delegate other functions to the board.

I know that, for politicians, hospital boards do not always mean an easy ride. I have seen these messes in other jurisdictions. Having as the chair of the board an unpaid employee may result in independence of thinking, but the fact of the matter is that sometimes you leave that. If things are not performing adequately, then it is appropriate to have as chair of that board an eminent person in our community. These are the issues, minister, and they should be addressed.

You are not going to get that same level of candour when you have got people whose entire career and employment are dependent on ensuring that they stay in favour with ministers. In fact, that is the whole virtue of having a board of people who can be somewhat at arm's length and give advice based on their expertise, on their relationship with the community and on their understanding of the issues. It has worked in the Little Company of Mary where they have a very, very strong board that is not afraid of making tough decisions. They deal with all the issues that are raised with them out of their hospital system. There is certainly a clear message here coming from the Australian government that I think the territory minister needs to take on board.

There are serious problems in ACT public hospitals. We would not be taking up the time of the Assembly if there was nothing here to complain about. We would not be

taking up issues on behalf of our constituents if they were happy and satisfied with the standard of health care. It is incumbent on this Assembly to find the solution. This is where we have a point of difference. We are not just standing up here criticising the way in which the system has been run. We are actually putting up a sensible solution. We have a bill here that provides a solution. It deserves better attention than the minister is giving it.

I will guarantee you that it is only going to be a matter of time before Mr Stanhope comes in here one day and announces that he will do this. I think he is frustrated that he has not been able to get anybody to do the job properly. It will be another one of these ideas where he will stand up here and be immensely critical of the opposition and then, when the dust has settled and the paint is dry in six months, he will say, "I have got this idea. We are going to put a hospital board in place. It is getting too hard for the cabinet and for the minister. I think it is a great idea; I have dreamt this up myself." I commend this bill to the Assembly. It is the first serious step towards reform of ACT public hospitals. It is what the people of Canberra want to hear from us.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (12.24): I am very pleased to have the opportunity to talk today about health and our record of achievement in relation to health and to compare our record of achievement with that of the Liberal Party in government in relation to its management of hospitals, indeed, its management of a public hospital system under the oversight of a board.

In that context, I refer in the first instance to the unacknowledged aspect of the range of statistics which Mr Mulcahy quoted in relation to waiting times, in the knowledge that they follow the closure of 114 hospital beds by Gary Humphries, Bill Stefaniak, Kate Carnell and Michael Moore in government. It is an irrefutable fact that successive administrations of the Liberal Party in government—

Members interjecting—

MR SPEAKER: Order! Chief Minister, please resume your seat. Conversations across the chamber are not helpful while the Chief Minister is speaking.

MR STANHOPE: It is an irrefutable fact that over six years the Liberal Party in government closed 114 public hospital beds. It is an irrefutable fact that since coming to government in 2001 we have replaced all of those closed beds and added to them. We continue to add to the number of public hospital beds. We will not do what the Liberal Party in government did. We will not do what Kate Carnell, Gary Humphries, Bill Stefaniak, Brendan Smyth and Michael Moore did. We will not close public hospital beds and leave it to another government to clean up the mess, to provide the funding, to get sustainable budgets in place and to allow the system to operate to meet the needs of the people of the ACT.

The fundamental incontrovertible fact is that the Liberal Party closed 114 public hospital beds during their tenure in government. The other significant outstanding

decision taken at one of their little strategy meetings was the explicit decision to bomb the Canberra Hospital. Having closed 114 beds, they continued with it and then explicitly took that dramatic decision.

In relation to the issue of boards, the minister has mentioned the fact that within two months of coming to government in 2001 we introduced a second appropriation bill, driven entirely by the need—this is in December, before we had reached the halfway point within the year—to meet a \$6 million black hole in the Canberra Hospital's budget. Within two months of coming to government, we introduced a bill.

That particular bill—go and have a look at it—had two major purposes. The first was to fill a \$6 million hole within the hospital's budget. The second was to provide funding for a nurses agreement, which the then minister, Michael Moore, had been unable to resolve. In fact, he inflamed it. We got to the point of actually beginning to negotiate a 14 per cent rise for nurses and when we came into government we discovered in the forward years a one per cent allowance for a 14 per cent negotiated pay rise.

This is the nature of Liberal Party budgeting. This is the nature of the \$20 million surplus that Gary Humphries still boasts about producing that year—a \$20 million or thereabouts surplus in the context of a negotiated agreement, or partially negotiated agreement with nurses for a 14 per cent pay rise with a one per cent budget allocation. That was the state of health.

Of course, at that time there was a board, and we should look at some of the experience in relation to boards. I would like to take the opportunity of quoting Jim Service, the Liberal appointed chair of a board—I think he was appointed in 1989—from a report by Chris Uhlmann in the *Canberra Times* of 23 December 1992.

Mr Pratt: 1992?

Mrs Burke: Good lord! You are grasping at straws now.

MR STANHOPE: This is relevant to the prior experience of hospital boards, their role in management and their effectiveness and success. It is relevant to go to the comments of Jim—

Opposition members interjecting—

MR STANHOPE: No, this is very relevant—extremely relevant. He was appointed by the Liberals, actually, after a vote of no confidence within the nonsense that actually developed there. Jim Service was appointed under legislation introduced and passed by the Liberals. The *Canberra Times* article stated:

The chairman of the ACT Board of Health, Jim Service, has resigned in protest at Legislative Assembly interference in health management, leaving the way open for the Government to abolish the board.

The Minister for Health, Wayne Berry, said yesterday that he was disappointed by Mr Service's decision ... but would move ... to amend the ... Act ...

The amendment would be drafted ...

He had not decided whether ACT Health should remain a statutory authority or become a department, because the legal implications ... were yet to be determined.

Mr Service wrote to Mr Berry yesterday afternoon tendering his resignation, and that of the board's deputy chair, Gail Freeman.

The resignation would come into effect the on March 1 ...

... cited two Assembly decisions prompting the resignations: the recent requirement that the board supply more detailed quarterly financial statements and the Public Accounts Committee Inquiry into the financial management of ACT Health—

In other words, that the board be required, essentially, to supplant the ministerial and administrative responsibility for the management—

Mr Service—

this is Jim Service, whom we all know as one of Canberra's leading citizens—

said last night that he took the concept of accountability very seriously—ACT Health was accountable to the Assembly in its annual report and through the Auditor-General—but the Assembly was requiring a level of accountability well in excess of what was reasonable, or required of any other department.

So much time and effort went into answering questions and requests from the Assembly that there was no time left to manage the system, he said.

In his resignation letter Mr Service said ACT Health provided more information to the public than any other health system in Australia.

Around the world health—

This is still the case. There is a sense of *deja vu* in this—

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 12.31 until 2.30 pm.

Ministerial arrangements

MR STANHOPE: For the information and assistance of members, as members are aware my colleague Simon Corbell, the Attorney-General, is elsewhere on the business of the Assembly or the government today and is unable to be present at question time. If there are any questions for Mr Corbell I stand ready to be of whatever assistance I can in relation to his portfolio responsibilities.

Questions without notice

Dragway

MR STEFANIAK: My question is to the Chief Minister. Chief Minister, prior to the last 2004 ACT election you promised to start work on an ACT dragway after that election and you promised to complete the dragway by April 2006. Your government allocated \$8 million for the development of the dragway. In 2004 I understand you received a report that noted that Wakefield Park in Goulburn was being considered as an option for an ACT dragway. What work has been undertaken to evaluate the Wakefield Park option for a dragway? What work has been done to evaluate utilising land adjacent to the Wakefield Park for a dragway? And what, if any, funds have been spent on these evaluations?

MR STANHOPE: I would be more than happy to be of what assistance I can but, as I presume Mr Stefaniak knows, my colleague the minister for sport is responsible for the dragway. I am happy to take the question on notice if Mr—

Mr Stefaniak: We can ask him.

MR STANHOPE: I am just trying to determine why it is that you did not ask the relevant minister.

Mr Smyth: It's your problem; you're the Chief Minister.

MR STANHOPE: If you want me to answer, I am happy to do it. If you don't want to address questions to the relevant minister, I am happy to take it on notice but if you would like an answer—if this is not some bit of devilish sort of political mysticism—

Opposition members interjecting—

MR STANHOPE: that I just cannot quite grasp. I am trying to think on my feet here—you know, these trick questions on tricky issues. My colleague the minister for sport, the responsible minister, has been working assiduously on meeting the legitimate expectations and hopes of the motor sport community for a dragway—a policy that the government continues to pursue with vigour in the face of a range of very, very complex and difficult issues, leading amongst them a continuing reluctance by the federal Liberal government to treat seriously with the ACT government the identification and provision of land, having, of course, in concert with Brendan Smyth and the previous Liberal government, abandoned without consultation with any justification the then existing dragway. Never forget: it was Brendan Smyth and the Liberal Party that abandoned a perfectly good dragway that the ACT had.

Mr Speaker, I will ask my colleague the minister for sport, the relevant minister, to respond more specifically to the issues around Wakefield.

MR BARR: I am pleased to advise the Assembly that my department is undertaking discussions with the owner of the Wakefield Park lease. I understand that that owner also has an adjacent block that is zoned for motor sport facilities. The possibility of a

dragway on that site is something that the government would consider in conjunction with the New South Wales government and we are pursuing some discussions around those possibilities. That is not to say that I am giving a commitment today that the government would invest the \$8 million that has been set aside towards that facility, but I do believe that it is worth investigating that. Given the proximity and the availability of that site to the ACT, a regional solution is one that should be considered and I am happy to have those options pursued.

Of course these negotiations are in the early stages but we are certainly prepared to consider that as an option. But of course the requirements on that site would come under the New South Wales planning regime and I believe would require some contribution from the New South Wales government. So at this very early stage I can indeed inform the Assembly that we are considering that as an option, just as we have advised and written to the commonwealth government seeking their advice on surplus defence land in a range of locations around the territory.

The commonwealth government have not been particularly cooperative. However, that may all change on the weekend. We do look forward to the election of a Rudd Labor government and the opportunity for a constructive dialogue with them, but we will of course consider all options when it comes to the delivery of a dragway, be it within the borders of the ACT or within close proximity.

MR STEFANIAK: Mr Speaker, I have a supplementary question for Mr Barr then, given that he has made—

Mr Stanhope: To the responsible minister!

MR STEFANIAK: No. If he has made those comments, you obviously do not have a clue anymore, Chief Minister—not that you ever did. Can you now advise us of the exact status of the proposed ACT dragway? When will the funds that have been committed to be spent on that dragway actually be spent? Can you advise whether—if ever—that project will be completed under your government?

MR BARR: As I indicated in my previous answer and numerous other responses to questions along those lines, once a suitable site is identified that meets all of the environmental and noise protection policies in place, the government has set aside an amount of money for the provision of a dragway. It may well be that it is not possible to find a site within the borders of the territory. However, we are actively exploring options outside the territory such as Wakefield Park or the land adjacent to that—within close proximity to the territory.

But we will not compromise on environmental or other aspects of assessment in order to deliver the project. It must stack up and meet those criteria. As I indicated in my previous answer, if a site were identified and found within New South Wales it would have to meet all of the requirements under any relevant New South Wales legislation.

Taxation

MR MULCAHY: My question is to the Treasurer. Treasurer, in a media release of 15 November, you dismissed the impact of the utilities tax on Canberra residents, saying:

... Liberal Treasury spokesman Richard Mulcahy has been moralising about an ACT utilities tax that adds about \$100 a year to a household's bills ...

Treasurer, on top of the utilities tax, your government has introduced the fire and emergency services levy, has increased general rates, and has increased the water abstraction charge and other charges substantially. Treasurer, why are you so dismissive of the impact of your taxes on people living in the ACT and, in light of your dismissive comments, can you guarantee that no Canberra household has been adversely impacted by the charges your government has introduced?

MR STANHOPE: I thank the shadow Treasurer for the question. I enjoy the opportunity to comment on the overall impact of rates and charges, particularly the impact of the interest rate rises over the last three years which the Liberal Party promised would not occur but which have occurred. It is a fine irony, isn't it, that in any discussion around rates and charges and the impact on householders, we have had six interest rate rises since Gary Humphries, along with Peter Costello and John Howard, promised that they would not occur under a Liberal government.

The impact of that on an average mortgage—the average mortgage for people in the ACT—is \$230 a month. That is on an average mortgage—an increase in interest rates of \$230 a month, in excess of \$2,000 a year. There is a fine irony in Richard Mulcahy or any member of the Liberal Party standing anywhere—in this place, in Canberra or anywhere in Australia—and castigating a government that raises rates and charges at a level that is consistent with the national average. I have made this point repeatedly in this place: the ACT is not a high-taxing jurisdiction; we tax and charge essentially at the mean. We are less than, I believe, three jurisdictions and more than four. We come in fourth in relation to—

Mrs Dunne: I raise a point of order, Mr Speaker. Mr Mulcahy's question was about a range of ACT-imposed taxes. We are most of two minutes into the answer and there has been no mention of ACT taxes—just mortgage rates.

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

MR STANHOPE: I was, Mr Speaker. I was speaking about the level of rates and taxes and charges imposed by the ACT and both a state and municipal—

Mr Smyth: That is not what you were asked.

MR STANHOPE: That is precisely what I was asked. I was asked about my appreciation of the response to the impact of increases in rates and charges on ACT ratepayers. I am explaining, in the context of that question, that the ACT government does not—when one takes into account both state-type and municipal-type rates and charges—tax or charge at a level above the Australian mean. All of the advice available to me from Treasury—advice developed in relation to information provided by the Australian Bureau of Statistics and others—is that the ACT is not a high-taxing regime. We tax and charge essentially at the median.

We expend at well above the Australian average. This is the mismatch: the extent to which we as a jurisdiction have historically—since self-government and indeed, through the commonwealth, prior to that—invested in services for people at the ACT at well above the national average. Indeed, the most recent advice available is that two years ago the level of investment by the ACT government in services—health, education, community safety—was in the order of 25 per cent above the national average, in a circumstance where we collected revenues at the national average. It is a very simple equation. You cannot continue to fund health, education and community safety—the full range of state and municipal services for which we are responsible—at levels that are 20 to 25 per cent above the national average whilst receiving revenue through rates and charges at a level consistent with or equal to the national average.

The great strain and stress for Canberrans feeling stress—we do not deny that there are significant numbers of Canberrans under significant stress in terms of meeting their cost of living. We know that somewhere in the order of 10 or 11 per cent of Canberrans are living below the poverty line. There are a significant number of Canberrans in significant stress; we are mindful of that.

We are also mindful of the responsibility of a government—a responsibility of any government, a responsibility which we hold particularly dearly—that one way of dealing with the legitimate expectation of people living in that sort of stress to participate fully in society is through the provision of a world-class, Australia-best health system, which we deliver, and a world-class, Australia-best education system, which we deliver and which we will continue to deliver through the level of investment that we provide. But we will do it in a sustainable way. It is simply necessary for rates and charges to reflect our priorities and our commitment to the level of expenditure. And we do it. We level rates and charges at a level that is consistent with the national average. (*Time expired.*)

MR SPEAKER: Mr Mulcahy with a supplementary question.

MR MULCAHY: Thank you, Treasurer, for your answer. My supplementary question is: in reviewing levels of taxation, what consideration does your government give to the position of residents on fixed incomes?

MR STANHOPE: We give consideration to all residents. In any year in any consideration or review of levels of taxes and charges, we, of course, consider the impact on all Canberrans across the board. To all sectors of our community, those on fixed incomes, those not within the paid workforce and families living in significant stress we give significant consideration. We seek to have a taxation regime that is responsive and sensitive. We have arrangements in place that allow us to respond to particular instances of particular stress faced by individuals and individual families within the territory.

But, at the end of the day, in order to meet the legitimate expectations of Canberrans, particularly those living in disadvantage, we need to ensure that we can deliver across-the-board government services that meet the expectations of all within this community. The legitimate expectation is that everybody will be given a fair go, that

we as a society and as a community will ensure that those living in disadvantage have every opportunity despite their particular disadvantage, whether it be a personal disadvantage of some kind, such as a disability and an incapacity to participate in paid work, age, retirement or fixed income, to continue to contribute to society, to continue to participate in the life of society, to the extent that they wish and to continue to meet and reach their potential.

You do that through a genuine commitment to egalitarianism, to a fair go, to a fair and just society, and that does require some resourcing. It requires a government that is sensitive and sympathetic to the need to construct a society that is based on fairness and justice. It requires us to be able to invest at an appropriate level in public education, public health and public safety and the provision of services across the board. That is what this government does.

That is a commitment which languished under you in government, which led to the closure of 114 public hospital beds, which led to a circumstance in which we as a jurisdiction, when we took government, were confronted with expenditure on mental health that, on a per capita basis, was the lowest in Australia. When we took government we inherited the Gallop commission report into disability services and the absolute shambles in relation to disability services.

I could go on in relation to what it was that we inherited. That was a government and an education system that had been simply allowed to trundle along as it has since self-government without any regard for efficiencies or delivery of the sorts of excellent outcomes achieved by a massive injection such as that which has been a feature of this government over the last two years. This government has injected \$350 million, through two budgets, into public education. It has been prepared to ensure sustainability in its budget.

Mr Mulcahy: I raise a point of order under standing order 118 (b). I asked a question in relation to the tax treatment of people on fixed incomes. We are now talking about school budgets. It is really well off the subject matter.

MR SPEAKER: I think you asked the question: what consideration do you give to people on fixed incomes? I think the Chief Minister is dealing with the question of services generally to people like those.

MR STANHOPE: I have. We have considered the legitimate needs and expectations of all Canberrans. People on a fixed income do have particular issues. Of course, the majority of people within the ACT on fixed incomes are those on commonwealth provided superannuation or pensions. It is a commonwealth issue. It is a matter which the government that has actually held the strings for 11 years federally has done absolutely nothing about.

All those that are recipients of commonwealth superannuation are, of course, on fixed incomes—and this is a major gripe—that are adjusted by CPI annually. Yet we as a jurisdiction—this is the crux of the question—dare to suggest that it is necessary and appropriate, in an environment where the cost of providing government services is rising faster than government revenue. And the major driver of that, of course, is

salaries, as it is in any business-type enterprise or wherever any service is provided—for government to maintain the nexus between—

Mr Mulcahy: How do pensioners approach their income that way?

MR STANHOPE: Well, you take that issue up with the commonwealth government. How often have you taken up with Peter Costello in the last 11 years the refusal by the commonwealth government to deal with the issue of superannuation and pension indexation by the CPI? You take that up with Peter Costello. Do not ask the states and territories to bear the burden of a lack of compassion by your colleagues in the federal Treasury. (*Time expired.*)

Schools—closures

DR FOSKEY: My question is to the Minister for Education and Training. Minister, why is the ACT government closing Cook primary school?

MR BARR: As part of a package of renewal of ACT public education, the government undertook a significant assessment of the public education system. We sought to respond to a number of emerging trends. Firstly, I refer to a significant decline in the school age population in the ACT. Since 1995, there has been an eight per cent reduction in the school age population in the ACT. At the same time, the proportion of people over 65 has grown by 45 per cent. We are seeing changing demographics in our city.

Mrs Dunne: On a point of order, Mr Speaker: the minister for education was asked a specific question about Cook school and he has not addressed the issue, in the same way that he did not address the issue when he actually closed the school.

MR SPEAKER: That is not a point of order. The question was asked of the minister: why did he close Cook school? He is going into the detail of it, as far as I can make out.

MR BARR: Thank you, Mr Speaker. The second major factor that was affecting the public education system was that we were losing enrolments at the rate of around one per cent a year out of the public education system into the non-government education system. That is due to a variety of factors, not least of which has been the massive public subsidy that has accrued to non-government schools under the Howard government and the massive underfunding by the commonwealth government of public education in the ACT.

Mrs Dunne: Parents are paying more and more every year under your tutelage and the Stanhope government's tutelage.

MR SPEAKER: Mrs Dunne, cease interjecting!

MR BARR: The combination of a reduction, and a significant reduction, in the school age population in the ACT and a drift away from government schools to non-government schools had seen 30 per cent excess capacity in our public school system.

A system designed to accommodate around 50,000 to 55,000 students had 35,000 students. There were empty desks everywhere and 30 per cent overcapacity.

We then undertook the most significant assessment of the public education system and the most significant public consultation on the future of that system. We backed this reform process with the single largest investment in public education in the history of self-government in the ACT—\$350 million. I note that the opposition continues to describe this as throwing good money after bad. That is the opposition's view of investment in public education in the ACT.

Mr Seselja: How much are you cutting out of non-government schools?

Mrs Burke: You'd better say it again to get the trifecta.

MR SPEAKER: Order! Mrs Burke and Mr Seselja, cease interjecting.

MR BARR: As a result of the significant factors that were influencing the long-term future and sustainability of the public education system, we took some difficult decisions—to concentrate on quality within our public education system and to reinvest money in the quality of our schools. When you look on a region by region basis, and particularly at the area of south-east Belconnen, where Cook primary school is located, you will see that there is another primary school with more room, with more empty desks, than the entire population of Cook primary school 800 metres down the road. That is not to mention Weetangera primary and Aranda primary, which are also within 1½ to two kilometres of the Cook primary school site. So we have four primary schools under capacity, with surplus space, and that is drawing resources away from the quality of our education system.

We took the difficult decision to rationalise the number of schools in the ACT to respond to the fact that we have a declining school age population and that it is not responsible on educational, social or financial grounds to maintain a system that is operating at 30 per cent overcapacity and that draws resources away from where they are needed in our education system—to provide quality education for all students in the ACT, and not just those in Cook. I refer to the 35,000 students to whom we have a responsibility to provide an education. That is my focus. That is why the government undertook the difficult decisions we did in 2006 to reinvest in the quality of public education. That is an important decision to take. Difficult though it was, we are backing it with the largest investment ever in public education—an investment the opposition describe as throwing good money after bad. (*Time expired.*)

DR FOSKEY: Mr Speaker, I have a supplementary question. Were the reasons for choosing which schools to close based purely on numbers, or were qualitative reasons taken into account? In Cook's case, what were the qualitative reasons?

MR BARR: I have answered this question at least 30 times in this debate over the last 18 months.

Dr Foskey: No, you haven't. You haven't answered that question.

MR BARR: The government considered educational, social and financial factors, as—

Dr Foskey: In Cook's case?

MR BARR: Dr Foskey, stop interjecting. In Cook's case, as in every other case, this government considered all of the relevant factors as required by the Education Act.

Opposition members interjecting—

MR SPEAKER: Order! Members of the opposition will cease interjecting.

Mrs Dunne: No you didn't.

MR SPEAKER: I warn you, Mrs Dunne.

MR BARR: This insinuation comes from Dr Foskey three days before a federal election. She seeks to play this sort of cheap politics. She suggests that I have broken the law in not applying the requirements of the Education Act.

It is cheap, gutter politics from Dr Foskey. But it is what we have come to expect from the most conservative member of this chamber when it comes to any reform in education. She opposes early childhood schools. She opposes investment in public education. She cannot and will not grasp the fact that we must change the way we deliver education in the 21st century.

We must investment in the quality of our public education system. We must invest in information technology. We must invest in quality teaching and quality learning; quality language programs, quality arts programs, quality physical education—all of which we need to deliver across the entire education system.

It is important for every student in the ACT—not just those in Cook; every student—that we be able to allocate our resources effectively and efficiently. The level of subsidy to that school was well above the average amount we spend on students in the ACT. Cook was operating at a subsidy above that of other schools. Is that fair? No, it is not. We have taken the difficult decision to reinvest money back into our public education system to ensure that, no matter where you are in the ACT, you have the opportunity to get a first-class public education.

That is the government's commitment backed by record investment in ensuring that every public school in the ACT is of the highest quality. We will continue to do so, in spite of the calls from the opposition to no longer invest in public education; their view is that this is throwing good money after bad. We do not agree with that. It is not throwing good money after bad; it is a sound investment in the future of students in the ACT.

Housing—interest rates

MR SMYTH: My question is to the Treasurer. Treasurer, in an article in the *Canberra Times* on 12 November this year Peter Martin wrote:

... Any mortgagee today will most likely be better off than a person in a similar position would have been under Labor in 1989, not worse off.

Together with your Labor colleagues you have been vocal in what now is clearly misplaced criticism of the impact of the Howard government's policies on working families and households. For example, you said in a media release on 15 November this year:

Canberra homebuyers know that the biggest disincentive of all to buying a home today is the extra \$249 a month they are going to have to find just to service their loan, courtesy of Mr Humphries and his colleagues.

Treasurer, have you taken advice from your department about the financial position of working families in the ACT and how does this advice reconcile with Mr Martin's statement?

MR STANHOPE: I thank Mr Smyth for the question. I am pleased that three days out from a federal election, in which one of the most significant issues that Canberrans and all Australian should focus on is, of course, the Howard-Humphries promise of no interest rate rises under the Liberal Party, under a Liberal government—

Opposition members interjecting—

MR STANHOPE: I am more than pleased that Mr Smyth has provided this dorothy, which allows me at this juncture to talk about credibility, without the risk of a point of order suggesting that I am not addressing the question.

Mr Smyth: Point of order, Mr Speaker: under standing order 118 (b) the minister cannot debate the subject. I didn't give him a dixer; I asked him: did he have advice from his department?

MR SPEAKER: I think he was applauding you for asking the question, Mr Smyth.

MR STANHOPE: I thanked Mr Smyth for allowing me to address this most significant issue, an issue that is uppermost in the minds—or was uppermost in the minds a year or two ago at the point when the majority of Australians took the decision that they could not trust John Howard or Gary Humphries. The lack of trust reflects on the basis of the claim that there would be no interest rate rises under Gary Humphries or John Howard or Peter Costello.

In the face of that, and this goes directly to the question asked by Mr Smyth, the Reserve Bank just a couple of weeks ago—in fact on Family and Community Day in 2007—increased the cash interest rate by 0.25 percentage points to 6.75 per cent. That was on Family and Community Day, and we were all struck by the irony of that—that it was on Family and Community Day that the Reserve Bank again levied this significant impost on families and communities throughout Australia. The standard variable home loan rate of interest as a result of that is now 8.55 per cent. This is the sixth interest rate rise since the last federal election, when the infamous promise by

Gary Humphries and John Howard was made that there would be no interest rises under a federal Liberal government and that our votes should have been influenced by that promise at the last election.

Of course we are an election late, to the extent that that particular promise by Humphries and Howard was relevant at the last election, and indeed it is one of those promises that will be relevant at this election as well, because as a result of that sixth interest rate rise the cash interest rate has been taken to an 11-year high. For the average mortgage in the ACT that most recent interest rate increase—that is the one just this month—increases the interest repayments for most Canberrans on an average mortgage by \$52 a month.

The string of interest rate increases has had a most significant impact on housing affordability. For anybody to argue seriously that six interest rate rises, taking the cash interest rate to an 11-year high, increasing the interest rates just through the rise in November by \$52 a month, does not have an impact on housing affordability or on the capacity of Canberrans to meet the full range of costs and responsibilities they have really is gilding the lily somewhat. I think it is remarkable that anybody would seek to construct a position, as Brendan Smyth is doing today, that Canberrans have never had it so good—“What are they whingeing about? Why are Canberrans complaining at the sixth interest rate rise in three years?”

Opposition members interjecting—

MR STANHOPE: The basis of the question is: “Look, what are all these Canberrans that are struggling to pay their mortgage whingeing about? They’ve never had it so good.” We have this learned leading article in the *Canberra Times* suggesting: “What are they complaining about? Things were worse previously. They should stop whingeing—just get on with it, suffer the 11-year high in a cash interest rate for an average size loan. Acknowledge that what’s another \$400 a month; what’s \$2½ thousand dollars a year?” That is the thrust of Mr Smyth’s question today. It is a significant amount of money, and that additional \$400 that is being paid by an average Canberra household—the \$2½ thousand dollars a year—is of course due to those six interest rate rises in a row.

Since 2004, though, to go to the analysis, house prices have grown by less than household incomes, with the effect of improving affordability. In other words, in the absence of the interest rate increases it would have been far easier for households to enter the housing market—and that is the major flaw in the Peter Martin analysis, which has been slavishly adopted by Brendan Smyth because he thinks Australians have never had it so good too.

MR SPEAKER: Is there a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Treasurer, what impact have your taxation policies, specifically introducing new charges and increasing others, had on working families in the ACT?

MR STANHOPE: Our charges have perhaps had about 10 per cent of the impact of Gary Humphries’s and John Howard’s charges and interest rate increases. That is the

point that the Liberal Party in the ACT seeks to cover up with a constant haranguing about rates and charges levied by the ACT and that actually meet the national average, despite the fact that we continue to expend on service delivery, most particularly on health and education, at a rate that is far and above the national average. We are still expending, as a jurisdiction, way above the national average in all major areas of service delivery.

In that context, and having regard to the comparisons that the question invites, since 1996, when the Howard government took office, interest payments on the average mortgage have grown from 31 per cent of average individual earnings to 39 per cent. That is what has happened in the last 11 years: interest payments on the average mortgage over the term of the Howard Liberal government have grown from 31 per cent of average individual earnings to 39 per cent of average individual earnings. That is the size and scale of the increase in interest payments that average Australians have had to pay. The government is continuing to implement its housing affordability action plan, including the release of additional land and affordable house and land packages, to assist households in housing stress.

We do not deny for a minute that there are not significant numbers of Canberrans in stress in terms of the cost of living. Indeed, there are significant numbers of Canberrans in housing stress. The six interest rate rises that Gary Humphries and John Howard promised would not occur are the major drivers of that stress. On an average mortgage in the ACT, an average household is paying \$2½ thousand a year more in interest payments as a result of Gary Humphries and John Howard and the promises they made at the last election, which they could not keep, their management of the economy, and the flawed management of the economy by Peter Costello.

I refer again to Peter Martin's analysis and assessment of the impact of outrageous, uncontrolled expenditure on inflation and interest rates. You refer to him on the one hand when you think there is a glimmer of a point for you to make, but on the other hand, when he actually puts the converse, regarding the impact of Peter Costello's management of the economy on inflation and the flow-on of that in relation to interest rates, you have a slightly different position—a position that you are not so pleased to champion, although, as we know, Mr Mulcahy is the acolyte and will tug the forelock at anything that Peter Costello does, as he genuflects before—

Ms MacDonald: Before the altar of Costello.

MR STANHOPE: Yes, the altar for the worship of Costello. The bottom line is six consecutive increases, and another foreshadowed for before Christmas, would you believe—the ultimate legacy of Howard, Costello and Gary Humphries. There was an interest rate rise on Family and Community Day, and another foreshadowed by the Reserve Bank before Christmas. John Howard's Christmas present from the opposition benches, and Gary Humphries's Christmas present as he seeks to campaign again for the leadership of the Liberal Party in the Assembly—a campaign that he has already commenced—will be a Christmas interest rate rise.

Mr Barr: Richard's at it, actually.

MR STANHOPE: Richard is after the leadership, too, but he will have to compete with Gary Humphries now. We will have the Prime Minister's opposition bench Christmas present of a final interest rate rise for the year, and Gary Humphries's Christmas present from the wilderness, as he plots to be parachuted in before the next election. I would think, in the context of the member who would be asked to vacate, that the least performing and most embarrassing member is the member for Molonglo, Mrs Burke. I imagine Mrs Burke would be getting a tap on the shoulder between now and Christmas and told to vacate, to allow Gary Humphries to have the opportunity to be parachuted back in.

Education

MR GENTLEMAN: My question is to the minister for education. Can the minister please update the Assembly on what the government is doing to ensure that our ACT students are receiving a quality education?

MR BARR: I thank Mr Gentleman for his interest in the matter. I do note that it does stand in marked contrast to the position of those opposite who believe that investment in public education is throwing good money after bad. The Stanhope government has increased investment in public education and education in the ACT by 30 per cent since we came to office in 2001. Education and training now account for nearly a quarter of the ACT budget. As a result of the government's clear and dedicated commitment to investing in public education, we have appropriated \$350 million towards upgrading school facilities and building new schools in areas where there is high demand for schools, particularly in the growth areas of Gungahlin. We also seek to renew public education infrastructure in west Belconnen and Tuggeranong by replacing ageing buildings with state-of-the-art public education facilities.

We have invested in quality information technology to ensure that every ACT school is connected to an expansive broadband network. We are providing \$20 million over four years towards information technology investment in our schools. There are quality education programs occurring in relation to art, languages and physical education—all boosted in the second appropriation.

We have provided pay rises to ACT teachers to take them to the top of the table around the country. It is interesting to note today that teachers in Victoria are striking because they believe that they have fallen too far behind their ACT counterparts. They are taking a case to the Victorian government that they need to catch up with the ACT. We offer record levels of investment in public education and top quality salaries for our teachers. We are investing in quality teaching and learning.

Through 2007 we have trialled the new curriculum framework across 22 schools in the ACT, government and non-government. I look forward very much next week to formally launching the framework for its full implementation in 2008. We are reforming our education system and working in collaboration with government schools, Catholic schools and independent schools to institute a new framework for the ACT—something that is relevant for the 21st century and backed by record levels of investment.

They are levels of investment that the opposition continually describe as throwing good money after bad. The shadow minister for education is on record time and time again in this place as saying that this record investment is throwing good money after bad. That is the position of the Liberal opposition. They have no policy of their own on education. They have nothing, other than what is filtered down to them from the federal education minister. Their position, their way to improve quality in the ACT education system, presumably is to rip away that investment, that money that is throwing good after bad, to introduce the HSC into the ACT and to have school lead tables. That is their policy for education, as dictated to Mrs Dunne by Julie Bishop.

Fortunately, I think the people of Australia will have a verdict on the Howard government's education policies this Saturday and will vote for a federal Labor government that is going to invest money in early childhood education, an area that the ACT government is also investing in. I am very pleased to be able to advise the Assembly that enrolments in preschool for next year, in our early childhood schools, are at record levels. We have some very strong levels of enrolment in preschools. The O'Connor Cooperative School is again at capacity. I am advised that, as of last week, only four places are available in the preschool program at Southern Cross, that Narrabundah has filled 22 of the 25 available places in its preschool program, that Lyons is up to 17 out of its 25 and that Isabella Plains has 62 out of its 75 available places.

These enrolments are higher than last year and are showing strength of support for the early childhood model that this government is delivering. It is a pity that the Liberals and the Greens oppose this and have expressed that opposition through the Assembly in many debates. It is unfortunate that that is the case. But this government will continue to invest in quality education.

Taxation—revenue

MRS DUNNE: My question is to the Treasurer. Treasurer, the consolidated financial report for the September quarter reveals a \$92 million variance—that is, a \$92 million increase—in revenue received by the territory. Moreover, \$46 million of this variance is additional taxation revenue. Treasurer, have you sought advice as to what impact this variance will have on the end of year figures for 2007-08? If so, what will that impact be?

MR STANHOPE: I thank Mrs Dunne for the question, which allows me to concentrate on the tremendous success of the reforms that the government has initiated over the last two years to ensure a strong and sustainable bottom line and budget position for the territory—in fact, the strongest that any ACT government has ever achieved.

Of course, we cannot really comment fully on issues about the ACT government's budget position without providing some context. The most relevant comparison is the record surplus achieved by the territory over this last financial year with the four consecutive deficits, which are the major legacy of the Liberal Party in government. Between 1995 and 1999 the Liberal Party in government delivered deficits,

admittedly under the Australian accounting standards, in the order of \$800 million. Whereas, on an Australian accounting standard basis, the consolidated financial report that Mrs Dunne refers to for the last financial year reflects an Australian accounting standard surplus of just over \$300 million.

There is interesting context there. The Liberal Party: \$800 million of accumulated deficit; Labor Party: \$300 million surplus in just the one year. It is in marked contrast—the competence, the diligence of the Liberal Party and the Labor Party—that they, in their first term, delivered Australian accounting standard deficits—in that first four years—of I think \$800 million. I have taken that from memory, but I am sure it is in the order of \$800 million delivered by the Liberals against that fantastic result in this last financial year of \$300 million.

The result is higher than expected and was driven by the strength of the economy, most particularly by the strength of the climb in the ACT property market—in other words, housing and commerce. Of the difference, the results show that expenses in 2006 were in line with budget. Growth in expenses from 2005-06 was maintained at one per cent. That has not been reported on. That is a very significant achievement: in 2005-06 growth in expenses—this is a very significant number and, because of its significance, it has been completely ignored by the Liberal Party and regrettably ignored by the media—was maintained at one per cent; in other words, significantly less than CPI.

The reduction in real terms was targeted in the 2006-07 budget. That reduction in real terms was, as everybody knows, targeted to address the expenditure imbalance that occurred in successive budgets since self-government, in which—as I said before and as the minister for education just repeated—the difference across the board has been about 20 to 25 per cent. That was the reason we took the decisions and instigated the reform, which was very much a feature of last year's budget. The difference on the revenue side—this is the point that Mrs Dunne goes to—

Mrs Dunne: Mr Speaker, I rise on a point of order. We are four minutes into the question and the minister has not even attempted to address the question, which is: what advice have you sought as to the impact this variance will have on the end of year 2007-08 figures? He cannot talk about 2005-06.

MR SPEAKER: There was a preamble to it that the Chief Minister is trying to—

Mrs Dunne: So you think this is a four minute preamble, do you Mr Speaker?

MR SPEAKER: I do not think anything of the sort. Come to the subject matter of the question Chief Minister.

MR STANHOPE: The bottom line is that the increase in revenue was achieved as a result of a higher level of turnover or activity in the housing market. It is not that the level of taxation increased; it is that the numbers of transactions increased.

As to the question of whether I now know what the end of year result will be, the answer is no. I am not quite sure what the mid-year review will reflect at this stage.

But I do not know and have not asked what this might translate to at the end of the year.

Mr Smyth: Why not?

MR STANHOPE: At this stage it is irrelevant.

MR SPEAKER: Supplementary question, Mrs Dunne?

MRS DUNNE: Thank you, Mr Speaker. Since the minister does not know what is going to happen for the end-of-year figures—

MR SPEAKER: Come to the question, Mrs Dunne.

MRS DUNNE:—has he received any advice as to the likely outcome of the ACT's financial performance for the December quarter? It is only six weeks away.

MR STANHOPE: No, but just last week I tabled the September quarterly result. At this stage I think it is relevant that we concentrate on that. Just last week I tabled the September quarterly result. I have not anticipated what the December result might be—

Mr Smyth: Point of order, Mr Speaker: the Chief Minister has just said that he will not answer the question.

MR SPEAKER: No; he answered it. I heard him answer it.

Mr Smyth: He should come to the point. If he cannot answer about the December quarter, he should say so and sit down.

MR SPEAKER: I think he answered it as he started out.

MR STANHOPE: I assume that Mrs Dunne and the Liberal Party have not looked at the September quarterly result. If they have, they have simply passed over it. Last week I tabled the September quarterly report, which indicated that the economy is still performing very strongly, which is very pleasing. My expectation and that of Treasury is that the economy will continue in this next quarter to—

Mr Mulcahy: Or tax windfalls.

MR STANHOPE: It is actually not tax windfalls; it is the strength of the economy and the level of turnover—the number of transactions that are resulting in additional stamp duty and conveyancing duty. These are taxes and charges that were not increased in the budget; these are rates of charging that have been in place for some time. They are not increasing. The increase in revenue is not as a result of extra tax revenue; it is a result of a very strong economy performing particularly strongly, with significant additional transactions over and above those anticipated.

There is a level of conservatism in this budget, as there has been in every budget delivered since 1989. It is a credit to Treasury. On any analysis of budgeting by any

jurisdiction in Australia, Treasury performs, in terms of budgeted outcomes, at a level equal to or better than almost every other jurisdiction in Australia. That is a credit to the Treasury. The bottom line is that the September quarter showed increasing strength in the economy and the budget position. My expectation is that the same will be replicated in the December quarter.

Mr Smyth: Point of order, Mr Speaker: standing order 118 (a) says that the answer “shall be concise and confined to the subject matter of the question”. The subject matter of the question was the December quarter. If he has said no, which he has, then he should sit down.

MR SPEAKER: I think he is entitled to fill in the gaps, Mr Smyth.

Mr Smyth: Not according to the standing orders—“shall be concise and confined”.

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

MR STANHOPE: I will. I will conclude on the point of Mr Smyth’s continued interjections and the fact that Mr Smyth was one of those that delivered four consecutive deficits—that delivered a bottom line of \$800 million in the red. Of course he is embarrassed at the strength of the economy currently.

MR SPEAKER: Order! Come to the subject matter of the question or conclude, Chief Minister.

MR STANHOPE: It is a question of Mr Smyth’s continued embarrassment.

Taxation—revenue

MR SESELJA: My question is to the Treasurer. Treasurer, the September quarter consolidated financial report again showed a massive underestimation of taxation revenue generated from conveyancing duty. In estimates committee hearings, when the Property Council suggested that your approach to forecasting was flawed and conveyancing revenue was being underestimated, you stated: “This is a mob with almost nil credibility.” Treasurer, in light of the latest massive windfall from property taxes, which is in line with forecasts made by the Property Council, do you stand by your previous statement and, if so, what is your reasoning?

MR STANHOPE: We understand now, of course, why Mr Smyth did not want me to proceed with my answer in relation to the September quarter, because the questions got out of order. Mrs Dunne jumped the gun and asked about the December quarter before Mr Seselja asked about the September quarter. The political geniuses that constructed the question actually did not say, “Mr Seselja, you need to stand before Mrs Dunne to provide the sequence,” so I have now been asked to answer a question asked by Mr Seselja which I answered, of course, in answering Mrs Dunne, because Mrs Dunne was a bit impatient to leave the chamber and asked her question first.

The September quarter—it is a pity that we got these out of order—did show a \$55 million variance to date, and it is a fantastic result. The \$55 million variance is a

result of \$46 million in additional taxation revenues, due almost entirely to additional levels of activity—\$19.8 million in residential conveyance revenue, reflecting, as it does, the continuing strength of the residential housing market and the increased volume of transactions within the September quarter. Of course, we saw this in the June quarter as well. I suppose the June quarter was covered off in the question about the consolidated financial statement for the year, so we go from June to September to December.

Mrs Dunne: So what do you think about the Property Council's credibility?

MR SPEAKER: Order, Mrs Dunne! You are on a warning, remember.

MR STANHOPE: We saw a very significant spike or pick-up in the June quarter. That has continued into the September quarter, about which we are particularly pleased—

Mr Mulcahy: So they were right?

MR STANHOPE: No, I will get to that. I will go to the detail.

Mr Smyth: He is right: it is very specific.

MR STANHOPE: No, it was a specific question that Mr Seselja asked, and it requires a specific answer. So \$19.8 million of the \$46 million was in residential conveyance revenue, reflecting the ongoing strength of the market; \$11.8 million of the \$46 million was in commercial conveyance revenue, resulting from several large commercial transactions that occurred during the September quarter; \$7.4 million was in stamp duty applied to the transfer of shares and marketable securities, reflecting several large transactions assessed between July and September; \$6.8 million was in general rates, due to timing—in other words, more people paid their rates in that quarter than we had anticipated; \$10 million of the \$55 million was because of a decrease in payment of recurrent grants, primarily due to \$6.5 million in service purchase payments due to the timing of the on-passage of Australian and ACT government grants for non-government schools—in other words, the grants were not paid because of some administrative issues that required them to be rolled over into the next quarter; and \$3 million for other grants.

So the \$55 million change, almost exclusively, or at least half of it, is in relation to residential housing non-commercial transactions, some commercial transactions in relation to shares and marketable securities, and \$6.8 million because of people paying their rates bill for the year ahead of what had been anticipated.

The position put by the Property Council of which I was critical was the allegation by the Property Council that, in relation to four specific major projects that were identified by the Property Council in its evidence, we had not taken any of those specific projects into account and that, as a result of those, we had underestimated. I can get the details of those; I can go back to the evidence. One of them was QEII, which in fact was factored in; it was in the budget. Another was section 63, which, because we are auctioning it, is essentially not relevant and will not appear in those

numbers. So I stand by my comments. They were entirely and precisely correct, appropriate and valid. At least half of it is additional revenue from activity essentially within the residential market, and the rest is around market securities.

Go back to the evidence of the Property Council; it was about specific instances of alleged, almost duplicitous—the way in which the evidence was presented—non-specification or mention. They were wrong, and they remain wrong. If you go back to the evidence, you will see that it was about QEII, which is already in the budget. It is about section 63, which, if you understand GFS, as Mr Mulcahy does, is not relevant anyway. So I stand by the comment I made. It is true and valid.

MR SPEAKER: Is there a supplementary question?

MR SESELJA: Treasurer, what forecasting for stamp duty generated through recent land sales is factored in to assist in forecasting revenue collections?

MR STANHOPE: I must say, to the extent that I do not just have in my head the amount, that I am struggling to understand the thrust of the question. Is it about an amount? Is it about specific areas of stamp duty? I will take the question on notice. I must say that I will probably have to seek some clarification. I am not quite sure of the point that the member is seeking.

Taxation—revenue

MR PRATT: My question is also to the Treasurer—and I am not jumping the gun. The September quarter consolidated financial report again showed massive underestimation of taxation revenue, as predicted by business groups like the Property Council. Treasurer, when during the September quarter did you receive advice from your department that the ACT would receive another taxation revenue windfall?

MR STANHOPE: I received the September quarterly report, I think, a couple of days before I tabled it, which was last week. But of course—

Mrs Dunne: That's an outrage. That's an outrage to claim that that is the only time he received that advice.

MR STANHOPE: What is an outrage, Mrs Dunne, apart from you?

MR SPEAKER: Never mind. Mrs Dunne is on a warning and she won't be interjecting anymore.

MR STANHOPE: I am not quite sure what is outrageous, but I think the strength of the current budget and the soundness of our finances would be outrageous to the Liberal Party as they sit back and continue to contemplate their \$800 million of accumulated deficits over four years in government.

But to go specifically to the question, I received the formal document for tabling, I think, a day or so before it was tabled. I would have to check the record for that. So I tabled it last Wednesday and I believe I received it—I am not even sure whether I

might have received it on the Wednesday. I received it perhaps on the Tuesday or the Wednesday of last week. I cannot quite recall the day on which I received—

Opposition members interjecting—

MR STANHOPE: I just want to be specific; I do not want to mislead the Assembly. So I received the formal September quarterly report last week and I tabled it last week.

Mr Pratt: What about the advice?

MR STANHOPE: That is what I am going to now. But to the extent that I received advice I of course have weekly meetings with the head of Treasury and I have a weekly regular meeting and many other meetings with the head of Treasury and numerous Treasury officials, and I think it is fair to say that over the last six weeks in discussion and conversation I received advice that the economy was performing strongly, but at that stage without anybody knowing what the final numbers would be. I receive advice on a weekly basis about a full range of issues around the economy—the strength, the level of activity. So to answer the question fully, Mr Pratt, I receive weekly advice from Treasury through the head of Treasury and through numerous other officials. We always have broad-ranging discussions. During those discussions I have received regular—

Mr Pratt: Okay, which week? Let's try and narrow it down.

MR STANHOPE: Every week—every week since 1 July I have received advice. In the context of when was I advised that the September quarter had returned the numbers that it did, it was probably one day last week. But, for the sake of absolute certainty, if that is not right—if I received it on the Friday a week ago rather than last Monday—I will come back and let you know.

MR SPEAKER: Supplementary question, Mr Pratt?

MR PRATT: A supplementary to you, Treasurer. Why does your department continually fail to predict taxation revenue as accurately as organisations such as the Property Council?

MR STANHOPE: If you are referring to the evidence by the Property Council—was it to estimates?—then it was not evident at all. It refers specifically to the—I will have to get this, because it is a matter of such significant moment, but from memory I believe that the evidence goes specifically to QE II when QE II is in the budget. It goes specifically to section 63, I believe—I will have to check this—when section 63, because it is an auction, will not actually assist the bottom line in the same way as, for instance, QE II does. And I am sure that it referred specifically to one other proposed—I cannot quite recall, but I will go to that.

So the evidence or the position put by the Property Council was seriously flawed. It was simply based on a misunderstanding—a lack of appreciation of what was in the budget and what was not and of what could be counted towards the bottom line and

what could not under GFS. There is still an inclination to account according to the Australian accounting standard.

As to the Treasury and its budgeting—and I will provide some additional information on this—if one assesses the budgeted figure with outcome provided by Treasury traditionally over the last 17 or 18 years one will find on average across the years that, by comparison across the jurisdictions, ACT Treasury's outcomes in relation to the budgeted position as compared to outcome are consistent with or better than almost every other Australian jurisdiction. I say this in an environment where four weeks ago Peter Costello announced without fanfare that in his midyear review he had revised the commonwealth surplus up by \$5 billion. That followed the budget position presented by Peter Costello four months ago in the commonwealth budget, of a projected surplus or a surplus of \$17 million.

Mr Mulcahy: They give tax cuts; you don't.

MR STANHOPE: So we are changing the subject now. The question was about—

MR SPEAKER: No, we are not changing the subject.

MR STANHOPE: No, we are not; the Liberal Party is. I will just go to context. The question is about Treasury's capacity. Mr Pratt's question was about the record and the competence of the ACT Treasury. When one compares budgeted position with outcome, the ACT Treasury, in its budgeting, performs as well as any other jurisdiction in Australia—having regard to the fact, by way of comparison, that Peter Costello, in his last budget, increased his final position by \$17 billion. And within three months of changing his anticipated surplus by \$17 billion he revised it up by another \$5 billion.

I will lay my Treasury's \$55 million variance in three months against Peter Costello's \$5 billion variance in six weeks. We get some idea of issues which treasuries across the nation face. In the ACT, ACT Treasury was \$5 million out in its guesstimates after three months. The federal Treasury was \$5 billion out after six weeks.

Taxation—revenue

MRS BURKE: Thank you, Mr Speaker. My question, through you, is to the Treasurer. Treasurer, last week you introduced the second appropriation bill, which seeks to appropriate \$36.254 million for additional government expenditure. In 2007-08 the Treasurer's advance is \$29.2 million. Treasurer, are any of the items of expenditure in the second appropriation bill items that could have been funded by an appropriation from the Treasurer's advance? If so, why have you found it necessary to appropriate more funds without first utilising the Treasurer's advance in the first budget?

MR STANHOPE: Mr Speaker, I have not done an item-by-item analysis of whether or not the expenditures included in the second appropriation might have been funded by the Treasurer's advance. Of course, there are significant and close rules and legislative requirements in relation to the use of the Treasurer's advance and it may be

that if I trawled through I could construct a case or that Treasury may have, but that is not an exercise that I have gone through. It is not one that I see as particularly profitable.

I think that proceeding with these additional expenditures or appropriations through a second appropriation bill ensures transparency and the potential for scrutiny. We moved immediately to establish an estimates-type process through the public accounts committee to ensure that there was an opportunity for appropriate scrutiny. It was important that, in relation to the use of public funds, there be accountability and transparency and that the government be held accountable for expenditure of public funds. The Treasurer's advance at one level is an exception to that, except, of course, that any Treasurer's advance is notified as soon as possible within the Assembly and that the necessary instruments are tabled. But a second appropriation is appropriate when a government deems it desirable to seek to address priorities.

Our financial position is strong. Even on the day of delivery of the last budget we were advised of a \$13 million increase that had not been factored into the budget as a result of population estimates released that day by the Australian Bureau of Statistics and the relevance of an upgrading of our population to enhance GST payments. Our budget position improved by \$13 million on the day that the budget was tabled, which gave us a degree of latitude in relation to expenditure. It was a \$13 million boost to the bottom line that we had not anticipated, that we were not expecting and that we had not factored into the budget. We had that latitude and we have taken it.

I believe that the most appropriate open, transparent and accountable way for a government to seek to expend public moneys is through a bill in the parliament. The public accounts committee will now conduct hearings in relation to each of those expenditures. I feel very comfortable with this approach. I believe it to be the preferred approach, far and above the use of Treasurer's advances.

MR SPEAKER: A supplementary question, Mrs Burke?

MRS BURKE: Thank you, Mr Speaker. Minister, since receiving the consolidated financial report for the September quarter and any subsequent information about progress during the current quarter, have you instructed any ACT government departments to develop proposals for further, so far unbudgeted expenditure in 2007-08?

MR STANHOPE: Not for 2007-08, not that I can recall. I have asked all agencies to begin—in fact, we are well advanced—processes for next year's budget. Indeed, most agencies have concluded their initial consideration of individual cases across their agencies for proposals for next year's budget. Enormous work has been undertaken across the entirety of the ACT government in relation to next year's budget. There have been no suggestions that there will be another appropriation in this financial year. But work is well advanced on next year's budget.

Health—primary care

MS MacDONALD: My question is to the Deputy Chief Minister, Ms Gallagher, in her capacity as Minister for Health. Minister, in light of a story in Monday's

Australian newspaper that more than 12 million Australians have inadequate access to primary health care, could you update the Assembly on the level of need for primary health care in the ACT and what the government is doing to lessen the federal government's failings in this area?

MS GALLAGHER: I thank Ms MacDonald for the question. The *Australian* did report that up to 12 million Australians have inadequate access to primary health care. This was based on figures from the federal Department of Health and Ageing which showed that to the end of March 74 per cent of Australia's landmass, or 59 per cent of the population, has been declared "districts of workforce shortage". Health minister Tony Abbott responded by admitting that the federal government should have moved to train more doctors sooner and that, if people were willing to wait a few hours, everything was fine. This came from a government that was directly responsible for the training and funding of general practitioners and which has overseen freezing of training places in the past to such a degree that these damning figures have become apparent and show this inadequate access to primary health care.

Locally, we are suffering from the federal government's failures in this area. I have written on no less than six occasions over the past 12 months to the federal government, pointing out that primary care practitioner rates in the ACT have dropped, that the three electorates with the lowest bulk-billing rates in the nation were Eden-Monaro, Fraser and Canberra and that the 2005-06 report on government services showed that the ACT had 63 GPs per 100,000 as compared with the national average of 85 per 100,000. Based on this the ACT healthcare system is currently 60 doctors short of its ideal GP workforce.

We also have the second-highest percentage of female practitioners behind the Northern Territory at 36 per cent. Female medical practitioners traditionally work fewer hours than their male colleagues; some may even work part time. Medical practitioners in the ACT on average are the second oldest in Australia at 46½ years and our shortage of GPs is leading to the ACT's high ratio of emergency department presentations, which in 2005-06 was 306 per 1,000 population compared with the national average of 256 per 1,000 population.

The government has provided options on a variety of commonwealth initiatives and sought these initiatives for the ACT community. We have sought additional medical school places to increase the number of medical graduates that we train. We have sought to declare the entire ACT a district of workforce shortage. We have sought further commonwealth incentives for GPs to bulk bill and also to extend the outer metropolitan provisions to the whole of the ACT, giving GPs incentives to relocate from metropolitan areas through a monetary bonus.

Despite this, little assistance beyond the piecemeal declaration of some parts of the ACT as a district of workforce shortage has occurred. Encouragingly, this limited response has already provided a positive impact, with bulk-billing rates rising from the incredibly low level of 36.4 per cent two years ago to 51 per cent in the March quarter 2007. However, this still leaves us 11 per cent behind the next lowest jurisdiction, the Northern Territory, and a massive 26 per cent behind the national average of 77 per cent.

As I have said, I have written six times in the last 12 months to the education minister, Julie Bishop, about the number of graduates through the ANU medical school, I have written to Minister Abbot five times and I have also written to the Prime Minister once, seeking further support to encourage an increase in our GP rates in the ACT. We have done what we can to address these issues. We have invested \$12.1 million in capital infrastructure in the ANU medical school. We have built the medical school. We have also provided almost \$2 million to build a medical school at Calvary hospital. We have also recently announced through the second appropriation \$281,000 for a partnership project with the Division of General Practice to fund a marketing and support officer with the sole aim of attracting GPs to the ACT.

We have also established the Canberra after-hours locum medical service, which operates at both of our public hospitals at a cost of \$1.4 million over four years. There is the Health First or healthdirect telephone service, which receives around 50,000 contacts a year as a primary point of contact for people who are concerned. So we have done a range of things to address what we can from the ACT government's point of view to support general practitioners and to increase the number of general practitioners in the ACT. (*Time expired.*)

MS MacDONALD: Mr Speaker, I have a supplementary question. What has been the reaction to these initiatives and efforts?

MS GALLAGHER: I thank Ms MacDonald again. I received a rather odd response to these initiatives from two Liberal members—Liberal Senator Gary Humphries and Jacqui Burke as the opposition spokesperson on this. Aside from that, the response to this has been very positive. Yes, it is not a great deal of money. But in relation to the program to advertise and attract GPs, everyone has been supportive, including the Division of General Practice, which is very keen to do anything it can to get more GPs to the ACT.

I received a rather surprising media release from Senator Gary Humphries, who at this stage of the campaign was acknowledging the deficit of the commonwealth's response in this area, particularly in the ACT. His media release talked about how the community is crying out for a local GP, and then bagged the ACT government for funding a \$280,000 advertising campaign to bring more doctors to Canberra, funding which Senator Gary Humphries says will do next to nothing to solve the doctor shortage. He is right. I said to media outlets that he is right: funding will do nothing to train more doctors. He goes on:

Ads won't train more doctors, they won't create training places in hospitals or encourage more doctors to become GPs—all they will do is create an impression that the ACT government is doing something when in reality it is sitting on its hands ...

Senator Humphries is right: ads will not train doctors; medical places will. What was the response from the commonwealth government? No more medical places for the ACT. They will not create training places in hospitals. That is right. But what will? Training places. And what was the response from the commonwealth government?

No more training places for the ACT. It will not encourage more doctors to become GPs. No, but training places and incentives to operate in areas where GPs are drastically short will. And what was the commonwealth's response to that? No; nothing for the ACT—no training places, no more medical school places, no extension of the incentives program.

In a sense, whilst Senator Humphries says that all we are doing is sitting on our hands, what has he done? Nothing. No more training places, no more medical school places, no more extension of the incentives program—nothing. There is nothing to attract more GPs to the ACT.

Mrs Burke goes on and criticises the commonwealth system as well. But again, she blames the ACT. This is really quite an odd position. Essentially Mrs Burke's argument was that if the national system is not working then the ACT needs to do something to fix it. In fact, the ABC piece on this says that "the opposition says the territory government should be working with the commonwealth to fix the Canberra doctor shortage". Mrs Burke says:

Asking for the ACT to be a designated area of work force shortage is one thing, but if we've got a system nationally that really isn't helping GPs and/or patient outcomes, can't we look at that ...

This is what I said to Tony Abbott and Julie Bishop on 7 June last year. It is what I said to the Prime Minister on 24 July last year. It is what I wrote to Abbott about on 1 November last year. It is what I rewrote to Tony Abbott about on 4 June this year. It is what I wrote to Tony Abbott about on 21 August this year. On 29 August I wrote to Tony Abbott again and said, "Please, Minister Abbott, declare the ACT an area of workforce shortage. Please increase the number of GP training places. Please increase the incentives for GPs to bulk-bill. Please extend the outer metropolitan provisions to the whole of the ACT."

That is what the ACT government is doing. That is what the ACT government has been doing for a long time. The commonwealth have said no on every single approach to them. Gary Humphries has done nothing. He has sat on his hands while we have tried to deliver something for the people of Canberra in providing more access to GPs.

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

Answers to questions on notice Questions Nos 1734, 1729 and 1730

DR FOSKEY: Under standing order 118A, I would like to ask the Minister for Territory and Municipal Services for a reason why the question I placed on notice on 17 October, question No 1734, has not yet been answered.

Mr Hargreaves: About what, Dr Foskey?

DR FOSKEY: That is the one about the trial of recycling in Glebe Park.

Mr Hargreaves: Is that the only one you have got?

DR FOSKEY: That is the only one I have got for you.

Mr Hargreaves: I will wait until you finish knocking everybody else, then.

DR FOSKEY: Okay. With respect to the Minister for Police and Emergency Services, who is not here, I seek an explanation as to why questions 1729 and 1730 were not answered in a timely manner.

MR HARGREAVES: Dr Foskey, I do not know the answer to your question. The last I saw, I had responded to all questions on notice. Indeed, this morning I signed off on another four, and I thought that was all. I will take up the matter and you will have an answer to the question on notice by the end of the week.

Paper

DR FOSKEY (Molonglo) (3.54): I seek leave to table the explanatory statement for the Residential Tenancies Amendment Bill.

Leave granted.

DR FOSKEY: I table the following paper:

Residential Tenancies (Energy Efficiency Rating) Amendment Bill 2007—
Explanatory statement.

Personal explanation

MR STEFANIAK (Ginninderra—Leader of the Opposition): Mr Temporary Deputy Speaker, I seek leave to make a statement under standing order 46.

MR TEMPORARY DEPUTY SPEAKER (Mr Gentleman): Please proceed.

MR STEFANIAK: In the debate this morning on Dr Foskey's motion, the Chief Minister stated:

... it—

referring to previous Liberal governments—

did not provide a single cent in any of the outyears.

When we came to government in 2001 there was not one dollar in the outyears devoted to implementation of the strategy; there were no identified actions. There is not a single identified action in that strategy other than, "Oh, let us set ourselves this wonderful aspirational target of a return to 1990 emissions by 2008" ...

He finished by saying:

... no actions, no time lines and, most particularly, no funding. There was none—not one, and not one cent devoted to any action that might actually assist in achieving that notional aspirational target.

Mr Temporary Deputy Speaker, I seek leave to table pages 155 and 178 of Budget Paper No 4 for 2001-02. Apart from that, page 178 will show that, in respect of the cost of implementation of the greenhouse strategy, for the Liberal government's target for 2000-01, it was \$870,100, with an estimated outcome of \$845,000 and a budget of \$1,038,000 for 2001-02.

Leave granted.

MR STEFANIAK: I table the following papers:

ACT Greenhouse Strategy—Budget 2001-02—Budget Paper No. 4—
Page 155.
Page 178.

The table on page 155 refers to that other part, the \$180,000. This is an outrageous misrepresentation of the truth by the Chief Minister. He has misled the Assembly, and I would ask him to retract his statement unreservedly.

Mr Stanhope: I will look at the tabled document with great interest. To the extent that I have not yet looked at it, I am prepared to withdraw the suggestion about there being not one cent. I will replace it with the assertion that less than one per cent of the sum required to meet the target was budgeted.

Mr Stefaniak: It was early days, Jon.

Mr Stanhope: Early days? I actually think it makes the case. It makes the Liberal Party's position more outrageous that the Liberal Party is now admitting that it committed \$1 million a year.

Mr Stefaniak: You said there was nothing there.

Mr Stanhope: I said there was nothing; it is now \$1 million. It is less than one per cent of the funds required. I withdraw the statements I made previously, Mr Temporary Deputy Speaker. It is absolutely outrageous. I am pleased to have that cleared up: \$1 million a year.

Papers

Mr Barr presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) Amendment Regulation 2007 (No 2)—Subordinate Law SL2007-34 (LR, 19 October 2007).

Environment Protection Act—Environment Protection Amendment Regulation 2007 (No 2)—Subordinate Law SL2007-35 (LR, 25 October 2007).

Housing Assistance Act—

Housing Assistance Public Rental Housing Assistance Program 2007 (No 1)—Disallowable Instrument DI2007-267 (LR, 9 November 2007).

Housing Assistance Rental Bonds Housing Assistance Program 2007 (No 1)—Disallowable Instrument DI2007-266 (LR, 9 November 2007).

Land (Planning and Environment) Act—Land (Planning and Environment) Criteria for Direct Grant of a Lease (Single Residence Leases) Determination 2007 (No 1)—Disallowable Instrument DI2007-288 (LR, 15 November 2007).

Public Hospital Board Bill 2007

Debate resumed.

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) (3.58): I was providing, for the information of members, the explanation which the chair of the Canberra Hospital board gave in 1992 for why he had resigned. I was reading from an article in the *Canberra Times* about early experiences with hospital boards, the way in which they operated and the way in which they were inhibited. I was quoting Mr Jim Service in the context of the reasons for his explanation. He said:

It simply becomes impossible for the board to discharge its statutory responsibilities if its management, and the board itself, are continually engaged in defending, in the political arena, every management action we have taken or may contemplate ...

Mr Service noted that the board of the day had been appointed by the Liberal alliance government. Mr Service said that it was very sad that the Assembly group, the Liberal Party, which had promoted and legislated for the board, had now chosen a path that made their own scheme unworkable. Mr Service went on to say that his reputation and that of other board members was being placed at risk by the continual political attacks and the endless inquiries and that in such circumstances it was simply impossible for him to remain as chair.

Mr Service went on, in his letter of resignation, to thank Mr Berry, the then Minister for Health, for his generous support, fairness and frankness. He said that they had “disagreed at times but that has been thoroughly healthy”. He also thanked the staff of

ACT Health, saying he was proud of them. He said: "It would be nice if the Assembly members would have regard to and respect for the service these people give to Canberra." What a sense of *deja vu* is generated by those particular words. In fact, I recall explicitly Ms Gallagher this morning using very similar terms when she expressed that same sentiment. The sentiment expressed by Mr Service was: "It would be nice if the Assembly members would have regard to and respect for the service these people give to Canberra."

Mrs Burke: And who was he referring to? Not the Liberal members.

MR STANHOPE: He was referring to the Liberal members.

Mrs Burke: You are—

MR TEMPORARY DEPUTY SPEAKER: Order! Mrs Burke.

MR STANHOPE: He was referring to the Liberal Party members of the Assembly. Mr Berry said that he was deeply concerned by the opposition actions—that is, the Liberal Party actions—that had undermined the considerable professional integrity of the board members. He said it was ironic, considering that the Liberal leader, Trevor Kaine, had pushed Mr Service into heading the board. "The Liberals giveth and the Liberals taketh away," Mr Berry said.

It is interesting, in the context of Mr Jim Service's resignation from the board, that the editorial in the *Canberra Times* on that date commenced by saying:

Jim Service's resignation as Chairman of the ACT Board of Health should serve to convince the government that a statutory authority is not the appropriate vehicle for administering a territory's biggest budget item.

That was the conclusion of the *Canberra Times* at the time, and of course it remains valid today. The *Canberra Times* would express today, I am sure, exactly the same sentiment. A Liberal-appointed board, headed by Mr Jim Service, a leading Canberra citizen, resigned as a result of the inoperability of the board. The *Canberra Times* editorialised that it was proof certain, and should have been obvious to anybody, that it was not the way to manage a community's major budget item.

In relation to the current Liberal proposal, strongly supported and endorsed by Mr Mulcahy this morning, we have the prospect that the board would be voluntary. Irrespective of what one might think for or against a proposal that we reinstate a board—something that actually did not achieve any of the outcomes which it is now being claimed boards will achieve through a public hospital system—I do not think anybody could point, during that period or decade, to where public hospitals in the ACT, being managed under a statutory arrangement through a board, had a single achievement that could be put down to the board. We can see a whole range of disabilities, most eloquently expressed by Jim Service in his letter of resignation as to why he was not prepared to continue. But I cannot see, and we have not yet had presented in this debate, a single cogent reason for returning to a system or an arrangement that was flawed and did not produce achievements.

What aspect of public hospital budgeting, outcome, performance, transparency or quality can be attributed to the boards that were in existence during that decade? Name one of them. Give a specific example. Name an achievement over and above the achievements of our public hospitals over the last six years. Make the comparison, make the case, provide the evidence. Where is it? We have plenty of evidence to the contrary: continual budget overruns, decisions taken to cut services, black holes to be filled, and outcomes that were not enhanced or improved as a result of the presence of a board. Added to that is another issue: I am not aware of any consultation by the Liberal Party, in the presentation of this piece of legislation, with Calvary. Mention was made earlier of the Calvary board, but if this legislation were to be passed, that is not the board that would be reporting to the government in relation to the management of Calvary Hospital.

Mrs Burke: What will they do when Kevin Rudd takes over?

MR STANHOPE: There would be a government-appointed board. There would be a specific board appointed by the government that was responsible and answerable to the government of the day. Has anybody discussed with Calvary the fact that their current management arrangements would be subverted, that they would have to be overridden, that the government would provide a board for them that would be responsible directly to the government of the day—not to the Little Company of Mary but to the government? Has that issue been covered by the Liberal Party in its consultation on this bill? I think not. It is illustrative of the degree to which this is nothing but a stunt.

I think we should heed the wisdom of the Jim Services of the world and of the *Canberra Times* editorial. We should acknowledge this for what it is—a stunt by both the federal Liberal government and the opposition in this place. They are desperately seeking, in an area that they have ignored and have not supported, some credibility through a seemingly popular but very flawed approach to the management of public health.

Name the specific benefits or advantages that were achieved in that decade when our public health system was controlled by boards that set it apart from and above the achievements of the last six years. They are not there to be named. Name the achievements in the context of capital, staffing and budget outcomes. During that period, of course, in the midst of that decade, the Liberal Party took 114 beds out of our public hospital system. That was in an environment in which there were boards in place, supposedly to manage these things.

Is it seriously suggested that the board agreed with, supported or initiated the decision that the Liberal Party took to remove 114 beds? Is it seriously suggested that the responsibility for the flawed psychiatric ward that was built by Michael Moore, and which was declared dangerous within a year of its construction, was a decision of the board? That was a decision of the government of the day. In the context of this bill, and the sorts of mistakes that Michael Moore made, in building a psychiatric unit that was condemned immediately after it was staffed, and that the government of the day made, in closing 114 beds, were they decisions of the board or of the government of

the day? We all know they were decisions of the government of the day, so how did the board actually enhance the management of our public hospitals? I table the following documents:

ACT Board of Health—Resignation of chairman—Media articles (3).

(Time expired.)

DR FOSKEY (Molonglo) (4.06): I will not be supporting the bill. I am interested in the document that Mr Stanhope read from because it confirms what I have heard by hearsay. It makes it fairly clear that, if we are going to change the way we govern our hospital system, it requires really thorough research which looks into the experiences of the ACT and other municipalities. We can't just say, "We'll have a board." In this case I suspect it is because it is different from the way things are managed at the moment and it supports a particular move that the federal government has made. Thus we see the ACT Liberals bringing the fight here to the local level. I was not convinced that public hospital boards could better manage ACT public hospitals than existing bureaucratic systems. I would like to see evidence that they would.

This bill seems to arise from the assertion that there are systemic management issues within our public hospitals. However, we are still awaiting the outcome of an internal review and a coronial inquiry which looked at the recent issues in depth, to see how they could be improved. I would also like to see how Canberra Hospital measures up when its performance is investigated in an accreditation process next year. That will show us whether its management process is providing safe and quality outcomes for patients and staff.

I do not think a move right now to a public board would improve the outcomes for Canberra Hospital. It could very well end up in a duplication of bureaucratic processes. It could end up in a clash between the different levels, which would not be helpful to the patients. We will either have a community board which has few teeth or we will have a community board that has a lot of teeth and will inevitably come into conflict with the other levels of administration in the hospital. I do not see how any of that is going to improve the quality of health.

Clause 6 (b) of the bill requires the board to advise and make recommendations to the minister on matters relating to the health budget in relation to public hospitals in the territory. However, as members of previous ACT public boards have commented, they had little sway on funding decisions. Imagine the frustration of belonging to a board that has to put in hours of work, hours of meetings, and then finds that its advice is ignored anyway.

A public board that is given little room to advocate to the government how much funding is required or where it should go has diminished capacity to improve the hospitals that it is involved in managing. Perhaps this really comes down to which government the board is reporting to. I wonder whether previous boards that reported to ACT Liberal governments had the ability to make recommendations about health budgets and whether the Liberals paid attention to those recommendations. Apparently not.

Problems experienced within our health system go beyond public hospitals. If primary health care does not get sorted out, of course there will be increased demand on our hospitals. We need many more bulk-billing GPs, subsidisation and expansion of dental services, and adequate aged care with adequately paid staff. These are all matters that require cooperation at commonwealth and territory levels.

While noting that health can seem to be a bottomless pit for government funding, needs can be prioritised within the hospitals. We know that we need more acute beds and more staff; we know that our doctors and nurses are stretched to capacity. I wonder whether the Liberals plan on having the public boards responsible for employment; it was hard to tell from the bill.

It has been said—sceptically, I suppose—that Howard has pushed the public boards proposal because this could be a back-door approach to introducing AWAs into hospitals, a practice that I believe many staff would oppose.

Mr Barr: You could be right.

DR FOSKEY: That could be right. As I have previously stated, whichever direction is taken, if the goal is to improve to a fair level the health services provided to consumers, consumers must have input. There are many consumer representatives who are well qualified and trained in advocacy. I know the government has processes by which the consumer organisations can contribute. If these are not happening well enough, those are the processes that should be improved.

Consumer organisations have said that, if public boards are to exist, they must have a place for consumer representatives, and this bill does not provide for that. However, organisations also said that many avenues already exist for consumer representation, and mandatory accreditation criteria feature consultation with such advocates.

The AMA has given its support to public hospital boards, stating that local hospital boards bring management accountability and responsibility right back to the community. Yet the AMA president also said at the same time that the AMA does not—and I quote:

... believe that the people of Australia will be served any better with a Commonwealth takeover of health service delivery. The Commonwealth is very remote to services on the ground. Each state has got different demographics and different issues, and different demands; and we need a local accountability and responsibility in health.

That may have led the AMA to decide that local boards were the way to go, but if what we need is local accountability and responsibility, there are other measures apart from establishing local public boards, which, in the case of the ACT, it has been demonstrated did not work. If the idea of public boards was being pushed by Labor rather than by the Liberal Party, and if it was dissociated from a commonwealth takeover of health, I wonder whether it would receive greater acceptance amongst health advocates.

In closing, our inquiries show that the doctors, through the AMA, support public hospital boards, but the nurses, through the Australian Nursing Federation, do not. Consumer reps are not swinging either way; they just want to be sure that their voices are heard, and they do feel confident that they are being heard at this point. I am interested to know which ACT health advocates and representatives the ACT Liberals have talked to in preparing this bill and how the Liberals considered and ameliorated, accepted or rejected the various concerns that each group expressed.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (4.14): I will make a reasonably brief contribution to this debate. The Chief Minister indicated we should show some proof that boards work. Mr Speaker, having been in the Assembly, like you, effectively since day one, we have seen various things. We have seen a board—and the Chief Minister selectively quoted from the *Canberra Times* in 1992 about it—which was abolished, and also reinstated in the early days of the Carnell government. Of course, it was then got rid of in 2002, and Mrs Burke seeks to bring it back.

I think the proof is in the pudding. We have gone from a system where we were regularly about third on any of the indicators that hospitals are judged on to now, sadly, a system where it is last or second last. We have seen, in the last six years, the length of time that people have to wait in accident and emergency jump from two hours, which was pretty well constant throughout the eighties and nineties, to eight hours. Of course, we have also seen higher numbers on waiting lists, just to name a couple of things. So I don't think you can tell me that, by having a board, there is any less efficiency; far from it. When we had boards, we seemed to have much greater efficiency.

I think that what Mrs Burke is stating really does speak for itself, and the facts on health are on the table. I will close, because I only wanted to make a brief contribution to this debate, by saying that it is a difficult portfolio. Consequently, throughout the history of this Assembly, since the ACT has had responsibility for health, there have been issues, problems and concerns. There have been further appropriations in relation to health. It is not an easy portfolio for any minister or any government to deal with.

There has always been that criticism, except for a period of time not long after the last board was put in place. In the period from about 1995 to 1998, there were not that many significant issues coming across in a political way. That either means that, as an Assembly, the government, the opposition and crossbench members were not across it or, what is much more likely, the system actually was not travelling too badly. A lot can be said for efficiency in a system caused by a board. There is a lot of strength in it, as Mrs Burke said. It is a proposal put forward by my party, not only because it happens to coincide with something that the federal government is looking to do as well but because, quite simply, with the track record of the ACT, it is something that has actually worked, and worked a lot better than what we have at present.

MRS BURKE (Molonglo) (4.17), in reply: I thank members for their contribution. It is a pity that we have such a blinkered view about returning to something that may be a way of helping systemic management issues in our hospital. Members on this side of the house who spoke have pointed that out. I thank members for their comments.

It is particularly disappointing to hear the health minister again say that there is no evidence, that it is perceived problems, that I am not putting forward an argument as to why we should even try and consider hospital boards. It is not leadership for her to stand in this place and say those sorts of things. I am standing here trying to offer some form of help. Whether the federal government does this or not, I happen to believe in it. I will refer to the media release that Mr Stanhope referred to and quoted from. He did not read the whole thing in context. Mr Speaker, you were the health minister at that time; I think you would know some further detail and the depth of what went on.

Engaging the community is critical. I do not think that the community are engaged enough. I would pick up Dr Foskey on one point. She obviously did not read the information on the make-up of the board: one member from the Consumers Health Forum of Australia would be included, so when she says that consumers would not be represented, that is not quite true. Members can read the bill for themselves. I hope that at some stage or in another Assembly I will have the opportunity to bring this up again.

People have mentioned Calvary. Let us not forget that Calvary already operates under a board of management. I think it would have no problems with this concept whatsoever. I think that hospital boards and the whole concept are a bit of a scare for the government. In 1992 the then Labor members wanted to dissolve the board and delete the requirements for the board under the Health Services Act. You could not do it quickly enough. I will talk about that a little later.

For months on end, Mr Mulcahy and I have been pointing out ad nauseam in this place the many problems that have been occurring in our health system, particularly the hospital system. The whole system within our hospitals needs further inquiry and looking at. The installation of a board was one way. The other way was to have an inquiry under the Inquiries Act. Members in this place would realise that that was needed, because it would be much broader than an internal independent review and a coronial inquiry over one case.

It seems that we are starting to have the Reba Meagher defence. That is pretty sad. You talk about being open and accountable; yet, by the same token, in 2000 in this place the then opposition Labor Party agreed to push the then Liberal government for an inquiry into the disability services. That was granted. Knocking all these things on the head shows me how desperate the government, particularly the health minister, are—to not want anybody to come in and have a look at the books, if I could put it that way.

Mr Stanhope read from a media release entitled “Service quits over Assembly interference”. We all know now that that was in relation to the current chair of the board, Mr Jim Service. It is interesting that we had some of those comments made in part; we need to make sure that they are put into context. At the beginning of the article, it talks about Mr Service being chair and resigning. Mr Speaker, you are mentioned here too. The article states:

The Minister for Health, Wayne Berry, said yesterday that he was disappointed by Mr Service's decision to leave, but would move at the earliest opportunity to amend the Health Services Act to delete the requirement for a board.

Clearly there was no longing to replace that board. You just did not want it to work. Mr Service is quoted as saying:

So much time and effort went into answering requests from the Assembly that there was little time left to manage the system ...

We can all smile in this place now because it is easy to see that this was a ploy to bog down the board. The then Labor government did not want the board to exist. What it did was remove the power.

Mr Barr: Right!

MRS BURKE: I will go on if you are finding it amusing. You might want to read this, Mr Barr. If you read it in context you will see that it is quite a different picture from the one that was painted by Mr Stanhope. I think he did quote what Mr Service said, but he did not quote what Mr Kaine said, and this has some bearing and puts it into context a little more. The article quoted Mr Kaine as saying:

... it was outrageous for Mr Berry to say the resignations had been prompted by the Opposition when the Assembly decision requiring Mr Berry to present more detailed quarterly financial statement had been supported by the Government.

I am saddened that Jim Service and Gail Freeman felt compelled to resign ... Their performance gave Health a glimmer of hope that the Minister has never been able to give.

The Liberal spokeswoman on health, Kate Carnell, said she could only assume, "as a previous board member", that Mr Service and Ms Freeman had resigned because they had not been given the power to get on with the job and fix the system.

That just about says it all. The government do not want to relinquish power at any step along the way here. They want to keep everything internal. That is really disappointing.

The reinstatement of a hospital board for public hospitals in the ACT would result in management that would be more closely reflective of the needs of the community. Why? Because a full range of people from the community would be represented on that board. The bill proposes that the formation of a board would be truly balanced, with, as I said, a representation of a cross-section of the community and a cross-section of expertise.

The Chief Minister admits that it is not about beds or money: it is about systemic issues. Mr Stanhope is now twisting that to say that he did not really mean that about the full range of things that were going on at the hospital: it was about one case. When this government do not want to talk about individual cases, they will not; but when they want them to substantiate their argument, they do. I find that quite strange.

Last week, on November 15, the Prime Minister announced the coalition's plan to take pressure off public hospitals—unlike federal Labor, who would simply take over the public hospitals. That is a clear sign, and it is true.

Mr Barr: Oh!

MRS BURKE: Mr Barr sits laughing, but it is true. You can just imagine Mr Rudd trembling in his shoes being totally worried about the states and territories—all Labor controlled, of course. To me, that is indicative of poor leadership, poor management and the dreadful problems that we are seeing through public hospitals throughout Australia. Taking over hospitals is a clear sign of how worried the federal opposition are at the moment. It appears that they are even bigger control merchants than the Stanhope government.

When re-elected, the federal coalition plans to restore hospital boards nationally to make decisions about local hospitals; to have more Australian trained doctors, nurses and specialists; to have more alternatives to help take the pressure off public hospitals; and to have more public hospital beds. Mr Howard has said that we will make the states and territories more accountable for the taxpayer funding they receive to run and manage public hospitals. That is the thing that is under question here. How much scrutiny, as a sovereign state, is actually provided to the commonwealth once we receive the money? Not much, I am told—not much. That is wrong. I do not think that people should just toss money at other people with no accountability attached. This is what hospital boards would do it—really drill down.

Further, as part of the Australian healthcare agreements, state and territory governments will be required to make available detailed information about individual hospital performance, including staffing levels and elective surgery and emergency department waiting times. It is all about more accountability. As I have said, that is something that the Stanhope government constantly shies away from.

To enable public hospitals to upgrade their facilities and ensure that their patients can benefit from the latest medical technology, in August this year the coalition established the health and medical investment fund. Members may remember that or not; it involves some \$2.5 billion of investment. Earnings from this investment will not be provided directly to governments, but will be provided directly—to whom?—to hospital boards.

This is another thing that is unsettling for the Stanhope government. Again, as I say, it is removal of control and power. Thanks to the sound economic management we have had from the federal coalition, the fund will have an ongoing revenue stream from future surpluses. State and territory governments will be required to report detailed information about individual hospital performance, including staffing levels and elective surgery and emergency department waiting times. Ms Gallagher would argue that we do that already, but I would argue that we do not do it comprehensively enough, and I think that is what would be required here.

The bill proposes an excellent solution to the miscellany of challenges currently faced by our public hospitals. It is not the be-all and end-all; it is one part of the solution. It

is just one small part. It proposes a solution to the absolute necessity for due diligence and targeted action as we move to the future with an ageing population, increasingly sophisticated practice and essential delivery of hospital services to the people of Canberra and its region.

I will not go on too much more. Obviously, the bill is going down. Nobody wants to take a proper look at it. That is quite sad. When we as the opposition are attempting to offer some useful comment, it is sad that it is being rejected in this place. But I thank members for speaking to the bill and thank those who have supported it for their support.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 5		Noes 8	
Mrs Burke	Mr Stefaniak	Mr Barr	Mr Gentleman
Mr Mulcahy		Mr Berry	Mr Hargreaves
Mr Seselja		Dr Foskey	Ms MacDonald
Mr Smyth		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Health system

MS MacDONALD (Brindabella) (4.32): I move:

That this Assembly:

- (1) acknowledges the importance of appropriate investment in the ACT health system;
- (2) recognises the Government's commitment to provide the ACT and region with accessible, timely and quality health care services;
- (3) acknowledges the commitment and professionalism of ACT Health's workforce in delivering high quality health services; and
- (4) recognises the importance of long term strategic planning for health services to service the Canberra community health needs into the future.

I move this motion today in an effort to correct the trashing and talking down of our excellent health system that those opposite have engaged in over recent weeks and months. There need to be appropriate levels of investment in our health system. That is what this government has done. In this year's budget, the Stanhope government is spending a record \$801 million on our health system, an expenditure further enhanced by last week's second appropriation bill.

The ACT government has invested heavily to provide better health services for our community. Since 2002-03, the government has allocated approximately \$134 million on budget initiatives which directly impact on our emergency departments and greater access to inpatient beds. This has included funding for up to an additional 147 beds. That is new beds—not the closure of 114, as those opposite carried out when they were in government. This mix of beds includes an additional 60 acute beds, four more intensive-care beds, 51 beds for sub-acute service and 17 beds in two observation wards next to our emergency departments. These have been opened to increase capacity and address pressures in the system.

On top of this, the Stanhope government has funded 15 intermittent care beds in the community. These extra beds deliver improved clinical treatment options in care environments not previously available in the ACT. The new 14-bed MAPU, or medical assessment and planning unit, which was opened earlier this year and the 17 emergency department observation beds which were funded in the 2004-05 budget focus directly on the immediate bed requirements for the emergency departments.

But our investment has not been restricted to the here and now. We have also invested in the future—in particular, in the future of our workforce. It was this ACT government that built the \$13 million ANU Medical School. It is the ACT government that provides an additional \$3.5 million every year to provide advanced skills training for our doctors. The ACT will be an exporter of junior doctors. But it is not just doctors that we are investing in. The government is committed to ensuring that we repay the commitment and professionalism of ACT Health's workforce in delivering high-quality health services.

The Stanhope government has reduced the separation rate for nurses from 14.5 per cent in 2000 and 2001, when we first came into government, to just 7.7 per cent in 2006-07. This is an achievement to be proud of. This government has also developed initiatives to promote and support the recruitment and retention of nurses and midwives and invested resources in attracting and keeping our nursing staff. This includes providing structured support for newly qualified enrolled nurses as they move from study to the workplace. There are now also increased opportunities to identify and implement learning and development strategies and increase the quality of care in the clinical setting.

The Stanhope government also continues to invest in our staff over time by offering refresher and re-entry programs for registered nurses who have been out of the workforce for some time and wish to update their knowledge base in order to return to work as a nurse or midwife. And of course we actively support the nursing studies area at the University of Canberra.

These significant investments have resulted in accessible, timely and quality healthcare services. In 2006 the ACT Health corporate office, Community Health, Mental Health and the Canberra Hospital were each awarded full accreditation by the Australian Council on Healthcare Standards for the maximum period. Furthermore, ACT Health as an organisation is moving to a single, portfolio-wide accreditation process in the coming years.

Accreditation from the Australian Council on Healthcare Standards indicates to the ACT community that the council believes that ACT Health is striving for best practice, has a quality improvement culture and is committed to quality improvement management systems being in place. It also indicates that the council believes that ACT Health has a focus on patient needs and patient safety. ACT Health was awarded a rating of extensive achievement against 12 mandatory criteria. To be awarded a rating of extensive achievement, an organisation needs to have gone beyond the required level. To achieve this against 12 criteria was an excellent result.

This tells us that ACT Health has nationally recognised healthcare standards, but what about the ACT community? What our community thinks is highlighted in the results of the most recent patient satisfaction survey, provided in July 2007 for the period September 2006 to February 2007. The Canberra Hospital has contracted an independent firm to collect, analyse and report data for the Canberra Hospital patient satisfaction monitor on a six-monthly basis.

In the most recent survey, 444 randomly selected patients were sent a questionnaire and 171 patients participated, a response rate of 39 per cent. This compares with the 40 per cent response rate received by the benchmarked Victorian hospitals. Ninety-four per cent of patients surveyed reported that they were either very or fairly satisfied with their overall hospital experience. This is a two per cent increase from the previous report. Sixty-three per cent of patients were very satisfied and 31 per cent were fairly satisfied with their hospital experience. Sixty-one per cent of respondents felt that they were helped a great deal by their hospital stay, which was an increase of two per cent from the previous report. This means that the ACT government have satisfied patients—patients that are satisfied with their experience in our nationally recognised, quality-focused health service.

Earlier this year the AIHW released data on potentially avoidable hospitalisations. This report records data in relation to hospital admissions for conditions such as whooping cough, influenza, diabetes and the like. The ACT was 36 per cent below the national average for the rate of people with vaccine-preventable conditions admitted to hospitals. The ACT was 39 per cent below the national average rate of admissions for people with chronic conditions admitted to hospitals and 32 per cent below the national average rate for potentially avoided hospitalisations. These low average rates demonstrate the considerable improvements made over recent years to the availability of responsive and effective community services in the ACT and, more importantly, the integration of care between hospital and community services. These figures show that the ACT is already in front of the pack.

But the government is not stopping there. Funding that was included in the last budget was for a program to provide better support to people who have had multiple hospital admissions due to chronic heart and airways disease. This year's budget builds on this commitment by providing more than \$2 million over the next four years. This funding will provide for the referral of patients to appropriate disease management programs, mechanisms to prevent disease regression, and more early detection of chronic diseases. The program is built on the very simple premise that when you fully involve a person in the management of their health you end up with better health outcomes.

More of our services are now provided as an integrated whole, with the management of care across the community and hospital spectrum being managed by a single team. This greatly improves services for patients by focusing on their total care needs, not just their hospital or community-based requirements. All of this improvement is reflected in our key performance indicator measures for safety and quality.

The Stanhope Labor government is also committed to increasing the quality of service to our community. A good example of this is the ACT government's support for the after-hours GP service. In May 2005 the ACT government launched a new model of after-hours general practice service in the ACT. The Canberra Afterhours Locum Medical Service, or CALMS, provides the new model of care delivery for after-hours GP services in the ACT.

Over the last few years, the ACT government has made significant changes to legislation that have assisted us in encouraging health professionals to participate in peer review processes. Peer review is now more systematic. The government has robust infrastructure to support clinical review and peer review in our health care system. We now have better information systems to identify and track indicators that could be useful in clinical review and in peer review. This builds on a much stronger and clearer policy framework.

The mandatory reporting of significant incidents is another policy introduced to identify and investigate clinical and corporate incidents as a response to a gap within the reporting of significant incidents. Of course, our aim is to have no significant incidents. However, the ACT government knows that there will be times when things go wrong. It is unfortunate, but this is a fact of the hospital system: things do sometimes go wrong. The purpose of the policy is to ensure that ACT Health adopts an effective, consistent and appropriate response to all significant incidents. This system not only provides a much better way of reporting and investigating significant events, but also provides valuable learning for the system to avoid repeats of such incidents in the future.

ACT Health reports quarterly to the ACT Legislative Assembly on four mandatory hospital-wide quality clinical indicators. This reporting provides the community with valuable information about the quality of their health services. Safety and quality experts from the ACT are working with their colleagues across Australia to develop additional safety and quality indicators to provide the community with more information about the safety of their public health services.

In May 2006, the government introduced a new policy related to complaints and concerns about the clinical competence of clinicians. This is another in the long list of initiatives to promote patient safety in the provision of health services. The policy provides a structured and procedurally fair process for identifying, referring and managing concerns about the clinical competence of clinicians.

In June 2005, the integrated risk management system, RiskMan, was implemented. By January last year, the full potential of the RiskMan system was realised and the project scope expanded to be an ACT Health-wide system. RiskMan is an online, real-

time, user-friendly system to enable a timely response by managers to actual and potential risks and events.

The RiskMan project won the prestigious 2007 organisation and change management achievement award from the Australian Institute of Project Management, which is an outstanding achievement for ACT Health. This award follows the project's success at the institute's state and territory level awards, where it won two major awards—for the organisational change management project of the year and the community benefit project of the year for 2007. The award recognises that the project achieved a positive outcome and displayed innovation based on the international standard for project management.

Despite what those opposite continuously claim, the people of the ACT can be certain that the current government will continue to place quality and safety as its highest priority in the delivery of health care. This Stanhope Labor government will continue to fund initiatives to further improve the quality and safety of care provided to the people of the ACT by our public health services.

In the final minute that I have before I wrap up, I would just say that I anticipate that at least Mrs Burke, if nobody else on the other side speaks, will get up and talk about all the failings, catastrophes and tragedies that have occurred in the ACT health system, specifically within the Canberra Hospital. Some incidents have appeared within the media of late. While I accept that those issues are of concern, and I know that the minister accepts that those issues are of concern, as I have said before, incidents will occur in any hospital system—in any hospital system. We in this place should remember that in this town we have a world-class health system.

I commend the motion to the Assembly.

MRS BURKE (Molonglo) (4.47): We have had the usual tame effort from Ms MacDonald. Here we have another Labor MLA in denial. It is incredible; we have had the Chief Minister stand up today but we have had a desperate speech from Ms MacDonald. She simply read from a prepared statement, delivered with little or no conviction or passion. Where was the passion in that speech? I do not know that she really believed half of what she was saying, which was a worry.

She did mention something about services which I have raised in this place before. I note that the place has gone very quiet. There was a pre-election commitment of \$15 million for a state-of-the-art robotic surgical centre. With respect to that promise—and I do know this, Ms MacDonald; you will probably be really interested in this—people actually moved to Canberra to work at the Canberra Hospital. But what happened to that? I have never had any response to why that has never come off, and that is yet another broken election promise. That is a little bit sad, isn't it?

We have seen today, in all of the attempts by anybody who has talked about health, a desperate bid to support an ailing health minister who is just not delivering in this critical area. In some very key areas, she is simply not across the job at all, and I will continue to say that. Her performance leaves a lot to be desired. It is not just me saying it; Labor voters are contacting me and telling me to stand by what I am

saying—to keep pushing for change and keep making sure that, as an opposition, we hold the government to account when it comes to the delivery of services, and particularly at the Canberra Hospital.

I turn to the content of Ms MacDonald's motion. It is really just a sop to try and say more of the same, because there are so many people in the government who are in denial that it is not funny. It is really concerning, though, because if they are so in denial, they are not going to pick up on the real issues that are being presented to them by emails, letters, phone calls and so forth. I think I sent another four letters to the minister today about some very serious issues in the public hospital system.

It is beyond belief that any member of this Assembly would doubt the importance of appropriate investment in the ACT health system. Who has ever questioned appropriate investment? It goes without saying, surely, that the taxpayers of the ACT would want this. But do you know what the sad thing is? Many are now left wondering when this government will actually start to use their taxes more appropriately.

Investment means more than money. It means dedication, education, commitment, and a host of other things. Despite the Stanhope government throwing more money into the health system now—and they like to brag about this—than at any time since self-government, we still have major problems at Canberra Hospital. Ms MacDonald says, "There will always be problems in the public hospital system." I agree, but how many are we going to continue to allow without really taking notice of the essence of the problems that are there and addressing the systemic issues, as have been identified—although only in one case, as it transpires today—by the Chief Minister himself? It is not about beds; it is not about money; it is about systemic issues. We must focus on addressing major problems. It is critical to the success of the health system as a whole. If we do not, and if I do not keep raising them in this place and bringing into question the capacity of the current health minister, I would be failing in my job.

We have talked about the budget, so let us talk about that. Ms MacDonald mentioned the health budget. The minister has a budget of around \$800 million to distribute but she still cannot get systems at our public hospitals to work, in order to address issues such as waiting lists for elective surgery, to the satisfaction of the community—not just improving it a little, but to the satisfaction of the community. I refer also to outcomes in the emergency department, and a fair and equitable use of visiting specialists, such as those that work in the oral and maxillofacial and plastic reconstructive area. I have been slammed in this place for pushing and pushing to try and get that established, after six years. The government wants to say, "It's 20 years, it's 10 years, it's 90 years." It is ridiculous. We have had six years of the Stanhope government, three health ministers, two reports identifying serious problems within oral and maxillofacial surgery, and still there is nothing.

I get accused, lambasted and pilloried. "Why are you sticking your nose in?" says Ms Gallagher. If I do not keep the pressure on, are we going to see an outcome this side of our next election, in October 2008? I do not think so. I am jolly glad I have interfered, and I would do it again. I will keep doing it until I know that we are seeing

some outcomes. It is a bit like what you do, Mr Deputy Speaker. You keep on and on about urban services and so forth. If we do not then we are held to account; that is our job.

We have a trial system in the emergency department that still sees people waiting for upwards of eight hours, and people leaving after hours of not being seen, out of sheer frustration. People are in dreadful pain; they have to take children back the following day. And it goes on and on. It is infuriating to be told that there are acceptable occurrences at the hospital, and to have these complaints wiped off as being some sort of whingeing from me. It is disgraceful. Recently, as we all know, there was a fatality at the emergency department. The point has been made that, since the abolition of hospital boards across the country, hospitals have now adopted management processes that are removed from what local communities need.

This morning the minister said that the boards are old-fashioned or, “We don’t do things like this any more, Mrs Burke.” She has no answer about the continued flow of problems involving people experiencing less than optimal care in our public hospitals—and no more so than at the Canberra Hospital. Management needs to reflect the local community and be close to the local community, and I do not think that is occurring right now. I think we have moved away.

From what the opposition is hearing in letters, emails and phone calls from constituents, patients, doctors, nurses and people on the street, this does not seem to be the case. What this government is trying to tell us and sell to the community is not bearing weight. Why aren’t people coming to me and saying: “You are so wrong, Mrs Burke. You’ve got it all wrong. The health system is perfect. Canberra Hospital is wonderful”? If they are saying that then I would stand in this place and say so, but they are not. No-one in their right mind would ever question the commitment and professionalism of ACT’s health workforce in delivering high-quality services.

Ms Gallagher: You do it every single day.

MRS BURKE: This health minister continually asserts that what I am doing is wrong and incorrect. You are trying to deflect the problems that you cannot fix.

Ms Gallagher: I thought you were going to name people, Mrs Burke.

MRS BURKE: You have not built yourself up to be the leader in health that you said you were going to be.

MR DEPUTY SPEAKER: Order! Mrs Burke, please address your remarks through the chair. Ms Gallagher, if you need to take a point of order, please do so, but let us minimise the straight-out interjecting.

MRS BURKE: Thank you, Mr Deputy Speaker; you are quite right. But it is very infuriating because the government like to twist and manipulate what you say, and you know that only too well. I think it is absolutely appalling for the health minister continually to assert that I am pulling down nurses and doctors. It is a cheap shot to try and deflect from the fact that she is not coping; that she, as health minister, is not delivering the outcomes that we need in this territory.

What is of concern to me, as we have raised before, is the management of the services. The government is letting down our workforce. When it is not getting management right and it is putting staff, doctors and nurses, under pressure, what is the end result of that? People are coming into the emergency department and waiting for eight hours or longer; people are waiting for 12 months for elective surgery; people are not getting good, optimum outcomes for face and jaw surgery. It is such a pity that the dedication and loyalty of nurses, doctors and other health officials and professionals are not rewarded by the government; instead they are left under a cloud of doubt or, worse still, the government uses them as a smokescreen for its own incompetence.

I had a good chat for about an hour to someone who was recently a patient at the Canberra Hospital. This might help the minister; she can use this. She said to me, "It's like a jigsaw and all the parts don't fit properly together." What does that say to you? That smacks of a system that is disparate; it is not fully cohesive. Things are not working like the well-oiled machinery that we keep hearing about from those opposite. It just is not happening. People are experiencing less than optimal service. Dr Rosanna Capolingua, President of the AMA, said recently:

... what is happening is that we have seen a deterioration over time ... There has been a philosophy of cutting back and constraining, of trying to hold back costs, when the demand has been increasing.

We have heard the minister say that there is an increase in the number of patients. We do not quite get the full spread regarding where all the money is going and how much is going into admin. The minister might be able to give us a bit of a breakdown of this whole money issue—where money is currently being directed in our public hospitals. Dr Capolingua continued:

So that creates a huge inequity. It has the nursing staff and medical staff, the doctors there who have been holding things together, trying to look after patients but the pressure on them is enormous and they feel they have been compromised in their care.

So despite Ms Gallagher's wailing protestations, people who talk to me, write to me and telephone me—and I pass those comments on to the health minister—including doctors, nurses and others who contact me, do not feel supported because the current health minister lacks the required leadership. It is plain and simple. It is not me saying it; this is the community telling me that the health minister is not up to the job. We are not seeing what we could be seeing. Nobody can build their political career on fixing public hospitals. I am not espousing that. But I am saying we can do a darned sight better than we are doing at the moment and that this health minister is doing at the moment.

As I said earlier, we have heard the Reba Meagher defence. It is starting to look here pretty much like what is going on at Royal North Shore, but they have refused to hold an inquiry to get to the bottom of some of these serious issues. The public hospital system in the ACT desperately needs intense scrutiny and evaluation, not only to correct the many inefficiencies that are coming to light, but also to ensure that the taxpayers of Canberra receive value for money and that the dedicated staff who are working there are given every possible support.

The motion talks about the importance of long-term strategic planning for health services. We all know that planning and action are two different things. We know, unfortunately, that the health minister is very confused about how many plans there are for health, because in the Assembly on 30 August the minister said there were hundreds of them. She said to me, “So I do not know how reading out 12 of the hundreds that exist actually substantiates your claim.” But on radio, in August, Ms Gallagher said:

You did get on radio and say this is the sixth or seventh plan, but nobody takes it to the next level. Can you name them all, Mrs Burke? There are none. There are two plans, the health action plan, which was done when the Chief Minister was Minister for Health, and now there is the access health plan.

When is a plan not a plan? I am not sure. I think the minister is very confused. I did read out a whole raft of plans. But plans are one thing; action is another. The minister is laughing now; it is quite amusing when you read it out and hear it.

The opposition has called for an inquiry under the Inquiries Act to address the current situation in our public hospitals, particularly in the Canberra Hospital. We know that an enormous amount of money is being spent on our public hospitals, but for too long now there have been administrative failures which point to the problems with internal governance and management practices. It is time for a full review. The commitment and professionalism of the ACT Health workforce to deliver high-quality health services are not being supported by the current health minister, who is simply letting the current problems drift. As I keep saying, she is in denial. She says that I have had no letters: “You’ve got no evidence. There is no proof. You are making things up, Mrs Burke.” I hope she says that loud and long so that the people of Canberra can hear her.

It is imperative that we encourage greater self-reliance on the part of our constituents in regard to the totality of the health system, not so much because of concern about cost but because the more self-reliance there is on the part of individuals, the more likelihood there will be of improved health quality and outcomes. The best way to do this is to encourage a more competitive healthcare environment which emphasises prevention where possible and minimises the use of hospitals wherever practicable.

Alarming statistics and observations have been put out by external bodies which we have all heard about in this place—by people like the AMA and the Australian Institute of Health and Welfare, as well as by a number of constituents. The Stanhope government have failed the people of the ACT with respect to their health system. To sum up, this government and, in particular, this minister, are in denial.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (5.01): As usual, the same speech has been cut and pasted and delivered 10 times now. We have had exactly the same speech from Mrs Burke. She just rattles on about my competency or lack thereof—and it is open and free for her to do so—and bags management at the hospital—

Mrs Burke: Management systems.

MS GALLAGHER: And management systems, which are management at the hospital. Mrs Burke can't have it both ways, as I have said before. She cannot criticise management and then go all warm and fuzzy about the staff and how this is not reflecting on staff.

Mrs Burke: I said doctors and nurses. Yes, I can.

MS GALLAGHER: Oh, only the doctors and nurses? Okay; so they are all right—the doctors and nurses who are delivering the health care, who are delivering the care that you say you get all these complaints about. Are the complaints around management systems—this raft of complaints?

Mrs Burke: You've got them; you've had them today.

MS GALLAGHER: I have had none. I would say I have had between five and 10 matters in recent times, bearing in mind the workload of the Canberra Hospital. I will go back and have a look but I would be surprised if it is more than 10 complaints—

Mrs Burke: They know telling you does nothing; that is why. People have given up.

MS GALLAGHER: You are a highly offensive woman, Mrs Burke. She is a highly offensive woman.

Mrs Burke: No, I will read you out some emails, if you like. I can read you some emails.

MS GALLAGHER: I undertake to go back and look at every email you have given me over the past six months in relation to a complaint. I would say that at the most there would be 20. You have just said that you forward to me a raft of complaints from doctors, nurses, patients and people in the street. I reject that. I read every bit of correspondence and email that you send to me, and I cannot recall one from a doctor.

Maybe there is one in relation to OMFS, but I would have to go back and look at that. But it is absolute rubbish simply to wander in here and say that you get a raft of complaints, that you have handed them all on, that they do not get responded to and that the system never changes. I respond to every email and every letter of complaint. And surprise, surprise: I respond to every letter that I get, which is not an insubstantial amount, praising the Canberra Hospital.

As usual, we are just focusing on the Canberra Hospital, because we could not upset your friends over at Calvary. I respond to every letter that I get that says, "Gee, what a wonderful health system we have," "I was treated so well," "My treatment was excellent," and "The quality of the way I was treated was excellent."

Mrs Burke: That's good, but listen to the ones that are not getting this treatment. Listen to the people who are not getting the treatment.

MS GALLAGHER: I listen to every single person who contacts me, Mrs Burke. I undertake to review every situation that is given to me and, if the system needs to change, the system changes. That is what a responsible minister in charge of a health system does. I cannot be there to deliver the healthcare treatment to individuals. I cannot be there when clinical decisions are made. But if those clinical decisions are wrong and I am made aware of them, that is the point at which I can step in and respond. I can change the system; I can allow the processes to change. That happens every single day, Mrs Burke. Every single day, the system needs to respond, and that is what it does.

Mrs Burke: Is that right?

MS GALLAGHER: Yes, that is right. That is what happens. That is my responsibility. I would welcome a discussion with you about my competency, Mrs Burke, because I have to say that I harbour the same feelings about yours. I think you are incompletely incompetent. I think you are emotive, that you give people false hope, that you harbour people who have grudges. I think a whole range of things about your performance. So perhaps we should have a discussion about that. Where do I fail? Do I not respond to correspondence? Do I not respond to complaints? Do I not deal with my briefs? Do I not argue for resources in the health system? Do I not change systems? That is my responsibility, and I do that every single day. Every day, I take decisions around the health system.

Mrs Burke: You have to convince the community.

MS GALLAGHER: Every single day, Mrs Burke; you would have no idea what being a minister is like or what being across a portfolio is like. We can see that from the way you handle your portfolio. You have absolutely no regard for the truth in any way, shape or form.

Mrs Burke: On a point of order, Mr Deputy Speaker—

MR DEPUTY SPEAKER: Minister, just be a bit careful with reference to the truth, please.

MS GALLAGHER: I will withdraw that. But we can look at statements that are constantly made in this place that are not true.

Mrs Burke: You can't say that; you have just been asked to withdraw.

MS GALLAGHER: Statements are made that are incorrect.

Mrs Burke: It is an imputation.

MR DEPUTY SPEAKER: Order! Mrs Burke.

Mrs Burke: There is an imputation.

MR DEPUTY SPEAKER: Order! Mrs Burke.

MS GALLAGHER: Mrs Burke comes into this place and says that we are 24 per cent above benchmark; we are not. The published figures show that we are not 24 per cent above benchmark. Mrs Burke comes in here and says we have seen a 25 per cent increase in administrative staff. We have not. The actual number of health administrative staff has decreased by 15 per cent this year.

Mrs Burke: Are the figures out then?

MS GALLAGHER: The figures are out. The annual reports are there, the budget papers are there, the AIHW reports—all of those reports are there. This system is so accountable and so transparent that, if you took the time to undertake your shadow responsibilities properly and read the reports, you would see that what you are saying is wrong. You come in here and say that the Labor Party plucked 200 beds from the hospital system. You have got no proof that that happened. The only proof that you have got is a quote from, I think, Kate Carnell at the time. We have done the work; we have gone back and had a look. There is no such thing as 200 beds being cut from the system. So come in here and substantiate your point. Come in here and substantiate it with evidence. You cannot do it.

Last week I think there was a reference to the health budget being \$700 million. No, it is not. The health budget is \$802 million. You were only \$100 million out; I don't think that matters! You just ripped \$100 million out of the health budget but you would not notice that, would you? I am saying that you have to come in with your facts straight, and you do not. You come in with your facts all over the place because you do not really care. You do not have the responsibility that I have, which is to make sure that all the information is correct.

Mr Stefaniak walked in and read an email from someone last week, bagging the health system and telling about their experience. I have been briefed on the situation relating to that. I cannot come in here and respond to that because I am bound by the health records act. I cannot do what you do every single day, which is to walk in, raise allegations and read out patients' records. I cannot respond. In a way, I am in an unfair position compared to you—

Mrs Burke: No, you are not. You have got the whole department—

MS GALLAGHER: You do not seem to be bound by the health records act.

MR DEPUTY SPEAKER: Order! Minister, direct your remarks through the chair, just as I asked Mrs Burke to do previously. Mrs Burke, stop winding the minister up. We might get through the debate properly if both sides can apply those principles.

MS GALLAGHER: This government has invested in health significantly. It has not just been about money; it has been about system changes, patient safety and quality, establishing processes for clinical review, clinical privileges processes, getting our complaints handling policies right, managing patient flow, and looking forward to see what demand we are experiencing. It has been about creating a health system for the future that delivers for our community. Not once have we had from the opposition,

apart from the hospital board proposal, any ideas about how it would manage some of the pressures that are being experienced in the public health system.

We are told, “It’s looking like the Royal North Shore.” I have no idea where that quote comes from. Again, it is a matter of wandering in, saying it and believing your mantra. I stand here and say that our hospital delivers and that our management in the hospital is excellent. There are times when our hospital does not respond appropriately or does not respond in the best way. I have never, ever stood here and said that our hospital system is perfect. No-one can say that. But we do have a first-rate health system that is being constantly bagged by those opposite. And they bag people who are not in a position to respond, which, as I said, is a cowardly approach to the management of these issues.

MR DEPUTY SPEAKER: The question is that the motion be agreed to. Those of that opinion say “aye”—

Opposition members: Aye!

MR DEPUTY SPEAKER: To the contrary, “no”.

Ms MacDonald: Mr Deputy Speaker, I am sorry; I did not realise that nobody else was going to speak on this.

Mrs Burke: The call has been given. You are too late.

MR DEPUTY SPEAKER: I am sorry, Ms MacDonald; we have called it.

Ms MacDonald: I wanted to close the debate. I did not realise that nobody else from the other side was going to stand. I thought Mr Mulcahy was going to stand to speak. I would like to close the debate, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Ms MacDonald, just a moment. I stick to the decision I made. There was ample time given for you to stand and engage in the debate.

Standing orders—suspension

MS MacDONALD (Brindabella) (5.12): I move:

That so much of the standing orders be suspended as would prevent Ms MacDonald from closing the debate after the question was put by the Chair.

MR MULCAHY (Molonglo) (5.13): Mr Deputy Speaker, I think the motion is out of order. I do not believe that it is appropriate to be suspending standing orders when a vote has been taken and ruled upon. I would suggest that the proposal to suspend standing orders in order to complete the debate is out of order. You had already ruled that the debate had concluded and had ruled on a vote. I seek your ruling on the fact that the proposal to suspend standing orders to conclude the debate is in fact out of order.

MR DEPUTY SPEAKER: My advice is that it is quite in order.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Health system

Debate resumed.

MS MacDONALD (Brindabella) (5.14): It is childish in the extreme that you did not want to allow me to close the debate. I thought you were going to stand up, Mr Mulcahy—

MR DEPUTY SPEAKER: Order! Ms MacDonald, address your comments through the chair.

Mrs Burke: Just close the debate. Just do it.

MR DEPUTY SPEAKER: Order on the opposition benches! Ms MacDonald, a ruling was made which allows you to speak. If you want to close the debate—

MS MacDONALD: No, it was a vote. It was not a ruling. It was not your ruling, Mr Deputy Speaker. It was the fact that you closed the debate so fast—

MR SPEAKER: The motion was that standing orders be suspended. The vote was carried. You have got your way. You now have the option to close the debate. Please close the debate or sit down.

MS MacDONALD: Thank you. It is normal in these motions to thank members for their contributions to the debate. Apart from the comments of the minister, Mrs Burke was the only person from the opposition side to speak. I appreciate that we have just had debate on Mrs Burke's bill, but I would have to say that Mrs Burke's argument was all meringue. There was absolutely no substance to her argument at all. It was 15 minutes of drivel, 15 minutes of absolutely nothing.

Mrs Burke said that government members are in denial. I suggest that it is Mrs Burke who is, in fact, in denial. Mrs Burke, I presented the facts. It is a pity that you seemed to be incapable of addressing the facts that I raised. Mrs Burke claims that there are systemic issues within the ACT hospital system and the ACT Health system, yet she provided not one shred of evidence with regard to her accusations.

With regard to OMFS issues, I believe that the minister has on many, many occasions addressed the accusations that Mrs Burke has made. She also made the comment that nobody would stand up in this place and denigrate the health workforce and that it was outrageous that it was being suggested by the minister and members of the government that she was pulling down doctors and nurses. Well, Mrs Burke, by continuing to put out these claims, you are alienating the health workforce. That is what you are doing. You are alienating the health workforce. As the minister has pointed out on several occasions—

Mr Mulcahy: I raise a point of order, Mr Deputy Speaker. Ms MacDonald persists in running her comments directly to my colleague Mrs Burke. I think that if she has got a

contribution, she should observe the procedures, run it through the chair and not direct her personal vitriol at Mrs Burke.

MS MacDONALD: Point taken. I am happy to accept that I should direct all my comments through you, Mr Deputy Speaker. Mrs Burke is alienating the health workforce—

MR DEPUTY SPEAKER: Order, Ms MacDonald! Firstly, I do not accept your point of order, Mr Mulcahy. However, Ms MacDonald, I think it should be noted that we are debating the health system. You might just try and stick to the core of the debate.

MS MacDONALD: That is what I am doing, Mr Deputy Speaker. I will direct my comments through you, Mr Deputy Speaker, because you are in the chair. As I was saying, Mrs Burke has alienated the health workforce. She has taken sides, which has been pointed out on several occasions previously. She does it without gathering all the facts. I wonder at times whether she is even capable of understanding what the facts are.

Members interjecting—

MR DEPUTY SPEAKER: Order! Ms MacDonald, resume your seat. Members on the opposition benches and minister, let us see if we can keep the interjections to the absolute minimum. I do not mind the interjections, but keep the traffic down.

MS MacDONALD: Mr Deputy Speaker, there is one thing that the minister may comment on, and I have to comment on it as well because, quite frankly, it is just a ridiculous statement. Mrs Burke made the comment that the minister was using the Reba Meagher defence and that it was starting to look like the Royal North Shore. While the shadow minister might like to run her portfolio as though it is being run out of the offices of the *Daily Telegraph*, that is not the responsible way of dealing with things. It is actually a load of rubbish.

Mrs Burke might like to take her cue from the *Daily Telegraph*, but the fact is that, as I said earlier, we have an excellent health system here. We have a world-class health system here. I know that from speaking to people, as well as from experiencing it myself. I know that the minister as well has gone through the health system on a number of occasions in the last few years. A friend of mine unfortunately has been diagnosed with leukaemia. In one of her emails to me—I did ask her permission to quote her email so it is a pity I did not bring it down with me—she talks about the excellent treatment she has been receiving from Canberra Hospital, the health system and the at-home service that has been visiting her.

Mrs Burke and the opposition unfortunately never talk about the good things that occur within the health system. We have some excellent health services in this town. Given the size of Canberra's population, we cannot provide every service that you would get in a large city like Sydney. But what we are able to provide, we do well. I think it is irresponsible for those on the opposite side to get up here and continuously slander the ACT's health system, run it down and run it down so that people in the ACT lose confidence in the health system. It is irresponsible on their part, and I

remind them, particularly the shadow spokesperson, that they have a responsibility to treat the portfolio with the respect that it deserves and not peddle misinformation. That is their responsibility to their constituents, apart from anything else. That is why I moved this motion today—

Members interjecting—

MR DEPUTY SPEAKER: Order! The minister and the shadow minister will stop baiting each other.

MS MacDONALD: I commend the motion to the Assembly.

Motion agreed to.

Economy—Australian government contribution

MR STEFANIAK (Ginninderra—Leader of the Opposition) (5.24): I move:

That this Assembly:

- (1) acknowledges the contribution the Australian Government makes to the economy of the ACT and, in particular, notes:
 - (a) the significant capital investment the Australian Government has made and continues to make in the ACT, for example:
 - (i) the National Portrait Gallery;
 - (ii) redevelopment works along Constitution Avenue and at the intersection of Kings Avenue and Parkes Way; and
 - (iii) \$10 million announced on 19 November 2007 for water conservation initiatives in national institutions;
 - (b) the creation of Commonwealth public service positions during the life of the Stanhope Government;
 - (c) the positive economic impact of the Commonwealth public service on the ACT housing market and business in general; and
 - (d) the impact of job creation arising from the construction of new Commonwealth buildings in the ACT; and
- (2) calls on the Chief Minister to impress upon the federal leader of the Australian Labor Party:
 - (a) the importance of the Commonwealth to the ACT economy; and
 - (b) the need to revise his declared plans to slash positions in the Australian public service.

To set the scene, Mr Deputy Speaker, the Australian people have been sold a pup with the suggestion that Labor under Kevin Rudd will be fiscally conservative. As

Alan Wood in the *Australian* today says, “This is simply not so. To imagine anything else is to be totally deluded.” A former Labor PM—the same one who took us into the recession that we had to have—said, “When you change the government, you change the country.” I am extremely worried about the future of the ACT under a federal Labor government, if indeed that transpires on Saturday.

Our Chief Minister is wont to boast about the ACT economy. Indeed, the difficulty for the Howard-Costello government is that Labor governments have been made to look better than they actually are because the coalition government’s economic management has been so strong. Coalition reforms of the industrial relations and tax systems have actually promoted business. They have made employers much more confident about employing people, and we are certainly seeing a magnificent spin-off of that in Canberra.

When you examine any portfolio for which the state and territory governments have responsibility, they have actually made a real dog’s breakfast of it. For example, we have just been talking about health in the ACT. Of course, the same applies to New South Wales and Queensland. Yet federally Labor is promising to fix health, so confusing voters about whose responsibility it actually is.

What we have seen is not a smear campaign by the coalition government against Mr Rudd, as he repeatedly told us would happen—will his dirty linen from his time in the backrooms of the Goss government be aired at some later date, I wonder—but a concerted talking down over the years of what has been a very effective federal government by many in the media, obviously the left leaning ones, many of whom have actually worked for Labor in office, as well as an orchestrated campaign by the trade union movement.

The marriage of the Labor state and territory governments and the union movement has been quite diabolical in the way it has skewed public debate and promoted total fictions. I would like to point out, for example, that the Your Rights at Work campaign postulates something which does not exist at all—your right to work. Our right to work is actually dependent on whether there are willing employers. If you make those employers unconfident about employing or about the state of the economy, they simply will not employ. That is something that we have seen with previous Labor governments, especially, I recall, the Keating and Hawke governments. Employers simply were not confident employing employees and we ended up with very significant unemployment as a result. The only right you then have is the right to unemployment relief, and surely that is not something a lot of people want.

Labor is also noticeably not me-too-ing John Howard’s pledge to drive unemployment down to three per cent because here in the ACT we actually have historically low unemployment. We have levels of unemployment that have not been seen since the early seventies—indeed, the late sixties. What has been the reason for that? I will tell you. It is what Labor does not want you to know or understand.

A report by Econtech, run by the respected independent economist, Chris Murphy, concluded in August this year that Labor’s winding back of the coalition’s Work Choices and the reintroduction of a more centralised approach to industrial

relations would put pressure on wages and, through that, higher inflation, which would lead to higher interest rates. It quotes a figure of some 316,000 people who could, over time, be made unemployed as a result of such changes. Econtech calculates that any reversal of industrial relations would lead to higher unemployment and higher interest rates. The figure for interest rates quoted by this respected economist is an increase of 1.4 per cent above what it would be if Work Choices was left in place.

Under the last Labor government we saw inflation sitting much higher than it does now, and wages did not keep up with it. However, under this government wages have grown by 20 per cent and remained well above inflation. We have all benefited from that in the ACT in terms of record growth and record levels of wages—some \$200 a week higher than the national average.

Labor has neither the track record nor—the current lot—any expertise in running an economy. An opinion piece in the *Canberra Times* yesterday maintained laughably that the Rudd shadow ministry is bursting with economics degrees, which is somehow supposed to translate into automatic acumen in managing a trillion-dollar Australian economy. Well, I am sorry, but that is just la-la land stuff. Anyone can recognise that. Theoretical knowledge is not the same thing as real experience in dealing with volatile international economic conditions.

The IMF, in making an annual assessment of the Australian economy in September, commended Australia's exemplary economic management and recognised Australia as being at the forefront of international best practice. It noted that we have improved our fiscal sustainability by accumulating surpluses, eliminating net debt and establishing the Future Fund to provide for future liabilities. This is the same Future Fund that shadow Treasurer Wayne Swan plans to raid to pay for some of Labor's election promises.

Labor, far from having an economic plan of its own, is pretending to me-too it on the Howard-Costello economic blueprint, but with some small twists. Its lack of policy substance is betrayed by the enormous number of new bodies and inquiries they are planning to cloak their policy, in fact, to cloak their policy laziness if they get into office on Saturday. They are planning no fewer than 67 new bureaucracies and to establish 96 reviews if they are elected. What does all that extra red tape and bureaucracy remind you of? You do not have to look too far. The ACT government can certainly be accused of that. But now the ACT government is counterbalanced by the Howard-Costello government.

Mr Stanhope's boast of 20,000-odd jobs being created since his government came to office, I am afraid, is really coincidental. It is only a matter of timing. It is because of the federal government's investment in Canberra and in our commonwealth public service and also its promotion of business in the private sector. Most of those new jobs are, in fact, with expanded commonwealth government departments. They owe absolutely nothing to the Chief Minister and his government.

The federal government puts a lot of money into the ACT. In August it announced that the ACT will receive over \$37 million this financial year for untied general

purpose grants and specific road funding grants. This represents a 4.2 per cent rise over last year's allocation. Such grants actually help local governments maintain infrastructure around Australia. They can be used from anything from hospitals to sporting fields. The ACT government has a tendency to cry poor and then throw money at statues and other silly projects that benefit no one. Indeed, we have a list of white elephants which I am not going to repeat. We do that ad nauseam here.

The coalition government gives \$20.4 million annually to the NCA. That money is used to employ 87 staff who maintain the parliamentary triangle, organise some key events, support our national institutions and regulate development and planning to ensure that Canberra's unique cityscape is preserved. Federal Labor has pledged to cut funding to the NCA by \$11.5 million, which could not possibly be achieved without actually destroying the agency. The bill for the entire staff is only \$8.7 million. They are not going to be able to cut funding by over \$11 million by just doing away with three or four positions, as they claim. They would have to cut the staff, program funding and particularly cut our national institutions and the work that is done there. That is work that is piggybacked off the territory government.

What we would see under Rudd, backed by all of his Labor cohorts in government around Australia, is increasing secrecy and increasing lack of transparency. I think that is already obvious in the refusal of the Labor government in New South Wales to release the information that would show that a federal Labor candidate is ineligible to stand for federal parliament. Imagine this on a day-to-day basis. We all know that the ACT government also hides behind secrecy. We still have not seen, of course, the functional review that was the basis of the closure of schools in the ACT. Indeed, in health the minister hides behind the assertion that internal reviews and due process—behind the scenes, of course; always behind the scenes—are all actually being done. We are supposed to take this on trust and ignore all external evidence to the contrary.

With respect to the NCA, of course, Canberrans expect a robust debate on planning issues, and emasculating that body, as federal Labor promises to do, will remove that level of scrutiny. There will be no one to guide the development of significant national assets, such as the new National Portrait Gallery and no one to look after and maintain the Old Parliament House gardens or the memorials on Anzac Parade. The NCA is responsible for all of those things.

Might we not suppose a much more ideological bent for the NCA, influenced perhaps by the Chief Minister? We might have political memorials like the SIEV X poles or more portraits of Labor divinities like Al Grassby. In the ACT the current local government tries to pretend to be responsible an economic manager by increasing taxes to make up for what it squanders on fripperies like the \$1 million worth of artworks in the entrance to Canberra and the human rights compatible prison to house our ever decreasing number of prisoners—at a significant cost to taxpayers to boot.

One of these new taxes, a new fee on top of the water abstraction charge—which the opposition has pointed out is very possibly illegal due to its unconstitutionality—has blown out the costs of maintaining public gardens by hundreds of thousands of dollars. Recently I was pleased to see that the Howard-Costello government promised \$10 million on water projects just to assist a few of our national icons such as the

botanical gardens, despite the imposts of the Stanhope government, which caused some of the problems there.

This is a theme of life under this Labor government of ours. What the commonwealth coalition government give on the one hand, they take away in increased taxes and charges. It is probable that most electors have no idea that the Goss government, for which Mr Rudd worked as chief of staff—and apparently he was a very much a force to be reckoned with behind the scenes—vastly increased taxes in Queensland. Just to give you example of this, on the same day that the federal government announced a \$500 utility allowance to be paid to pensioners, carers and those with a disability, our local government announced that all Canberrans will have to pay \$130 more for their water, almost halving the benefit paid to those needy low income earners. This is despite the local government of Mr Stanhope enjoying \$140 million in dividends from Actew over the last six years.

I do not think the contribution of the commonwealth government under Howard-Costello should be underestimated. It is pledging a further funding boost of \$7.7 million for our universities. It is also putting \$8.2 million into new funding for Lifeline in the ACT to secure its vital mental health and phone counselling operations for the future. It is pledging \$190 million over four years for initiatives in autism.

The cost of health care for thousands of people across the ACT could well skyrocket under a Rudd Labor government. It has refused to rule out axing the Medicare safety net. Both Rudd and health spokesman, Nicola Roxon, have been critical of the safety net, with Mr Rudd claiming that significant savings could be made through cuts to the health sector. In 2002, over 25,000 patients received \$6.1 million in payments through the safety net in the ACT alone. The Labor Party is fooling people by not answering questions on such vital policy areas, leading people who are not politically aware to believe that there would be no real change in the status quo. I do not think anything could be further from the truth.

Labor federally would cost the ACT big time and it would cost those who are most vulnerable. No doubt Labor would like to allege that this is part of a smear campaign, but the truth is that they have made these claims and they have refused to rule out axing such vital services. There is no smear campaign where the criticism is warranted and evidence based. Like the Chief Minister here, Labor federally certainly does not take kindly to criticism or analysis. A Rudd government would also attempt to avoid scrutiny. The government knows that the public would be shocked if they knew how badly it has been mismanaging our public resources.

In education the federal government is contributing \$2.3 million towards building the new Gungahlin College, with a similar amount going towards the new Tuggeranong P-10 school and a similar amount going towards the upgrading and refurbishment of Melrose high. Despite what those opposite might say, the size of the grants indicates how highly the coalition government values public education, which is actually administered by the state and territory governments. In 2007, the coalition also allocated close on \$300 million to schools across the country as part of their capital grants campaign. That was part of a larger funding commitment which will see nearly \$2.9 billion given to schools over the next four years.

I am really concerned. I have seen the Hawke and Keating governments and, yes, the early days of the Howard government make significant cuts to the ACT Public Service. We have heard some very, very ominous statements coming from federal Labor in relation to the public service. I have named a few areas where cuts have, in fact, been flagged. Our public service in the ACT now stands at about 52,000 people. Our public service nationally is 146,000. That is up from what it was when the federal government took over.

As a result of changes to government, we have seen significant benefits pour into the ACT in terms of new buildings and new areas of public service departments. Over the last few years we have seen significant increases in investment in the ACT. Even the Chief Minister welcomed the \$70 million investment in relation to Constitution Avenue. Even he, at the federal budget breakfast, praised what the federal Liberal government was doing in the ACT.

It seems that Mr Rudd has to make his cuts somewhere. There are some significant promises in what he has promised nationally. He has highlighted cuts to the public service, and guess where they will come from—the 52,000 federal public servants in the ACT, the one in six of the Canberra population working in the federal public service. You do not have to be Einstein to work out where those cuts will come from. If those cuts are savage, if 5,000 jobs, for example, go in the ACT, if 5,000 public servants lose their jobs, it will cause huge problems for our economy.

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) (5.39): I am very pleased to be able to debate this motion today, a couple of days out from a federal election, when I think it is relevant that we discuss what is in store if a Howard government is re-elected as opposed to the enlightened, progressive policies of a Rudd Labor government federally.

But it is ironic, is it not, to have at this juncture, 11 years after the election of the Howard government, the Liberals in this place again raising the claim that every bit of economic joy that the ACT has experienced since the Labor Party came to government in the ACT is directly a result of the intervention and the actions of John Howard and a federal Liberal government? It is ironic how we skirt over the implications for the territory of the election of the Howard government in 1996 and how the devastation, the pushing of the ACT virtually into recession as a result of the election of John Howard and the Liberal government, is actually not considered or credited to John Howard and the Liberal Party.

You cannot have it both ways. You cannot say that all of the economic joy, the good management, the strongest budget surplus ever delivered by a government in the ACT, the fact that we now have sustainable surpluses over the terms and we have a budget position that has a bottom line that is sounder, stronger, more secure and sustainable for the first time genuinely since 1989 is all a result of the management of John Howard, without then having to concede that John Howard was responsible for producing a mini recession within the ACT in those years of the Liberal government. What is good for the goose is good for the gander.

What Mr Stefaniak is arguing is all about the commonwealth; so it is all about the Liberal Party. The good times are a result of federal intervention and the bad times, what? This is a way, is it, of acknowledging that the previous government under Kate Carnell, Gary Humphries and Bill Stefaniak had absolutely no responsibility for four consecutive budget deficits over four years from 1995 to 2000 that accumulated deficits in excess of \$800 million? So who is responsible for that? Are John Howard and the Liberal government responsible for that or are Bill Stefaniak and the Liberal Party here responsible for that?

You cannot have it both ways. You argue that in this century we have to be grateful for, thank and bow to the combined wisdom of John Howard, Peter Costello and Gary Humphries. But, of course, in the five dark years of mini recession, the slashings of tens of thousands of public service jobs, the pushing of tens of thousands of commonwealth public servants across Australia and up to 15,000 within the ACT onto the unemployed list are not a result of the election of a Liberal government in 1996. It is simply not possible, feasible or intellectually honest at any level to claim that, yes, the good times are a result of the enlightened policies of Howard, Costello and Humphries but the bad times are not.

We need to look at the commonwealth's response to so many of those other issues that we face as a nation. The most important issue facing Australians and, indeed, Canberrans—and we are no different in this regard—is our capacity as an ageing nation, an ageing population with dramatic changes in the technology available, to fund our public health system. There is not a single piece of advice or evidence out that suggests the commonwealth government has been maintaining its obligations and the level of its expenditure on health services, particularly public health, within Australia. It has declined and declined significantly since 1996. The proportion of commonwealth support to public health within Australia, including within the ACT, has declined dramatically over the last 10 years. This is real. It is objective. The data is there. The information is in. The evidence is out that the Howard government has reduced support for public health across the board.

We see that expressed in the number of GPs that are available. We see it in the fact we cannot employ doctors. The federal government's slashing of tertiary education and funding for universities and places within medical schools across the health professionals has led to a result which is particularly severe for the ACT where, of all places within the nation, we have the lowest number of GPs per capita and the lowest level of bulkbilling per capita. These are issues and responsibilities directly of a federal government.

Under this federal Liberal government, under John Howard, under Gary Humphries, we have seen an exacerbation of the situation within the ACT: not enough GPs to go around; they are at the lowest level. This is Gary Humphries's legacy; this is the problem that we have in having a federal Liberal government and a federal Liberal representative—and one only—Gary Humphries, the great procrastinator. And let us not forget that he was known not so fondly throughout the ACT public service when he was a minister in this place as the great procrastinator because you could never get him to do anything; everybody knows that.

Mr Mulcahy: Who?

MR STANHOPE: Gary Humphries. His nickname throughout the ACT public service in all his period as a minister was Gary Humphries, the great procrastinator.

Mr Hargreaves: Have you ever been Gary-ed?

MR STANHOPE: Yes. It is not just that; his in-tray of course was always full and his out-tray was always bare. I am not joking about this, but Gary Humphries's nickname, throughout all of the portfolios for which he was a minister, was the great procrastinator because you simply could not get him to focus on an issue; you could not move files out of his office. You could get them in but you could never get them out; hence his nickname. As I say, it is not such a fond nickname. We saw that, of course, in all those areas of responsibility which he had and we saw the disastrous results of those through issues such as the level of support and funding for things like mental health under Gary Humphries.

When Gary Humphries left this place after his defeat in 2001, part of the legacy that Gary Humphries as Chief Minister left us—and people are reminded of this; they do not forget these things, and they will not forget on Saturday—was that Gary Humphries was the Chief Minister that invested less per capita on mental health within the ACT than in any other place in Australia. Part of the shameful legacy of Gary Humphries in 2001 was—and this in the most prosperous and wealthiest community in Australia—that the level of funding for mental health services under Gary Humphries as Chief Minister was the lowest on a per capita basis of any place in Australia. It is barely credible, is it not, in this place, in Canberra, with our capacity? The trouble was, of course, that, under Gary Humphries, there was no capacity, recovering, as he sought, from the \$800 million accumulated deficit in the first four years of Liberal government. No wonder he had to reduce expenditure on mental health to the lowest of any place in Australia.

Gary Humphries's other legacy, in conjunction with Michael Moore of course—

Mr Smyth: On a point of order, Mr Speaker: under standing order 58, a member is not to digress. The motion is about the contribution that the Australian government makes to the economy of the ACT, not Gary Humphries as Chief Minister. I ask you to call the Chief Minister to the motion.

MR SPEAKER: Mr Humphries is part of the Australian government.

MR STANHOPE: A consequence of the commonwealth government or a Howard Liberal government, of course, was a lack of support and a lack of budget capacity within the Liberal governments because they were not prepared to take some of the hard decisions. You cannot have it both ways. I have made the point. Mr Stefaniak went to this in detail—15 full minutes that the glowing rose-tinted view of the success of the ACT is all down to John Howard.

You cannot have it both ways. If all of these great achievements of the last five years of my government really are to be attributed to John Howard and Gary Humphries,

then how are we to explain that, under Gary Humphries as Chief Minister, we invested in mental health at a level lower than any other place in Australia? Is that down to John Howard and the federal government? You cannot have it both ways. You are actually saying that the fact that Gary Humphries refused to invest in mental health had nothing to do with the commonwealth government. The fact that we have invested in mental health, that we have actually adjusted this imbalance, that we have undone the damage that Gary Humphries and the Liberal Party did, is actually nothing to do with us. It is all to do with the commonwealth government. If you believe and accept one, you have to believe and accept the other. The legacy of Gary Humphries as Chief Minister under a Howard Liberal government is the lowest level of expenditure on mental health in Australia.

He left us, of course, with the implications of the Gallop commission of inquiry into disability services. We have Mr Stefaniak here applauding the level of service delivery, infrastructure and services that we enjoy as a result of the commonwealth government. How then does Mr Stefaniak explain that, under Gary Humphries, with the assistance of Michael Moore of course, we were left to address the Gallop royal commission of inquiry into disability services?

We had under Gary Humphries as Treasurer—I think for a period but certainly as Attorney-General and the legal adviser—the redevelopment of Bruce Stadium. This is another financial issue, a legacy. When one gives consideration to the impact of the commonwealth government on the economic standing and status of the economy of the ACT, one is left to ponder the relationship between Gary Humphries and the commonwealth government that led to the absolutely disastrous, illegal financial arrangements in relation to a reconstruction of Bruce Stadium that led a \$12 million capital project to come out, I believe, somewhere in the order of \$80 million. To whom do we attribute that? Gary Humphries? Gary Humphries and the Liberal Party laugh these days about that flirtation with illegality. The most damning report ever produced in relation to sheer, simple, economic and managerial incompetence was Gary Humphries's involvement in that.

We remember the direct role—I remember this through estimates hearings at the time, and it is another issue of economic management and this relationship with the commonwealth—and Gary Humphries's very direct involvement in the Kinlyside development, one of the most serious scandals to impact on land management development within the ACT. I can go back to *Hansard* in relation to Kinlyside and I can go back to Gary Humphries's complicity in the remarkable arrangements that were put in place. It is, I believe, in relation to issues of land and planning in the ACT the most remarkable and I think—

Mr Mulcahy: Mr Speaker, I have got to respond to the Chief Minister's remarks in a moment and I am struggling to find anything constructive.

Mr Hargreaves: There is no point of order here, Mr Speaker.

Mr Mulcahy: Yes, there is. It is not relevant. He is digressing from the debate and it has no relevance to the motion before the Assembly.

Mr Hargreaves: Mr Speaker, would you please deal harshly with vexatious points of order?

MR SPEAKER: The fact is that this motion is about the commonwealth government's effect on the ACT, and Senator Humphries is part of that government.

MR STANHOPE: Land development is an economic issue, and it is relevant that we talk about the way in which the Liberal Party dealt with these issues. If you want and the people of Canberra want an understanding, explanation or expose on how Liberal governments, and most particularly Mr Humphries, deal with issues of land development, get out the report on the land development scandal at Hall-Kinlyside, under Gary Humphries most specifically.

This is, of course, not because time does not allow us to consider the relationship and most particularly the involvement of our commonwealth Liberal Party representative Gary Humphries in issues like "feel the power". How do we ever forget the Impulse Airlines incentive package of \$10 million which—

Mr Gentleman: "Feel the power"?

MR STANHOPE: "Feel the power", Impulse Airlines. And one of the most intriguing stories under Gary Humphries and Bill Stefaniak—

Mr Hargreaves: A mystery.

MR STANHOPE: It was a mystery that the Auditor-General was unable to deal with because, surprisingly, when he came to investigate the relationship developed by Gary Humphries and Kate Carnell with Mr Adler, the principal of FAI and of some notoriety these days, in relation to FAI House and its rental to the ACT government and supposed relationships between Mr Adler, FAI and the Rally of Canberra, which many believe were actually caught up in the very, very generous and, in the view of the Auditor-General, inappropriate rental arrangements that were made for FAI House, the nature of that relationship between Adler and Gary Humphries and other members of the government has never been revealed because, as the Auditor-General reported, there is not a single paper in existence—

Mr Hargreaves: Their shredder is full, though.

MR STANHOPE: He did not exactly suggest that a shredder had been employed but, of course, it is the implication. The Auditor-General's consternation at the fact that there is not a single piece of paper on the files to explain the basis of the decisions that were taken in relation to that is in his report. Hence, the Auditor-General reports no capacity to draw any conclusions about the relationship between FAI House and the rally.

MR SPEAKER: The member's time has expired. Have you circulated an amendment?

MR STANHOPE: Yes, Mr Speaker, I have circulated an amendment in my name, which I now move.

MR SPEAKER: You will have to seek leave to move it now.

Mr Seselja: Sorry, did you seek leave?

MR STANHOPE: I am happy to do it when we come back.

Mr Seselja: I did not know whether leave was sought. Sorry.

MR SPEAKER: The Chief Minister sat down, so he will have to seek leave to move the amendment.

MR STANHOPE: I seek leave to move the amendment circulated in my name.

Leave not granted.

Standing orders—suspension

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) (5.51): I move:

That so much of the standing orders be suspended as would prevent Mr Stanhope from moving an amendment.

I am moving this motion, Mr Speaker, in order to allow an important amendment to a very important motion to be debated. The amendment that I move, I think, is important. It takes issue with the essential thrust of the motion which Mr Stefaniak has moved on behalf of the Liberal Party and allows a contrary view in relation to these issues to be discussed and debated by the Assembly. I think it is appropriate that the Assembly be given the opportunity to debate a range of views.

I find it quite remarkable that a member should be prevented or not allowed to have debated or explored within the Assembly an amendment that is contrary to the motion put by the mover. It is quite remarkable, I think, for the Liberal Party to believe that the motion, as put to the Assembly by the Leader of the Opposition, is so sacrosanct, so beyond dispute or objection that we would not or should not take the opportunity that the democratic process and the standing orders permit.

I find it quite remarkable that the Liberal Party would object to formally considering or debating a contrary position. I would have thought it was the essence of democracy, the essence of any functioning parliament, that at least it would be given the opportunity to debate a range of views. Surely, that is what an active, functioning democracy is about.

It is the case that I did not have an opportunity to move my amendment. My time expired—and I do regret I did not move it—and I sought indulgence to do so. I would

have thought that I would have received the indulgence of the Assembly to move this amendment. I, consistent with the standing orders, sought leave to move the amendment which I had actually circulated. Consistent with, I would have thought, the usual courtesies, I then sought the agreement of colleagues, particularly the opposition, to move the amendment.

There are a whole range of other possibilities that might have been open. I could have, of course, waited until the motion comes back in a couple of weeks time. I could have arranged for leave then or I could have asked one of my colleagues perhaps to move this amendment on behalf of the government. But I would have thought the usual courtesies would have been extended to me and I would have been given leave, the opportunity, to actually move the motion. All I was seeking was leave to allow me to say, "I move the motion circulated in my name."

Mr Hargreaves: It is procedural.

MR STANHOPE: It is procedural. It is quite simple, a simple courtesy. I find it not unremarkable that I would have sought to move an amendment and that out of sheer spite, nonsense, a desire to make some puerile point—I cannot quite imagine what other purpose there would have been—leave was not granted. Of course, I guess it is a hallmark and a feature of Mr Smyth's standing, performance or behaviour in this place that he spitefully refused.

The interesting aspect of that is that—and we see this time and time again—his leader, the Leader of the Opposition, Bill Stefaniak, had already agreed. As we know, the standing orders provide that, if a single voice is raised in opposition to a granting of leave, then leave is not granted. We have a remarkable position where the leader of the party says yes.

Mr Hargreaves: And the leader-in-waiting.

MR STANHOPE: And the leader-in-waiting. I heard Mr Stefaniak and I think another voice in the affirmative, the shadow treasurer. So the Leader of the Opposition and the shadow treasurer said yes. Behind the Leader of the Opposition was the voice that said no.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting. The motion for the adjournment of the Assembly was put.

Adjournment

Death of Helen Notaras

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (6.00): I would like to extend my deepest sympathies and thoughts today to the family of Helen Notaras. Mrs Notaras was a strong ambassador for the Greek community and several generations of Greek women in Canberra. Not only did she take on the role of keeping her young family together in a foreign place when our city was in its early stages of

development and when services were few and far between but she represented the backbone of her family, as well as contributing to the broader community.

She was always willing to share her love of learning. Particularly as an avid reader, Mrs Notaras readily passed on her knowledge to her children, her grandchildren and her friends. While the men in her family were out helping to build this city, Mrs Notaras and many other women like her were the nurturers, the unsung heroines who raised the children and provided support to every other member of the family who was working hard to make a living in a foreign and ever-developing city.

They were difficult and challenging times when women like Mrs Notaras played a pivotal role in their family's early grinding existence, survival and eventual success and prosperity. Despite those early hard and challenging times, over time Mrs Notaras formed strong bonds with many in the Canberra community that have withstood the test of time and have become entrenched in this great city's social structure. Mrs Notaras also found time to contribute much to the Greek Orthodox Church.

For a number of years she was the president of the ladies' auxiliary at the Greek Orthodox Church of St Nicholas, as well as assisting others in need. Mrs Notaras was often involved in fundraisers to help the less fortunate, and these qualities made her an institution of sorts—a larger-than-life character whose achievements are an inspiration and worthy of celebrating here today. The multicultural community is a very important part of the ACT and the role Mrs Notaras played was highly significant, making her an outstanding Canberran. What also made Mrs Notaras exceptional was that not only did she become a model Australian citizen but also she did not lose any of her Greek heritage. She tried to help everybody in the Greek community, especially new migrants. What an admirable achievement.

I am sure everyone here in the ACT Legislative Assembly and the wider Canberra community will join me today in hoping that Mrs Notaras's family will take comfort from the support and affection of friends and loved ones who also share their sadness and loss of a pioneering Canberran.

Death of Helen Notaras

MR STEFANIAK (Ginninderra—Leader of the Opposition) (6.02): I am very happy that Mr Hargreaves has mentioned Helen Notaras because she is the subject of my speech in the adjournment debate. Helen Notaras was born in Athens in Greece on 21 May 1911. She sadly died in Canberra on 12 November 2007. She arrived in Australia in 1927 aged 16 years and she spent her early years in Sydney with her uncle the late George Harris, one of the city's leading Greek identities. She worked in her uncle's butcher shop in Taylor Square, Darlinghurst, where she not only learnt every cut of meat but also gained an invaluable insight into the grassroots operations of small business and how early immigrants made their way in establishing themselves in Australia.

In 1933 she married the late Harry Notaras, Canberra's first Greek resident and business proprietor who in 1927 opened the Highgate Cafe in Kingston, a few months prior to Old Parliament House being opened. They were pioneer immigrants,

establishing Canberra's first Australian-Greek family. She became the city's first Greek mother. All her five children, 12 grandchildren and six of her 12 great grandchildren were born in Canberra.

Helen and her husband lived their early married life in a residence at the rear of the Highgate Cafe. She was well received in Kingston, and the local butcher was stunned to find that this young immigrant bride knew almost every cut of meat. She was clever and perceptive, supporting her husband not only in the Highgate Cafe but also in other business activities and in her own right displayed a great acumen for business.

Forever determined to improve her English, Helen always carried a small *Oxford Dictionary* with her, often referring to it, and as a consequence she became proficient in reading and writing. She was regularly pulled upon to act as an interpreter for Greek immigrants and she also translated letters—indeed for Ray Whitrod, who was then the commonwealth police officer here and went on to be superintendent of the Queensland police force.

Helen enjoyed participating in her children's homework as this was an additional opportunity for her to learn. She also picked up Australia's love of sport and, whilst completely unable to come to terms with rugby, which many of her sons played, she attended the school athletics carnivals to see her sons gain their fair share of success. Also, like most women during the fifties, Helen never missed an episode of Gwen Meredith's *Blue Hills*.

Notwithstanding her strong Greek heritage, Helen had a resolve to participate in the wider community, particularly as her children straddled two cultures. She supported the Canberra Grammar School tuckshop and extended hospitality to boarders from country homes who were permitted a weekend stay with a local family. In 1951, with one of her boys then aged 12, she paid respect to Prime Minister Ben Chifley, who lay in state in Old Parliament House. She and her husband supported many charitable causes and were regular invitees to community functions and events.

The Great Depression was an extremely impressionable time for Helen and images of the hardships she witnessed remained with her throughout her life. She and Harry supported many disadvantaged families during that time, and in the lane at the rear of the cafe she operated her own style of soup kitchen for those unemployed and down on their luck. In 2003 this lane at the Kingston shops was named Highgate Lane.

Helen and her husband were very highly regarded. They befriended many politicians and senior public servants who were customers at the Highgate. She grew fond of Australians and admired their reserved, laconic and circumspect character. Both she and her family loved Canberra and understood the opportunities Australia offered immigrants. She would always counsel homesick or despondent immigrants against returning back to their homeland. The Notarases were the first port of call for many immigrants on their arrival in Canberra and they gave immigrants a lot of material assistance and advice on how to settle in and conduct themselves, as they were very conscious of upholding the very good name Greek immigrants had in Canberra and indeed in Australia.

Along with other early Greek immigrants, Helen was instrumental in establishing the Greek community of Canberra in 1946 which Harry served as both president and treasurer. As has been mentioned, she was a foundation member and served as president of the Orthodox Church's ladies' auxiliary, which raised money to assist the needy. She was held in high esteem as matriarch of the community, and her advice was regularly sought because of her wisdom and confidentiality. Interestingly, St Paul's Church in Manuka was a special place for Helen as some early orthodox services were conducted there. She sent her children there for Sunday school and she donated to the recent extensions, as her husband had done to the original building.

In 1950, for the first time since she came here, she returned to Greece to visit her mother, but it was not until 1966 that she enjoyed a Christmas in Greece with her siblings. Not having her mother close by from the age of 16 contributed to her becoming a very strong, resolute and devout woman who instilled in her children a work ethic and the importance of integrity and keeping one's foot on the ground.

Helen always remained abreast of the family's property and real estate interests. She was the recipient of the Real Estate Institute of the ACT commercial chapter's inaugural property industry award, which recognised the contributions made by her family to the development of Canberra. Her late husband was named in the *Canberra Times* as one of the "75 faces of Canberra". Australia was good to Helen and she counted her blessings rather than her successes. She is survived by five children—Jim, George, Nina, John and Emmanuel—12 grandchildren and 12 great grandchildren. (*Time expired.*)

Economy—Australian government contribution

MR GENTLEMAN (Brindabella) (6.08): In this adjournment debate I just want to reflect a bit about the debate on Mr Stefaniak's motion earlier on today. Surely this motion by Mr Stefaniak is some sort of joke. For him to ask the Assembly to acknowledge the contribution that the Australian government makes to the economy of the territory, and then to ask the leader of the federal opposition—hopefully soon to be Prime Minister—to continue that contribution, is as if Mr Stefaniak and his party, local and federal branches, have completely lost sight of the fact that Canberra is the national capital, even though all of the works he mentions in his motion are connected to the ACT as the national capital.

There was nothing on his list that directed anything to the lives of those who actually live here. Of course, those of us that live here know and acknowledge the contribution our families, friends and neighbours, the employees of the Australian government, make to our economy. They are the workers whose incomes are spent here. They are the workers who buy homes here and they are the workers whom property developers build office blocks for.

Their contribution is clear. The contribution of the Australian government, defined as the collective ministry, is less clear. The Liberal Prime Minister has refused to live here during his 11-year reign. The Liberal Treasurer bags the national capital at every opportunity. The Liberal Attorney-General intervened to overturn our laws and

interfered in the democratic rule of the territory. The Liberal minister for territories refuses to entertain any amendment of the self-government act that would make our local democracy more workable—

Mr Smyth: I raise a point of order, Mr Speaker, under standing orders 51 and 52. Under standing order 51 you cannot allude, and Mr Gentleman started his adjournment speech with, “I wish to allude to comments made by the Leader of the Opposition.” I seek your ruling, Mr Speaker.

MR GENTLEMAN: No, I did not allude to them, Mr Speaker.

Mr Smyth: You said, “I wish to reflect upon—

MR SPEAKER: Order! It is not a vote of the Assembly that is—

Mr Smyth: But the previous standing order is debates.

MR SPEAKER: The previous one talks about allusion to any debate or proceedings unless such allusion is relevant to the matter under discussion. It is an adjournment debate. The scope for adjournment debates is very wide. Standing order 59 goes to the issue of whether one can anticipate discussion of any subject and I have got to have regard to whether the matter is going to be brought on soon, and I think that is unlikely.

Mr Smyth: Who is to know it will come back?

MR SPEAKER: I have got nothing to draw a conclusion that it is going to be brought on soon.

MR GENTLEMAN: Thank you, Mr Speaker. I just want to finish off. The Liberal minister for territories refuses to entertain any amendment to the self-government act that would then make our local democracy more workable and more representative. That same minister wanted us to tear down a memorial to the SIEV X, labelling the memorial to 353 people who lost their lives attempting to come to this country “a political stunt”. The National Party Minister for Transport and Regional Services believes that national roads and their funding end at the point where the road enters the ACT. And, of course, there is no point in even raising the question of railway funding with him unless, of course, it is to be built by Halliburton in the Northern Territory.

The Liberal Minister for Employment and Workplace Relations has torn the heart out of the working conditions of his own staff and all other employees in the ACT with Work Choices. And who can ever forget the contribution of the Liberal member for Moreton, Australia’s first Minister for Citizenship and Multicultural Affairs, to the destruction of freedom of speech by banning the Chief Minister from speaking at an Australia Day citizenship ceremony?

The Liberal minister for housing is redirecting funding from public sector housing to some nebulous scheme of his own devising. Furthermore, he keeps speaking untruths

about public housing stock numbers in the territory. He says the numbers are run down. The truth is that the former ACT Liberal government, run by Liberal Senator Humphries, with the support of Mr Stefaniak and Mr Smyth, ran down the stock numbers and we have had to find the money to rebuild those numbers.

In summing up, I do acknowledge that the Australian government employees make a huge contribution to the ACT—but not the Australian government.

Death of Brother Mark and Brother Crispin

MR SMYTH (Brindabella) (6.12): I rise to honour two people who were great heroes in my life. They are two men of the Marist order, Brother Crispin and Brother Mark, who both passed away in recent months. Brother Mark and Brother Crispin came to Canberra in 1968 to establish what is now Marist College, Pearce. It originated in the old Forestry School at Yarralumla, then in May 1969 moved to its current site at Pearce.

Brother Crispin was the founder of the school and the superior of the college here for six years from 1968 to 1974. Unfortunately, the last couple of years have not been kind to Brother Crispin. He had a heart attack, with his diabetes onset he lost a leg and was finally diagnosed with cancer. He passed away this year on 13 September 2007 which, oddly enough, is Crispin Day. He was certainly well regarded by all in the community and was very much known as a gentle giant. He was a man who always had a kind word and was really keen to educate people.

The other person is Brother Mark May, who died on 19 October. Brother Mark spent a great deal of time here in Canberra and indeed was the second principal at Marist College. Brother Mark in 2002 celebrated his golden anniversary as a Marist brother and I think 50 years of serving the community is something that does not often happen these days. To do it in one profession and to do it so well is to be acknowledged.

Brother Mark unfortunately had a massive stroke, lingered for a week and then passed away on 19 October 2007. Brother Mark was buried here from the cathedral, and to see the cathedral full, not just of religious but of old boys of all ages who had graduated from the college or been members of staff at the college over the last 40 years, was a tribute to the guy.

He returned to Canberra in 2001, where he was the superior in the community. That was his retirement. He had ceased active duties a couple of years back due to ill health. He was a tremendous inspiration, always interested in the important things in life, education and football. To his great shame he was a diehard South Sydney supporter and was greatly relieved to see them readmitted to the NRL some years ago.

He was always a gentleman, he was always a charitable individual and the recognition of his skills is quite interesting. Back when he became a brother often the brothers were not given formal, as we would understand it, teaching qualifications, but Mark very quickly became a principal. He was also sent off to be the supervisor of primary schools and he did a lot of work in terms of renewal around the country for the Marist order. He also established a number of schools, not just here in Canberra but up on the Sunshine Coast, and all of those schools prosper and thrive today.

These were two great men in the life of Marist College, Pearce, and indeed two great men in my life. They were individuals who really did challenge you to lift yourself, whether it be academically, socially, on the sporting field or charitably. These two individuals always led by the example that they set and they will be sorely missed by the community and they will be sorely missed by me.

Greens—election policies

MR MULCAHY (Molonglo) (6.16): We are all very cognisant of the federal election that will occur this weekend and the importance of this election in shaping the future of Australia. Quite a lot has been said in the campaign about the merits and problems of the major parties, but another issue that has arisen, virtually unchallenged, is the proposition by the Greens that they are an appropriate third party to control the balance of power. This assertion has been common in Greens party advertising on television and in other material and I have had their supporters raising this issue at shopping centres, gloating over the power they are going to control in the federal parliament after this weekend.

It is an assertion that I feel obligated to challenge because I believe it would be a serious mistake for the voters to believe that the Greens are a worthy party to hold any power in the Australian parliament. People of Canberra should not believe that the Greens are a warm and fuzzy third party alternative. They should not believe that a minority government with a Greens party balance of power is a safe outcome. Indeed, having the balance of power held by the Greens would likely be a fate far worse than having a majority government by either major party. The Greens having this balance of power is, as far as I am concerned, a far bigger threat than even a Labor government getting elected federally.

The Greens would like to present themselves as a warm and caring party, but in reality they are an organisation that can barely contain or disguise their core socialist authoritarian beliefs. I emphasise that—authoritarian beliefs—because, much as they claim to be these peaceful loving people who simply concern themselves with the environment, they show no tolerance of those who do not subscribe to their agenda. The Greens economic policy is a blueprint for big government and the destruction of private initiative. It is built on long-discredited economic policies that are known to be destructive to personal initiative and economic performance.

It was significant today to hear the Chief Minister again in the course of a week tear strips off the Greens leader for their lack of preparedness on policy and the manner in which they come into this place and cast aspersions on all and sundry. In their economic policy—and that is an important thing for people to focus on—the Greens promised to introduce capital gains tax on the family home. They want to introduce death taxes and they want to increase the rates of tax on Australian companies. Their policies are the logical application of their ideological belief in larger and larger government and their innate hatred of private enterprise and wealth.

Observe that, despite their supposedly kind and gentle facade, these measures are aimed mainly at penalising families. Capital gains tax on the family home would

impose a huge financial burden on families who attempt to move, forcing them into immobility and loss of opportunity. And, far from simply affecting the very wealthy, this policy primarily impacts ordinary families who are trying to gradually improve their lot in life—like most people in this place and most people we represent—perhaps moving into a larger home as they have more children or as they gradually save for a more comfortable lifestyle.

These are things that the Green movement are not approving of. Those families that do move home may find themselves paying nearly a quarter of the value of their home for the privilege, and they will therefore be back into larger levels of debt, courtesy of the economic policies of the Greens. Similarly, the death tax will penalise those who save wealth to pass on to their children and grandchildren, and I suggest that every member of this place probably has that as their primary motivator—to look after their children or their grandchildren. To see this party preach to us that they are going to penalise those people—they do not approve of that lifestyle; they do not approve of people who save and work and generate some form of inheritance for the future of their children and their grandchildren—is something that I find abhorrent.

The tax they are putting forward has been utterly discredited in economic terms. It is a tax which is based entirely on ideological hatred of inherited wealth and it is an inefficient, burdensome and arbitrary tax. It is in fact a tax which is easily avoided by those with sufficient legal and financial savvy—usually by passing wealth before death, subject to trust—but which arbitrarily penalises those who die unexpectedly or fail to use the services of tax lawyers.

These policies should give Canberra families serious cause for concern before they consider directing their main vote or even their preferences to the Greens. Contrary to their rhetoric, they are a party which is profoundly at odds with the interests and aspirations of Canberra families and other ordinary people. People must make a firm decision to vote for one of the major parties this weekend lest we be put at the mercy of these crazy economic ideals which will threaten the basic Australian family and its livelihood.

Question resolved in the affirmative.

The Assembly adjourned at 6.21 pm.