



Debates

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Thursday, 3 April 2008

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Thursday, 3 April 2008

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.

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2008

Mr Corbell, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.33): I move:

That this bill be agreed to in principle.

It is with pleasure that I present the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2008. This bill makes a number of amendments to the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 that are complementary to amendments already made or currently being made to the commonwealth Classification (Publications, Films and Computer Games) Act 1995.

The scheme for classification of publications, films and computer games is a cooperative one, underpinned by the commonwealth act and the states' and territories' classification enforcement legislation. The Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 provides for the implementation in the ACT of the classification of material in accordance with the national classification code and the guidelines made under the commonwealth act. In particular, it provides restrictions and conditions on the sale and possession of films, computer games and certain publications, the way in which material may be advertised and exemptions of material and organisations from the classification regime.

The commonwealth act establishes the Classification Board, which is responsible for deciding the classification of the material, and the Classification Review Board. The act also sets out the types of classifications; procedures for the classification of publications, films and computer games; requirements for approval for advertisements for materials, including advertisements for unclassified films; and review of classification decisions.

The commonwealth act has now been amended to give effect to the decision to integrate the Office of Film and Literature Classification with the Australian government Attorney-General's Department. It has also been amended to

improve the functioning of the national classification scheme. Chiefly, the amendments ensure that the scheme adequately keeps abreast of technological changes in the industry, including the ability for manufacturers to place more material on individual DVDs.

When compilations of classified films are put together onto one DVD or additional material such as extra scenes, outtakes or interviews are added to the DVD after it has been classified, the previous provisions of the act made it necessary to reclassify the compilation as a new film. The amendments to the commonwealth act mean that the administrative burden of reclassifying material that has already been classified will be reduced.

The bill puts in place amendments that flow from the administrative changes I have just mentioned, and amendments that ensure that the types of modification permitted to classified material, production of compilations or inclusion of additional related material will not result in enforcement action.

The Classification (Publications, Films and Computer Games) Amendment (Assessment and Advertising) Bill 2008 is currently before the commonwealth parliament. That bill contains provisions that will enable unclassified films and computer games to be advertised prior to classification in accordance with specified conditions. Currently, products are only available for classification very close to their release date because of concerns about piracy. At the same time, the prohibition of unclassified advertisements for the products restricts the ability of industry to market them effectively. The amendments will require a new advertising scheme message to be displayed with the product, directing consumers to check the classification. I will be involved in the development of the advertising scheme, as a member of the Standing Committee of Attorneys-General—Censorship, along with other state and territory censorship ministers.

This bill puts in place amendments that ensure that the advertisements for unclassified material under the new scheme will not result in enforcement action and that breaches of the new advertising scheme can be enforced. I commend the bill to the Assembly.

Debate (on motion by **Mrs Burke**) adjourned to the next sitting.

Executive business—precedence

Ordered that executive business be called on.

Justice and Community Safety Legislation Amendment Bill 2007 (No 2) **Detail stage**

Bill as a whole.

Debate resumed from 1 April 2008.

DR FOSKEY (Molonglo) (10.39): I am halfway through my speech, so I will recap a little of what I said and then conclude the speech. Members will be aware that I am

supporting Mr Stefaniak's amendment. I expect that he will be here soon to add his contribution to the debate. I covered some of the ground in the in-principle debate. My concern was about fairness in particular, given that when legal proceedings are complex it is often necessary to rely on the expertise of legal professionals.

We all know that these cases run more smoothly and are likely to have good and clear outcomes when the person conducting the case is able to have access to legal professionals. That is particularly so when the other side—in this case the government—has unlimited legal resources. Because Legal Aid and the Welfare Rights Centre are unlikely to take complex housing issues to the AAT, you should still be able to apply to the Attorney-General in those cases. I have no doubt that there have been numerous housing, planning and access to information cases where the public interest would have been served by allowing the applicant to access proper legal advice.

I believe this amendment will have the support of the Assembly. The support of the Attorney-General is particularly important, as the proposal to remove section 62 is much more than a simple technical amendment. This is particularly the case because it comes so soon after amending the Human Rights Act to give people the right to take action in the Supreme Court against ACT government agencies which have contravened their human rights. Unless we support Mr Stefaniak's amendment, we may now, in effect, be taking away the right for people to ask for legal assistance when they are appealing some government decisions at the Administrative Appeals Tribunal.

We know that government agencies have unlimited legal resources. I am sure Mr Corbell would contest whether they are unlimited, but in relation to most ordinary citizens they have much greater resources when they appear before the AAT. So it is ironic that we are giving people a right of action in the Supreme Court with one hand and taking away their opportunity to be legally represented at the AAT with the other. After all, the sacrifice of human rights for administrative convenience is particularly offensive. Human rights are not abstract things; they boil down to concrete decisions and outcomes. I know that the model litigant rules and the philosophy of the AAT ought to support individuals when dealing with government agencies. But in our view that is not the way in which it necessarily works. Particularly when we are dealing with a range of complex issues or when government agencies are clearly tired of their complainants, it would seem that the full legal armoury can be brought to bear in the AAT, as elsewhere—model litigant rules or not.

I hope the ACT government will now reconsider this matter carefully, with the aim of ensuring that its internal practices and its management of the territory's legislation conform to the ambition of the Human Rights Act.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.43): The government will be supporting this amendment. Indeed, I foreshadowed in my earlier comments my intention to move such an amendment in any case. So the government is pleased to support Mr Stefaniak's amendment. I think it is fair to say that this issue has arisen in an interesting context recently in relation to an application made by an individual to me, in my role as Attorney-General, seeking legal assistance.

It is worth putting this particular provision, section 62, in some context. First of all, this provision has sat in the act for some time but it has rarely, if ever, been exercised. Now, clearly, there is a view that it should be retained. I am supportive of that and I am happy to support this amendment. But I think the issue, moving forward, will involve how this discretion on the part of the Attorney-General is exercised. It would be very easy to agree to every request that came forward from someone who put the argument that they were unable to be represented without assistance being provided through this provision in the act.

Of course, there need to be clearer criteria around which decision making can be made, because I now expect that there will be an increase in the number of applications made under this provision. Whilst that is not necessarily a bad thing—in fact, if people are availing themselves of all possible avenues to achieve legal representation, that is a good thing—the issue relates to assessing the merits or otherwise of those applications. Currently, there is no guidance available to me, as Attorney-General, as to how I should determine which applications merit assistance and which do not, particularly given that these applications are made outside the context of the assistance that is provided through the Legal Aid Commission, the Welfare Rights and Legal Centre or other community-based law bodies.

My department is now preparing for me a clear set of criteria that I can use from this point forward in assessing the merit or otherwise of applications for aid under this provision, and I think that is important. I and future attorneys will need to have a clear framework within which to make decisions. It cannot just be done on the basis that I or one of my successors at some point says, “Well, that looks reasonable enough to me.” Indeed, most applications would probably meet that test, but there will need to be a more coherent set of criteria used to assess applications, and that is something which has now been put in place, so that decisions made by me and future attorneys will be able to be assessed and judged against specific criteria. I think that is a much more transparent way to progress the matter.

The government supports the amendment. We recognise that the Assembly as a whole believes that this provision should be retained. We support that; we are very pleased to retain it. The issue is to make sure that, going forward, there is a clear framework for decision making when such applications are made.

MRS BURKE (Molonglo) (10.47): Mr Speaker, Mr Stefaniak has unfortunately been detained on a personal matter this morning. I move:

That debate be adjourned.

Mr Corbell: No, the bill is just about finished.

MRS BURKE: He has an amendment, Mr Corbell.

Mr Corbell: He has only got one amendment.

MRS BURKE: I seek your indulgence. He has a doctor's appointment.

Mr Corbell: No.

Question resolved in the negative.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Human Cloning and Embryo Research Amendment Bill 2007

Debate resumed from 6 December 2007, on motion by **Ms Gallagher:**

That this bill be agreed to in principle.

MRS BURKE (Molonglo) (10.49): The bill we are debating today, which comes out of the legislation that flowed from the commonwealth government's Lockhart review of human cloning and embryo research and the amendment bill passed late last year, is a good example of how science almost inevitably outstrips the legislation meant to deal with it. Science is entitled to seek its holy grail, and I feel that embryo cloning falls into this category, along with the pursuit of a blue rose or a black tulip.

Academic curiosity has led to many wonderful scientific developments. However, science must not be immune from adhering to ethical guidelines. The pages of history are littered with the expression of marvellous notions of purity and idealism that have resulted in the licensing of murder. It should be remembered that the scientists who preached eugenics at the start of the 20th century, and who were successful in persuading legislatures of the benefit of their ideas being put into practice, brought about compulsory sterilisation in around 20 states of the United States for certain classes of people, and in Germany the euthanising of the mentally ill and the gassing of 6.5 million Jewish people in the name of preserving the purity of the Aryan race. The road to hell, is, as someone once said, paved with good intentions. And so it is with this bill, which legitimises science without ethics.

Cloning involves creating a human embryo where all the genetic material has come from one person, not from two, as in normal reproduction. Somatic cell nuclear transfer is the method used to create a cloned human embryo. The bill we are debating today is a copycat bill to give effect in the ACT to the amendments made by the commonwealth Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Act 2006, passed late last year.

In 2002, the federal parliament passed the Research Involving Human Embryos Act, which allowed research on surplus human embryos created as part of the IVF process but not selected for implantation. Parliament also unanimously passed the Prohibition of Human Cloning Act, which forbade the creation of cloned human embryos. The 2002 act included a provision for review in three years time, and this review began in 2005. As people will know, it was chaired by Professor John Lockhart. It needs to be pointed out that the small committee had a narrow perspective dominated by scientists.

There was not even a representative of the general community, much less any religious minister, so it has to be said that the focus of the committee from the start was blinkered by the search for one of science's holy grails.

The Lockhart report was presented in 2005. Federal cabinet indicated that it was not inclined to act on Lockhart's findings. However, a private member's bill, the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Bill 2006, was brought by a former health minister, Senator Kay Patterson. Senator Patterson's bill was debated in the Senate on 6 and 7 November and had a very narrow passage through the Senate, with 34 in favour and 32 opposed at the third reading stage.

Certain amendments were passed during the committee stage. Penalties for breaching the bill's provisions were increased from 10 to 15 years. Democrat Senator Andrew Bartlett moved an amendment to prohibit the use of animal eggs, meaning that animal-human hybrid clones cannot be created. Unfortunately, there was no amendment to restrict the use of precursor cells from aborted female foetuses, meaning that such aborted foetuses can still be used as a supply of eggs.

The bill then moved to the House of Representatives, where it was debated from 30 November to 6 December 2006. An amendment was put forward by Michael Ferguson MP, Liberal member for Bass, to ban the use of aborted female foetuses as a source of extra cloning. If the amendment had passed, the amendment bill would have returned to the Senate, where it might not pass, given its close call last time. On the other hand, the Senate had not taken the opportunity to remove the use of aborted female foetuses when it had the chance. Nonetheless, those MPs in favour of cloning did not want to risk another vote in the Senate and voted against the amendment. Sadly, as predicted, the bill passed the House of Representatives by a comfortable margin of 82 to 62. It thus became legal for Australian scientists to clone human embryos for the purpose of destructive research.

Many states have introduced copycat cloning bills. Victoria, Queensland, Tasmania and New South Wales have already legalised cloning. But this is where science immediately outstrips the law. On 19 December 2005, the Lockhart committee presented its report. Just four days later, on 23 December, a Seoul university internal review panel found that Hwang Woo-Suk, the acclaimed researcher on whose findings a great deal of the Lockhart report was based, had intentionally faked his 2004-05 research, in which he had claimed to have created patient-matched embryonic stem cells through cloning. He was subsequently indicted and prosecuted in May 2006.

News that Hwang had faked his research is significant because his two papers in *Science* were the only peer-reviewed cases of obtaining patient-matched embryonic stem cells by cloning. Hwang's work has been proved false and there is no other case of peer-reviewed patient-specific embryonic stem cells anywhere in the world at this point. Other claims have been made but not peer reviewed. Therefore, the claim that therapeutic cloning can create patient-specific cells to treat disease has not been proven. Stem cells are naturally occurring cells which have the capacity to develop into many different types of cells and tissues in the human body. The hope is that stem cells will provide medical cures by synthesising replacement cells with tissues

damaged through accident or disease. Stem cells can be obtained from an embryo, natural or cloned, which usually involves killing the embryo, or they can be obtained from adults, children, umbilical cords, placentas or cadavers.

Cloned embryos are the subject of the current bills. Scientists hope that they can create stem cells which match the DNA of a particular patient using human embryo cloning. The process requires the creation and destruction of cloned human embryos, which is unethical, and research to date has shown many problems in deriving treatments from cloned embryos. In fact, no treatments have been produced using a cloned human embryo, despite years of research in some countries.

The world's first cloned human embryo was reported in the scientific literature in early 2008. The researchers used somatic cell nuclear transfer, or SCNT, to clone five early-stage embryos, called blastocysts, from donated human eggs and skin cells from two men. The news of the world's first cloned human embryo did not generate the media storm that might have been expected. This is most likely because the California cloners' work was outstripped by a breakthrough in ethical stem cell research which was reported in November 2007. Over 70 treatments have been developed using ethical adult stem cells. The long list includes treatments for brain cancer, ovarian cancer, skin cancer, several types of leukaemia, multiple sclerosis, arthritis, Parkinson's disease, spinal cord injury, anaemia, stroke and regeneration of the corneas—in fact, all the diseases that people say that we need embryonic cloning to cure.

Two papers, one by Yamanaka in the journal *Cell*², and one by Thomson in the journal *Science*³, show that the ordinary skin cell of a human can be transformed into the equivalent of an embryonic stem cell without ever creating or destroying an embryo. These leading international laboratories working in embryonic stem cell research have shown that pluripotent 4 stem cells—iPS cells—can be induced from an adult mouse and human cells. These findings were verified in late 2007. These iPS cells have been shown to have all the properties previously attributed to embryonic stem cells and thus provide a means of preparing individually tailored pluripotent cells without the ethical problems involved in therapeutic cloning.

To this must be added the fact that iPS cells can be readily prepared, whereas human therapeutic cloning is an inefficient process that has only been reported once in the peer-reviewed literature in 2008 and is likely to require unacceptably large numbers of egg donations by women, with all the attendant risks of that procedure. The recently published first success with therapeutic cloning in a primate required 304 monkey eggs to be provided in order to produce two embryonic stem cell lines.

Professor Ian Wilmut of Edinburgh university is famous for cloning Dolly the sheep and is regarded as the father of cloning. He has announced he would now pursue ethical adult stem cell research following the latest breakthroughs in this field. Even Professor Loane Skene, a leading member of the previous government's Lockhart committee which recommended therapeutic cloning, told ABC radio:

It's a very exciting breakthrough and if it works then it wouldn't be necessary to use the embryo process any longer, which would take away a lot of the ethical concerns.

Federal law now allows the use of precursor cells from an aborted foetus. Precursor cells are those cells that have the potential to develop into human eggs or human sperm. An amendment was introduced in the federal parliament and the Tasmanian parliament to prevent the use of aborted baby girls in this way. In his amendment speech arguing for a ban on the use of precursor cells from aborted babies, former MP Michael Ferguson pointed out that eggs could only be derived from aborted female foetuses of at least 16 weeks gestation because younger foetuses have not yet reached the required stage of development. His description of what is involved in harvesting these cells was gruesome because the practice itself is grotesque. He said:

The method of abortion would have to result in the foetal body being delivered intact and as near to alive as possible in order to harvest the ovarian tissue while it was still fresh, and immediately frozen for its subsequent use.

Both amendments failed and it is now legal in many Australian states and under federal law to use aborted baby girls as a source of eggs for cloning.

A further great question mark over embryonic cloning is: where can the numbers of eggs needed be found? The process of extracting them is highly dangerous to the health of a woman and offers her no personal benefit. That is why there is no rush of women to donate eggs for this purpose. This leaves only the use of eggs from animals, with all the problems that are involved with this, or the harvesting of dead foetuses.

I think that Australians would be horrified and repulsed, Mr Speaker, if they realised that this is what is entailed and what is happening now. When you consider that all the great therapeutic developments have been in adult stem cell research, which does not involve the death or destruction of embryos or the use of embryos, it should be a no-brainer. We have been caught up in the quest of some scientists to go where no scientist has gone before. It is a moral failure of the legislature that these repugnant practices, with no proven benefit to mankind, should have passed into law at the commonwealth level and that we are now duplicating it at the state and territory level.

Mr Speaker, you will note that Mrs Dunne will move some amendments. I hope to have a chance to add comments on that later. I will leave it until then.

MRS DUNNE (Ginninderra) (11.02): Like my colleague Mrs Burke, I will be opposing this legislation. A lot of my reasons for opposing it have already been outlined very eloquently by Mrs Burke in her well-thought-out and sensible presentation. I would like to add a little history as to why we are here today debating this issue and underline that with my own personal history.

I want to put on the record at the outset that I am in favour of using stem cell research in a moral and ethical way to help to address the myriad health problems that can possibly be addressed. But we have to be very careful here. What we are talking about is potential cures and potential improvements—the potential to do things. There is a sort of Galileo argument going around that says that we must keep going down this path because we do not know what we will find unless we do. To a certain extent, I agree with that. Most of the stem cell research that is done is very much experimental, and we are going down that path simply to see if there are cures ahead of us.

There are many cases where there may be potential for this—Parkinson’s disease, muscular dystrophy and a lot of the muscular wasting diseases. When I discuss these things, I always bring to mind someone who has had a great influence on my life and who has been a great spokesman in favour of therapeutic cloning and all of this research. That is Paul Brock, a Sydney resident who taught me many years ago and who instilled in me a love of English. I follow Paul’s progress very closely. He is a person who has been afflicted with a muscular degenerative disease. When you are in this situation, I can understand that you do look for solutions everywhere you go. I hope that one day we will find a solution for this, but I believe quite firmly that we cannot use any means available to us. As legislators, we must draw back from that which is unethical.

From my own point of view, I recall when the precursor legislation that we are amending today was first introduced into the commonwealth parliament in 2002. My daughter Olivia and I made a joint submission to the Senate inquiry. As members would know, some of my children suffer from cystic fibrosis, and it is held out that some of this research may provide cures for cystic fibrosis. The point that Olivia and I made in our submission was essentially that it is not ethical that somebody, no matter how small, should die to provide Olivia and Conor with a cure for their disease. By all means, look for cures for their disease, but not at the cost of another human life. That is the position that I have taken consistently on this issue and that is the position that I will take today.

Another thing that we must take into account is that if we pass this amendment bill we are essentially throwing out everything that we debated here in 2004 and that the commonwealth debated in 2002. When the commonwealth passed this legislation, the thing that set all this in train in 2002, almost every person who stood up in the debate said: “We do not want to go down the path of cloning. We do not want to go down the path of creating hybrid embryos. We do not want to go down that path.” Yet in four short years some of the people who put those views have radically changed their positions.

In fact, the principal sponsor of the commonwealth legislation which this copies, Senator Kay Patterson, changed her position quite radically from the position that she espoused in 2004 to sponsor the bill. It would have been much more ethically honest for Senator Patterson and the co-sponsors of the bill, and for the minister coming in here today, to have presented us with a piece of legislation which repealed the original Human Cloning and Embryo Research Act and set in place a new piece of legislation. When you do it in this form as an amendment bill, it belies the radical nature of what is being proposed in this legislation. What is being proposed in this legislation is not a small, incremental change; it is a quantum leap and a radical change, and it should be recognised as that.

The first thing we are doing today is amending the long title of this legislation. The original long title of the legislation that we are amending said “An Act to prohibit human cloning”. The act that we are amending today is a piece of legislation that outlaws human cloning. If the minister wants to introduce legislation that now makes human cloning legal, she should do it in an open and up-front way—come in here and repeal the existing legislation, bring in an act that repeals the existing legislation and

replaces it with something else. That is what is honourable. That would tell the community that this is what we are going to do.

What is happening today is movement by stealth. The lack of knowledge in the community that this matter is being debated in the Legislative Assembly today is quite interesting. Conversations that I have had indicate that as recently as Monday Labor members—some Labor members—did not realise it was being debated today. And members of the community who are concerned about these things were largely unaware that this was being debated this week. The matter came in late last year just before Christmas. I do not think that people in the ACT community have had very much time to concentrate on what the ACT legislation does.

The fact is that we have to actually reverse what the long title says. We are going from prohibiting the creation of a clone in any circumstances to prohibiting it for the case of reproduction. We have gone from a position where, when we were debating this in 2004, the Minister for Health was saying, “We are not interested in cloning” to a situation where the Minister for Health is saying, “Let’s get on with cloning.” This is one of the many reasons why I will be opposing the bill. It is not intellectually honest to come in here today and introduce amendments which in a way reverse the entire premise of the original legislation.

Mrs Burke has gone through an extensive list of things that point out that somatic cell nuclear transfer is old technology. The legislation which we are implementing today is essentially a reproduction of what was passed by the commonwealth in 2006. It has been put to me by eminent scientists, people who work in this field every day, that that legislation was out of date before the ink dried on it. By the time the Lockhart committee had reported, most of what they were advocating was old technology. People who spent a lot of time in the early years using these techniques have come to the conclusion that it is not necessary to do so. Professor Wilmut, the creator of Dolly the sheep, says that, in professional terms, it is not in his interest to go down that path because he realises that the people who are doing other work in relation to adult skin cells and things like that will be outstripping what he can do. It is expensive; it is time consuming; the success rate is appallingly low.

Mrs Burke referred to research which was written about in an article in *Nature* called “Producing primate embryonic stem cells by somatic cell nuclear transfer”. It was published in *Nature* in 2007. It says:

Overall, 304 oocytes collected from 14 rhesus macaque females were used to generate two—

two, Mr Speaker: two out of 304—

ES cell lines, a 0.7% derivation efficiency ...

There is a whole lot of research, a whole lot of work we do in all sorts of places. The Chief Minister often comes in here and talks about evidence-based decisions on things. Look at the evidence base for this. This is not cost-effective research. In addition to not being cost-effective—it is expensive—it has an extraordinarily low success rate. Dolly the sheep was attempt 273. On 272 occasions they had attempted to clone a

sheep before they got to Dolly the sheep. And the people who did that are now saying—not for any particular moral reason—that it is just not good science. As a result of that, I do not see why this Legislative Assembly should be hitching its wagon to commonwealth legislation which is outmoded.

As Mrs Burke foreshadowed, if the bill succeeds and passes the in-principle phase I will be moving amendments in relation to this. I have circulated those amendments. My office circulated those to members this morning. I do apologise: I had intended to circulate them yesterday afternoon but there was a communication breakdown between my office and the parliamentary counsel's office. I hope that the descriptions and the explanations are enough to explain to people what these amendments do. I will be happy to speak about them at length if we get to the detail stage.

I foreshadow here that the amendments that I propose do three things. There are three separate phases of amendments. The first of those phases of amendments is to outlaw in all circumstances the creation of a human embryo that has more than two sets of genetic material—to make it impossible to create an embryo with three or more parents.

The second set of amendments would make it unlawful to in any circumstance create or develop a hybrid embryo. As a highly qualified geneticist said to me only last night, when we are talking about hybrid embryos, we are talking about the most extreme thing that a geneticist can do. It requires taking half the genome from a human embryo and half the genome from another animal embryo—primate, pig, monkey, rabbit—and putting them together. It is highly risky. It is the sort of thing that Aldous Huxley spoke about as some far-off future world. If the minister has her way, it seems that that far-off future that Aldous Huxley predicted will be with us here today.

The third set of amendments—the third tranche of amendments—are about openness. They require that people who seek from the National Health and Medical Research Council licences to undertake what are otherwise prohibited activities are up front about their peculiar interests and any association they may have with pharmaceutical companies or biomedical companies that would stand to profit from this research. None of this research is essentially pure research. It is all research which is associated with people who have large chequebooks. People are writing large cheques for this in the hope that one day they will make some money out of it.

In Australia, a lot of work in this area is done in IVF clinics. As I said to someone this morning, IVF clinics are not run as philanthropic organisations that help people who otherwise cannot have children to have children. They are big businesses that make a lot of money out of vulnerable people, and they stand to make a lot more money out of the by-products of those vulnerable people—that is, their eggs. The financial connections that these people have should be at least known to the National Health and Medical Research Council and should be part of their consideration about whether or not to issue a licence.

Those are the amendments that I propose if we get to that stage, but I hope that we will see our way clear to oppose this legislation. I hope that we never get to the detail stage, because this legislation is (a) unnecessary and (b) wrong.

MR MULCAHY (Molonglo) (11.16): This bill raises some controversial issues which seem to me to be somewhat analogous to those that are raised in questions over abortion. In listening to the perspectives of many commentators on this issue, I have noticed that the central focus of discussion is on the medical and scientific aspects of embryonic stem cell research. It seems to me that such discussion is merely dancing around the real issue, which is an ethical rather than a medical one. This bill and the technology of embryonic stem cell research force us to think carefully about the point at which human life begins and the ethical status of a human embryo. This is the real issue as far as I am concerned, regardless of the state of the medical technology involved.

The ethical status of a human embryo is a complex question of moral philosophy. It does not surprise me that there are a number of strong views on this issue. I imagine that, as this debate unfolds today, we will see quite diverging opinions on the various issues that are addressed in this legislation and the questions that are raised. These run the gamut from those who believe that the human embryo is just a bunch of cells with no greater ethical importance than the contents of a used tissue to those who believe that the embryo should be regarded as a human being to be accorded the same ethical treatment and rights as other human beings.

I hasten to point out that, while this is an issue of moral philosophy, it is not solely a religious issue. While religious beliefs may affect one's views on the ethical questions involved, there are many people of different religions on both sides of these questions, and there are many people who are not in the slightest bit religious who still have a view on the ethical issues involved. I mention this to be clear that talking about the ethical issues involving the treatment of human embryos does not mean that one is trying to simply impose one's religious beliefs on others.

A central question with which we must be concerned is the determination of the ethical status of a human embryo and what is and is not acceptable treatment of such an embryo. In determining this question, we must be aware that we are talking about human embryos that have the potential to grow into human beings. These embryos are as viable as human embryos that are produced for the purposes of assisted reproductive technology. The National Health and Medical Research Council have stated that the embryos resulting from the somatic cell nuclear transfer technique can be used for human cloning. They state:

If a cloned embryo is placed into a woman's uterus, and it implants and develops to birth, a new human being will be created whose nuclear DNA will be identical to the person who donated the original body cell.

This bill allows the creation of human embryos of this kind solely for the purposes of scientific experimentation. Human embryos which are essentially identical to those used to assist couples to have children will now be used solely for scientific experimentation.

This is not merely a matter of using cells that are discarded from other medical procedures. This is a very big change in the principles applied to embryonic research under the existing act. Under the existing act we proceeded on the principle that an

embryo could be used for experimentation only if it already existed and was going to die anyway. This bill proceeds on an entirely different principle: that we will now allow the creation of human embryos solely for the purposes of research. So great is the difference that the bill also amends the title and the objects of the previous act.

My own view is that allowing the creation of a human embryo for the purposes of experimentation is an ethical line that we should not cross. While I think that this bill already goes too far, it also seems to me that we are entering into dangerous territory and that we are on a slippery slope towards a place that many would agree we should not be going to. While the bill provides for a 14-day limit on the life span of the embryo, it is very easy to start to extend such limits after they are in place. There is really no ethical principle involved in extending 14 days to 16 days, extending 16 days to 21 days or extending 21 days to 30 days and so on.

Once you have accepted the principle of creating embryos for experimentation, you are marching towards a logical end point whether you like it or not. Vague ideas about not letting the embryo develop for too long are a very amorphous protection at best. Indeed, once we cross the ethical line from experimentation on existing embryos to the creation of embryos for this very purpose, it will not be very difficult to simply extend a time limit or take other small steps to get closer and closer to full-blown human cloning or experimentation on highly developed embryos. If this dire state of affairs ever comes about, I am sure that at every step of this journey we will hear sincere assurances that this legislation will “never go further than this” or will “guarantee that”. How often has that been heard through the parliamentary system over the years?

Some may object that embryonic stem cell research requires only a certain amount of time to work—that maybe we do not need 16 days, 21 days or 30 days for some particular scientific procedure. However, we are not able to anticipate the kinds of medical experiments that may arise in the future or whether there may be future proposals to allow a longer time period for some new kind of experiment. Once we have crossed the line to allow the creation of embryos for experiments, there is no reason to suppose that we could not extend this line for this kind of experiment or that kind of experiment.

The matter reminds me of when I worked in the food industry. There were various tests and procedures to check the safety of food. In the mid-1980s, we discovered that there was a problem that had particularly adverse impacts on pregnant mothers. It resulted from a development within dairy-based products. It took 18 days before the problem came to light. The science that we were applying to test the safety of food did not contemplate this time frame. The only reason I cite that as an example is that, as we move through, things change. New science comes to light and then a new rationale is suddenly developed to change the ground rules. I have little doubt that that is what would happen once one started going down this road.

I have noticed that when one puts forward an opinion of this kind there are people who will try to paint you as not caring about the suffering of those who might be cured by medical technologies that might be developed from such experimentation. Mrs Dunne most articulately touched on this issue in her remarks. It is a sentiment that I can relate to. No-one denies that medical research is a good thing and that

curing diseases and other medical afflictions is a valuable and worthwhile enterprise. I do not think that any person with a shred of empathy could fail to feel bad at the plight of people who are suffering from serious medical problems. However, the ends of medical research do not justify the indiscriminate use of any means necessary. The ends do not justify the means.

I have said that I believe that controversy on this bill is over an ethical rather than a medical issue. However, I would be remiss if I did not present some other perspectives on the medical reality of embryonic stem cell research that have been presented by advocates who would be keen to support this bill.

I am certainly not suggesting that an area of research should be banned simply because we decide that it is not very useful or that some other technology is better. If the only objections to this bill were over different opinions on the medical prospects of stem cell technology, this would not be a legislative issue. Nevertheless, it is important that we have a balanced perspective on the medical reality of this technology so that we are not proceeding on the basis of medical illusions of grandeur.

I say at the outset that I do not pretend to have a strong enough—or even satisfactory—knowledge of medical science to do anything more than pass on the remarks of experts in the field. This level of knowledge is reserved to trained doctors and researchers who specialise in this area. But there is not to my knowledge any member of this Assembly with sufficient medical knowledge to have any genuine knowledge of the prospects of embryonic stem cell research when viewed in the full extent of medical knowledge. We are by necessity in a position where we must rely on the opinions of experts.

If we look at the body of medical opinion—not just to confirmatory findings, but to the spectrum of varying opinions of experts—we find that the advances in medical science from embryonic stem cells are not as clear cut as some of the proponents of this legislative change would have us believe. There have been some dubious findings on the potential of embryonic stem cell research and even clear attempts within the scientific community to fraudulently overstate the value of embryonic stem cell research.

In 2005 at Seoul National University—Mrs Burke, I think you made reference to this; I was upstairs, but I was listening to the debate—Professor Hwang Woo Suk announced that his research group had successfully created 31 embryos and derived 11 lines of stem cells. However, an investigating team at the university found that Professor Hwang's claims to have cloned human embryonic stem cells were in fact false. A report on the research stated that the research group “did not have any proof to show that cloned embryonic stem cells were ever created”. It further stated:

The 2004 paper was written on fabricated data to show that the stem cells match the DNA of the provider although they didn't.

This finding has called into question much of the research on human embryonic stem cell technology and the potential for this to form a viable technology. Obviously one does not want to ditch an entire area of medical science simply because a group of researchers or practitioners are found to have fraudulently manipulated their data, but

I mention this incident to highlight the fact that the desire to push forward this technology has led us to see some research findings exaggerated and even made up.

There is also a reasonable body of expert medical opinion that believes that embryonic stem cells are no longer required for medical research. This has emerged particularly in the last year. Even if we accept the potential for valuable uses from embryonic stem cells from a medical perspective, this field has now been somewhat overtaken by more recent moves to introduce pluripotent stem cells derived from human skin rather than from human embryos.

Several eminent researchers formerly in the field of therapeutic cloning have now moved to this new field, which holds out far greater possibilities than have been achieved with human embryonic stem cell research. One of these researchers—I think Mrs Burke cited the same example—is Professor Ian Wilmut, who famously cloned Dolly the sheep. Another is Professor James Thomson, the discoverer of embryonic stem cells. Another is Professor Martin Pera, the former director of embryonic stem cell research at the Australian Stem Cell Centre.

Indeed, many commentators are now declaring that therapeutic cloning is dead. In an article in the *Australian* on 17 January this year, Emeritus Professor of Medicine Jack Martin noted that reports from four leading international laboratories working with embryonic stem cells have shown that pluripotent cells can be induced from adult human cells rather than from human embryos. These cells have all of the properties previously attributed to embryonic cells. In light of these discoveries, the bill before us is years behind the current science.

I found the explanatory statement for this bill to be interesting reading, because it shows the kinds of little tricks that governments use to try and make legislation sound a lot less controversial than it really is and to make it sound as though Assembly members are somehow obliged to vote in favour of the bill.

According to the explanatory statement, the object of the bill is to give effect in this territory to a nationally consistent scheme for the regulation of activities involved in the use of various embryos. It is truly amazing how selectively the government use this national consistency and uniformity argument. They are constantly grandstanding about how the ACT should break the legislative mould and introduce all manner of wild and wonderful legislation that could happen only in the ACT. Even this morning I got all these letters from people, and every one of them talks about social engineering and asks why we are so preoccupied with it in this Assembly. As soon as the government find something they can cling on to in another jurisdiction, suddenly national consistency and uniformity become the mantra of the day.

Let us call a spade a spade. The object of this bill is to allow human embryos to be created for experimentation in the ACT. National consistency is not the object; it is at most an ancillary matter.

The explanatory statement also lets us know that the amending legislation is “required” by an intergovernmental agreement which “committed jurisdictions to introducing nationally consistent legislation”. Assembly members have no commitment to introduce any legislation or vote for any legislation that they do not

agree with. It is the parliament, not the executive, which is sovereign in this regard. The various parties to the intergovernmental agreements are well aware of how parliaments in Australia work and they are well aware that the executive cannot commit members of the parliament to vote for the required legislation.

In conclusion, I urge members of this Assembly to give serious consideration to the ethical implications of this bill. No-one denies that medical research is a good thing and that curing diseases and other medical afflictions is a valuable and worthwhile enterprise. But this does not excuse us from considering questions of medical ethics, and considering them very carefully. It would be a grave dereliction of duty of members of this Assembly to simply ignore such questions for the sake of national consistency.

I will be opposing this bill because I believe that there are serious ethical problems with it and that it would put us on a dangerous path which we should not be following.

Ahead of the planned introduction of amendments that have been sent to members by Mrs Dunne, I say that I will be very pleased to support the amendments. They make a lot of sense to me. Mrs Dunne gave me the courtesy of giving me a short briefing this morning when I received the documentation. She has been a leader in her defence and advocacy of life issues; I share her unqualified commitment to the importance of life. For that reason also, I will be voting against this bill but supporting her amendments should the bill get through the in-principle stage.

MR STEFANIAK (Ginninderra) (11.32): In the event that no-one from the Labor side wants to have a go, I will speak. I think that is a bit disappointing. Mr Speaker, I, too, will be opposing this bill. I have had a look at Mrs Dunne's amendments, and I think they are eminently sensible in the circumstances, given that the government would seem to have the numbers to get the bill up at the in-principle stage at least.

I think Mrs Burke and Mrs Dunne have most eloquently expressed the views of most of us in terms of this particular matter. It concerns me that science in this case has actually outstripped the legislation, and I will come to that. Both Mrs Dunne and Mrs Burke, and even Mr Mulcahy, made reference to the fact that there have been some significant advances which actually debunk the supposed need for the government's bill.

I will come first to one of the government's main rationales for the bill, which is, "This is a national scheme. We are just coming into line with the national scheme." The government uses that argument very, very selectively. It will go it alone with its own hare-brained ideas, or perhaps sometimes some ideas that are not quite so hare-brained, when it suits them and say, "Well, look, the ACT is different. Why do we actually have to follow blindly what other states and territories of the commonwealth do?" But when it wants to do something and push a certain argument, it will go 180 degrees the opposite way and say, "Well, this is a national scheme and we need to follow it."

Mr Speaker, there are national schemes and there are national schemes, and I think it is very important when there is a clear national scheme that benefits the people of Australia, including the people of the ACT, that you support it. It is common sense to

consider following what other states do when it is clearly of benefit to them and also a benefit to the people of the ACT, such as sensible legislation in New South Wales over things like sentencing—and, I must say, that the three people with a shotgun who got a suspended sentence the other day might not have received such lenient treatment if we had a scheme like New South Wales. This government, of course, will debunk something like that because it goes against its own ideological or other predilections. It makes very selective use of the argument of national schemes.

National schemes are good if there is logic in following them, and, invariably, a lot of the time, the schemes we follow are good. However, there are big problems with this one, which previous speakers have pointed out quite clearly, and I do not need to go into any great detail in relation to this. I will say this in terms of national schemes: they are often different, and I can think of two examples, one of which is this bill. Another which comes to mind, with which members might be a little bit more au fait, is the Criminal Code. That has been on the cards for about 15 years. A lot of its chapters have been introduced and passed by a number of states, and the ACT is at the forefront there along with the commonwealth. But other states are not passing certain chapters; they are doing it very differently. Some of the chapters they pass are not uniform with the national scheme as initially drafted, and there are variations all the way through at state level. You get that even in national schemes.

In this particular bill there is a difference from the commonwealth legislation in the area that we are dealing with now—that is, the commonwealth definition of what is an embryo. It is a very different definition from that which applies in Queanbeyan, for example. If a woman in certain circumstances carries an embryo over the border from Queanbeyan to the ACT there is a difference even within this scheme. So, following blindly any national scheme, especially something as problematic as this, is of very grave concern. There are very few national schemes where the wording is exactly the same, and this is one where there are huge problems. Science has actually outstripped legislation.

I understand—this is a worry too—that the world's first cloned human embryo was reported in the scientific literature in early 2008, and I understand the researchers involved used somatic cell nuclear transfer to clone five early-stage embryos, called blastocysts, from donated human eggs and skin cells from two men. The news of the world's first cloned human embryo did not generate the media hype that might have been expected, and that is most likely because work of the cloners from California was outstripped by a breakthrough in ethical stem cell research which was reported in November 2007, making this type of legislation totally unnecessary.

Over 70 treatments have been developed using ethical adult stem cells. That list includes treatments for brain cancer, ovarian cancer, skin cancer, several types of leukaemia, multiple sclerosis, arthritis, Parkinson's disease, spinal cord injury, anaemia, stroke and regeneration of the corneas—in fact, all the diseases that people say we need embryonic cloning to cure. For the many years that this debate has continued groups have come to see me and said, “You can get all the stem cells you need for adult human beings, and this will do the same job and indeed is far more ethical than using an embryo.”

The breakthrough, in November 2007, simply bears that out. It was a quantum leap. It was something which probably had not been completely scientifically proven until recently, although it made eminent sense to lay people like me. It is quite clear that science has taken it further and in an ethical way. All the moral issues around using human embryos and all of the problems with other types of experimentation go out the window in terms of any justifiable need. It can be done in an ethical way. When you look at it logically, using adult stem cells I think would probably be far more effective in medical terms than in terms of a little embryo.

We have all heard of Dolly the sheep—that supposedly great breakthrough. Dolly the sheep did not live as long as long as normal sheep usually do. Dolly developed all sorts of problems. Dolly was not an effective experiment, and poor Dolly died a very early death. Those of us who have been around for decades have probably watched those mad scientist type movies about people cloning, and clones are always portrayed as the baddies. It is something that rightly scares a lot of people.

I recently watched *The Boys from Brazil*. The story revolves around mad scientists and mass murderer Dr Josef Mengele, the camp doctor at Auschwitz. In that movie he creates about 95 little Adolf Hitlers, all with blue eyes, by impregnating some of Hitler's DNA which he took from him at Berchtesgaden, according to the story. Rather than creating little kids who had the same upbringing as Hitler, he just got Hitler's DNA in there and he was wanting to create about 95 Hitlers. In the crazy scheme he was trying to bump off all the old fathers because Schicklgruber, Hitler's father, died at about 65, so all these guys had to die at 65. It is an entertaining movie. It is quite a gory movie, because Mengele ends up being eaten by rottweilers—which was probably an appropriate death for him. I think he probably died of old age in reality. At the end of the day, it is quite scary when you think of the prospect of DNA being used for a purpose like that. That is a powerful argument about interfering with the natural order of things and trying to effectively clone human beings, and I make that point.

I mentioned earlier Dolly the sheep. Professor Ian Wilmut of Edinburgh university is famous for cloning Dolly the sheep, and he is regarded as the father of cloning. But he has announced that he would now pursue ethical adult stem cell research following the latest breakthroughs in this field—the breakthroughs I referred to having been made late last year. Even Professor Loane Skene, a leading member of the previous government's Lockhart committee which recommended therapeutic cloning, told the ABC:

It's a very exciting breakthrough and if it works then it wouldn't be necessary to use the embryo process any longer, which would take away a lot of the ethical concerns.

Surely that is what we should have regard to here today. Science has moved on. We now have a way of taking human cells from adults in an ethical way and using them for medical purposes in a proper way. It works; it is not pie in the sky. We do not have to go into these murky dark areas where ethics really do become very much involved and we are dealing with such things as embryos, perhaps mixing humans with animals, the stuff of those scary movies that I was referring to earlier and things like *The Boys*

from Brazil. It is not quite mad scientist stuff, but there are certainly some very big issues where science loses track of ethics; where science loses track of human morality; and where science for the sake of science goes off on a tangent but is not doing the right thing.

In this case it is not even doing the practical thing, because the practical way of addressing these illnesses now has been shown to be the use of stem cells from humans. That is the way to go, and that negates the need for legislation such as this. It is a nonsense, as I have said earlier, for the government to say, "It's a national scheme; we therefore have to support it," given that the government never supports national schemes it does not like. It is always happy to go off on its own, whether it is right or wrong, whether the national scheme is good or bad. If it does not like it, it will not support it. But in this instance, of course, it is supporting it.

A number of other members have taken us through the history of the debate in federal parliament and the developments since, which have meant that this legislation is unnecessary and ethically and morally wrong. This legislation actually is even now medically inaccurate because of the wonderful advances made which enable ethical stem cells to be taken to cure people suffering a wide range of diseases.

MR PRATT (Brindabella) (11.44): If human cloning and embryo research are going to bring scientific benefits and save lives, then I must support the initiatives to do that. However, I believe there must be strict guidelines on how the research is managed so as not to allow reckless and inappropriate experimentation that would do more harm than good. I am not convinced that the ethics around this have been addressed in this legislation. Therefore I cannot be comfortable with it and cannot, in all conscience, support this legislation that is being debated today.

We certainly do need to do all in our power to find cures for debilitating disease, but certainly not at the expense of other human life or at the expense of what is morally acceptable. While there are exciting prospects in embryonic research work and cloning for therapeutic purposes to save life and to hopefully reverse debilitating and life-threatening conditions, legislating the support of cloning for therapeutic purposes in embryonic research should not debase the sanctity of our humanity. That is the point that I make—it goes to the heart of the ethics that form the solid foundation of humanity that we all come from and that we all want to see continued in terms of where our humanity goes to.

Should we devalue our value systems in the interests of commercially scientific agendas, then we open the dangerous door of anything goes in the devaluing of our humanity. The debate about exactly when life begins continues to rage, and I will never countenance a cheap approach to pushing aside the sanctity of early embryonic life in the interest of harvesting human eggs for whatever purpose. I will not countenance that for any purpose. Therefore, while I do support cloning for therapeutic purposes in the interest of saving lives, I will not countenance the termination of early life, and I will demand that any legislation protects the sanctity of early life.

Further, I do not support the use of stem cells from fetuses at any stage of their development. I will say that again—I do not support the use of stem cells from

foetuses at any stage of their development. I think any scientific approach that dillydallies around and experiments with that particular function is unethical; I think it is dishonest; I think it is an attack on our humanity, as I was outlining earlier. In any case, science has advanced rapidly and there are many more areas of the human body where stem cells can be harvested to address the myriad medical conditions that beset our community. In fact, more than one speaker here today has said—and I echo this point emphatically—that science is rapidly moving past this piece of legislation.

I am disappointed, as are a number of other members in this chamber, that the Stanhope government appears to have just simply rolled over in terms of what the commonwealth legislation has produced. I am disappointed that there seems to be a *carte blanche* acceptance of the commonwealth model by the Stanhope government. I suppose that is easier, and I suppose they are playing to certain agendas. It should take a good hard look at the commonwealth act and take from that act some provisions that would be far more applicable and which would cover all that needs to be covered. The government simply has not done that.

By the way, the resounding lack of voice and presence on the part of the government benches shows that they do not seem to be particularly confident about or keen on this legislation. They are certainly not putting their weight behind it. They are not speaking to it. They are pushing here Stanhope legislation, which is probably a poor imitation of a flawed commonwealth model, and they are not debating the issues.

In all conscience I cannot support the government's legislation. I understand Mrs Dunne is going to be tabling some amendments later. I will have a look at those when they are tabled, and I will probably have a lot more to say after I hear Mrs Dunne move them and speak to them. I will have a bit of a think about those, but a cursory glance at Mrs Dunne's amendments would indicate that there are some sensible ideas there. Whether those amendments are going to be powerful enough to rectify what is government legislation with a few gaps in it, I do not know. Let us see what happens when Mrs Dunne gets to her feet. I therefore do not support the government's legislation as it currently stands.

MR SMYTH (Brindabella) (11.50): Mr Speaker, if this legislation ever got to a court, the judges and the community would go to the speech made by the minister to look at the case made by the minister to have such legislation in place. Given the enormity of the subject that we talk about, the speech made by the minister when this bill was presented to the Assembly is scant. It is basically "an agreement was reached at a national level, and we are just following that". When you go through the minister's two-and-a-bit-page speech on an issue as enormous as this, you see that the contradictions that are contained in the speech are quite interesting. The last paragraph bar one in the speech says:

This bill does, however, continue to absolutely prohibit the development of embryos beyond 14 days and the implantation of human embryo clones in the body of a woman for the purposes of reproduction.

The question has to be: if it is okay to create these embryos, why not let them go past 14 days? The answer is that because such huge ethical concerns still exist then it should not occur. The minister, in another paragraph said that the Human Cloning and

Embryo Research Act 2004 established an appropriate balance needed. I have to question that. Where is the balance in terms of protection of life? The balance established in the 2004 act has since been shown to be absolutely unnecessary with some of the research that has come to light in recent years.

Indeed, recent research has, in effect, overtaken all of the need for this bill and the national framework, because it is now quite clear that one does not need embryo stem cells in which to replicate or conduct scientific research for the purpose of finding cures to diseases such as cancer and other life-threatening conditions. You have to ask why we are doing this. Some jurisdictions have jumped to it and done it, and I note the required time line of 12 June 2008 that all parties have agreed to be the time line.

We are dealing with the contentious issue of when life begins, and we have the use of throwaway words such as “unnecessary embryos”. The minister in her speech refers to the use of “excess assisted reproductive technology embryos”. I find the word “excess” absolutely disgusting in the context of this bill. These embryos are being used because they are human life, and the last paragraph of the minister’s speech refers to the implantation of “human embryos” and “prohibits the development of embryos beyond 14 days”. The use in her speech of such pejorative words as “excess”—that is, just something to be discarded, something not necessary, extra, a bonus—I think really goes to the heart of the argument about life.

As I have said in this place before when debating issues such as abortion, euthanasia, cloning and embryo research, we still have not answered the fundamental question of when does life begin. Until we answer that question, none of this should go ahead. It is interesting that no-one wants to terminate a life through capital punishment because it is the taking of life. But it is okay to use “excess assisted reproductive technology embryos”. What if somebody determined that we had excess old people or excess men or excess women or excess brown-haired people or excess blue-eyed people? Once you get into this sense of just apportioning the word “excess” to something as a justification for its use for a purpose than other than for which it was intended—and life was intended to be lived, not to be excess—then we have a dreadful moral dilemma.

I think it is quite amusing, Mr Speaker, that on the day that we are having this debate I see you have now put on the notice paper a motion that the Assembly request the Speaker to appoint an ethics and integrity adviser. It would be interesting to see what an ethics adviser would make of the dilemma that we face today.

Much is made of the Lockhart report of the former federal government. Indeed, the minister quotes the Lockhart report in her very, very short speech. The committee known as the Lockhart committee reported to the minister in December 2005 following comprehensive and extended community consultation, making 54 recommendations. The minister says that the amending legislation is also consistent with the ACT government’s response to the Lockhart review report recommendations.

The Lockhart review is now out of date. Progress has continued; scientific endeavour has continued. Indeed, we only have to go to what Professor Loane Skene, a leading member of the previous government’s Lockhart committee which recommended

therapeutic cloning, said on ABC radio. She was commenting on the finding that they could use adult stem cells, for instance, taken from skin, and that they therefore do not have to ever destroy an embryo to get an embryonic stem cell. Professor Skene says:

It's a very exciting breakthrough and if it works then it wouldn't be necessary to use the embryo process any longer, which would take away a lot of the ethical concerns.

Here is a prominent member of the Lockhart review—the review quoted by the minister as the justification for this bill to go ahead today—saying, in effect, that the Lockhart review is now out of date and that the Lockhart review has been superseded by science, science that even when the Lockhart review was going to press was being developed by scientists who were then saying, “We do not need to use embryo stem cells because we can do it from other means.” If, as Professor Skene says, it would take away a lot of the ethical concerns—if there are still ethical concerns from the people who put together the Lockhart committee's report—then surely we in this place should defer this and go back to the commonwealth and say, “Yes, we may well have signed up to the Lockhart review when it first came out, but your review is now out of date and has proved to be wrong.”

The ministers have made much in the last couple of months about how you get more information and then you change your view. I challenge all of the ministers and all of those who intend to vote for this bill today to say, “Okay, at a point in time in 2004, 2005, 2006 or 2007 we may have formed this view on the science based on the knowledge that was available to us on that day. But we now know from a very important figure in the Lockhart process that it is not required.” If you can change your mind on Monday on things that affect the running of the government, the day-to-day things, the bricks and mortar things, as opposed to the issue of protecting human life, then perhaps we all should change our minds.

We talk about the preventative principle in this place a lot—that is, let us not do something of which we do not know the outcome. In that case, let us apply that principle to this bill today. In the reading of the flimsy document that is the supporting document that a court would go to or the community would go to to see what was the intent of the minister here, the first page is basically a rundown on how there was an intergovernmental agreement. But when you go to the substantive part of the speech and the Lockhart review and the changes that occur, there is absolutely no justification for this to go ahead.

Everything we do in this place is surely to make the life of Canberrans better for them, for the lives that they lead here in the ACT. Surely if, as Professor Skene says, there are huge ethical concerns about using embryos and we have this contradiction that exists in the minister's tabling statement, then perhaps the minister might like to withdraw the bill or move that debate on the bill be adjourned.

Ms Gallagher: Sorry, no.

MR SMYTH: The minister says sorry, which means she refuses to listen to the logic of this. The sad thing is, minister, that the world has moved on. What you are putting forward is a bill in 2008 based on information from 2006 which is now inaccurate.

Ms Gallagher: Have you read the bill, Brendan?

MR SMYTH: Yes, I have read the bill. If you proceed today on the basis of knowledge that is now proven to be wrong, that makes a mockery of when you pick and choose to make a backflip. I suspect much will be made of backflips between now and the election. The potential for lives to be lost, for lives to be taken in the notion of excess embryos—to simply describe them as “excess” is appalling—for lives not to go ahead when there are huge ethical concerns that have still not been addressed dictate that I will vote against this bill. I will be consistent in that I have voted against abortion; I have voted against euthanasia; I have voted against capital punishment and I have voted against this. In all those things I will be consistent.

Ethical concern hangs over this legislation. When we now know that there is another solution to this problem that will bring us, we hope, the miracle cures that people with debilitating diseases deserve, if we can do it by another way, which is just as easy, without the destruction of life, then we should take that way.

DR FOSKEY (Molonglo) (12.01): I am going to start because I have got a lot to say and my time has already started ticking over; so you can have your conversation under or over me. When the original bill was first introduced and debated in the ACT Assembly in 2004, the main questions on the issue at the time were whether and how to allow research on human embryos. For the large part, I think that the “whether” question has been agreed to nationally and internationally, excluding those people who take a religious position on this. The majority of people agree that the research benefits using the opportunities of stem cells outweigh the problems of the origins of the stem cells.

The “how” has been an incredibly complex issue and the answers make a huge difference to the supporter numbers of “whether”. It was a major focus of the Lockhart review which grappled with questions like, “What makes a human? At which point of development does it become unethical?”

This bill will allow somatic cell nuclear transfer in research on embryos produced by this process to take place within a strict licensing regime. Most importantly was the agreement by all on the Lockhart committee that embryos could not be allowed to develop beyond 14 days.

The bill also prohibits certain practices such as reproductive cloning, surrogacy, the creation of hybrid or chimera entities and the creation of fertilised embryos solely for the purposes of medical research. The human cloning and other prohibited practices legislation 2003 authorised the use of excess embryos resulting from in vitro fertilisation processes for research. This bill extends that authorisation to somatic cell nuclear transfer embryos.

But it is what the bill is not that is most important. The bill maintains the ban on human reproductive cloning for reproduction. This bill also does not allow collecting a viable human embryo from the body of a woman, selling or trading of sperm, eggs and embryos, developing an embryo outside the body of a woman for more than 14 days, creating a human embryo by fertilisation of a human egg by human sperm

other than to achieve pregnancy in a particular woman, implanting into the womb of women embryos created by any means other than by fertilisation of a human egg by human sperm and creating a chimeric embryo that is an organism containing two or more genetically distinct cell or tissue types. This bill provides large penalties for attempting any of these acts.

This bill broadens search powers to ensure that no facility is embarking on any prohibited practice and enables inspectors to enter premises that are not licensed when there is concern that prohibited research is going on. The maximum penalty for undertaking prohibited practices is 15 years imprisonment—the 15 days, 15 years law. If you let the embryo develop for a 15th day you may face 15 years in prison. The main issue is to ensure that is monitored.

I turn now to nationally consistent legislation. This legislation has already passed through the federal parliament as well as Victorian, Queensland and Tasmanian parliaments. It is worth noting that research is already happening in those states. Indeed, the CSIRO, the ANU and the John Curtin School of Medical Research are already able to do this research because they are commonwealth institutions. It is happening in the ACT already. The passage of this legislation today will allow the University of Canberra, the Canberra Hospital and the John James hospital to also do this research. As the University of Canberra and the John Curtin school do joint research, this is of particular interest.

The Greens federally and in New South Wales have already debated this issue, grappled with the complexities and ended up supporting it. Senator Kerry Nettle did write some additional comments to the Lockhart review committee report, and I will go into those in a moment.

Let us look at the issue of ethics. The issues generally were about the position society takes on the embryos that are not implanted, the very basic nature of the process and women's role in that, what we as a society think is a limit to what women can be subjected to in having this invasive process occur in their bodies, how to regulate that and how to be sure that, in removing eggs from their bodies, exploitation of women does not occur. And that is really, really enormously important.

The Greens value life in all its forms. We also value quality of life and we want to alleviate suffering and disease. We hold medical science in high regard because it has proved effective in reducing human suffering.

The bill raises serious ethical issues. Where should we draw the line when manipulating genetic material? What are the ethics of doing so? Some members will oppose the bill on religious grounds. Others who hold strong religious views will not oppose the bill, either because they see their role as being to represent the different views of the community rather than their own personal beliefs or because they do not accept that the spokespeople from the church are always right.

The ethical issues surrounding this bill are complex because the potential benefits of such research are obvious but so, too, are the potential dangers. The then federal Minister for Health and Ageing, Tony Abbott, in a similar debate in the federal parliament, observed that the unborn cannot lobby politicians—a self-evident truth—and that embryonic collections of cells are human. That is the debatable view.

But he conceded that if this science offered treatment or a cure for himself or a loved one of his if they had a serious disease, he could not guarantee that self-preservation or the desire to protect loved ones would not get the better of his principles. Mrs Dunne has stated a different view today here, but I think we are getting some idea of the complexity of the debate.

There are those whose religious beliefs are opposed to life-saving procedures such as blood transfusions, whereas the religious beliefs of some others support damaging procedures such as mutilation. So we cannot take a religious view per se as being justification for a particular practice.

The Greens appreciate and respect that the question of research involving human embryos is a highly emotionally charged and a challenging issue. That is a welcome part of our democratic process. This bill grapples with ethical dilemmas that surround the beginning and end of human life, an issue that provokes a diversity and polarity of views. It is of the utmost importance that we respect the difference in legitimate views that have been expressed in this debate.

As this debate is played out in the community and reflects debates in the community and in the parliament, it is clear in my mind that we all, each of us here, believe human life is inherently valuable and deserving of protection. Each of us is unique and endowed with human rights. Where the waters part, so to speak, is on the inevitable question of when that life begins, when a tiny collection of cells becomes a human being—a human being entitled to human rights and protection.

The Greens respect the fact that different people draw that line in different places for a variety of moral, ethical and spiritual reasons, and scientific reasons too. This multitude of views makes up the democratic fabric.

I believe that basic biology dictates that the embryos in this bill do not constitute life. They are not a human being. The embryos that we are considering in this bill are not fertilised, just as the hens' eggs we eat are not chickens, just as the eggs in my womb that never turned into zygotes and children I do not believe are alive. They represent the potential for human life and, if fertilised and implanted into a woman's womb, may develop into a human being.

But as it stands for the purposes of research under this bill embryonic stem cells do not constitute a human being. The embryos in this bill are not made by egg-sperm fertilisation, rather by a process called somatic cell nuclear transfer. Somatic cell nuclear transfer is a research method, not a process that facilitates reproduction.

This bill very clearly delineates what is permissible and what is not. Reproducing cell lines is permitted. Reproductive cloning is not permitted. It is unfortunate that some people do not necessarily understand that difference.

Embryonic stem cells can be used to grow cells of a specific type to create disease models and to create stem cell lines that can be used to combat the effects of a specific disease, for example, diabetes, Huntington's disease or Parkinson's disease. The use of the embryonic cells potentially will allow doctors to repair a patient's damaged tissues

by enabling the patient's own cell nucleus to grow new tissue that will match the patient's body, thereby eliminating the risk of immune system rejection which the recipients of organ transplants currently can experience. It will allow medical science to better understand how disease occurs and, importantly, how cancer cells behave.

However, there is a lot of research to do. Embryonic stem cells have a tendency to produce tumours and malignant carcinomas, to cause transplant rejection and to form the wrong kinds of cells.

The Greens believe that the potential of this bill is to enable research to relieve suffering, treat disease and improve human dignity, and this is so great that it is unethical to deny the benefits to the many people who could benefit from the research, assuming that there is a framework of safeguards and scrutiny and assuming that cells are not allowed to propagate beyond 14 days or be implanted in a woman's uterus.

The Greens believe that this bill provides sufficient safeguards for constructive and ethical research. More than that, I believe we have a responsibility to those who are suffering from debilitating diseases such as Parkinson's disease, of which my own father died, cardiovascular conditions, cancer, spinal cord injury and motor neurone disease to explore this research. These diseases carry a burden that is physical, emotional and financial for sufferers and their families and the wider society.

A point that I am struggling to understand is how this bill stands apart from laws that already allow for the destruction of human embryos. The destruction of embryos is the inevitable consequence of assisted reproductive technology in which many embryos are created to increase the chances of pregnancy.

But at this point it is worth looking at what the bill is and what it is not. In public debate on this issue, I am concerned that the facts are often lost and at times the language becomes twisted.

This bill will enable scientists to undertake somatic cell nuclear transfer and parthenogenesis for research purposes. Stem cell research is important for studying normal and abnormal development of cells for disease modelling and for drug screening. It is important for developing cell therapies for treatment of infertility and debilitating diseases.

No human trials have taken place, although there have been animal trials. I note that one potential by-product of the process in the long term could be the reduction of experimentation on animals. Embryonic stem cells have the advantage that they are more pluripotent than adult stem cells. They can generate a range of cells, including blood, muscle, nerve and so forth. Adult stem cells are restricted to making cells similar to themselves. For example, bone marrow stem cells can make more bone marrow cells very efficiently, but those cells cannot be used for other purposes such as brain or heart cells. Further, there is no proven therapeutic benefit from trying to use them in that way. But they are useful when treating lymphoma or leukaemia when the need is to regenerate a patient's bone marrow tissue.

So embryonic stem cells currently hold more promise because they are totipotent or pluripotent and can give rise to many different types of cells, and this gives them the

potential to assist treatment of many different diseases. That is why stem cell research is different and not a replacement. Objectors to this bill claim that adult stem cells are as useful as embryonic stem cells. As I said, that is not the case.

One of the Greens' major concerns is the potential for the commercialisation of human eggs. The questions we need to think about are: who owns what is found? Who owns the research? What will be the access to benefits of this research? Everything is going to private medical research, and access to the results of that research is not provided equitably. It is a user-pays system in many ways.

So there are issues about ownership. For example, this research opportunity has come out of IVF, which is a state-funded process, but then you have the private sector which could do very well out of it. So there are important questions about ownership of the technology and access for people regardless of their capacity to pay.

The Greens believe that, in weighing up this matter, the public interest is better served by passing the bill than by opposing it and thereby stifling the potential discoveries that might flow from it. The bill does not allow open slather, using unethical practices. It provides for the use of modern science and technology. As former science writer Elizabeth Finkel said in 2005:

Allowing ideology to drive science is a recipe for second-rate science.

The Greens are satisfied that there are sufficient safeguards built into the legislation to stop it being used maliciously or going beyond the bounds that the community would find acceptable. Further, we commit ourselves to being watchdogs over the future operation of this legislation.

MR SESELJA (Molonglo—Leader of the Opposition) (12.16): I thank members for the opportunity to speak on this very important piece of legislation. I am a supporter of stem cell research. I believe it has a great potential to provide cures for some of our most debilitating diseases, and I understand the desire of scientists and people with debilitating diseases or their loved ones to find cures for these diseases and to use research to progress the case for finding these cures.

The question that we are debating today is: where are the ethical boundaries drawn? Where do we draw the line in terms of what research is acceptable and what research is not acceptable? I would have liked to have heard, in a free vote, from more government MLAs to hear what their views are, either for or against, to help inform the debate. I am grateful to Dr Foskey for putting her views on the record.

I do think, though, that Dr Foskey has taken a fairly simplistic view of those who are in favour or opposed, really trying to alienate all those who happen to oppose this legislation as doing so on religious grounds. I think there are good scientific grounds to oppose the legislation, and I will be voting against the legislation as a result.

Cloning involves creating a human embryo where all the genetic materials come from one person, not from two. Scientists take a human egg from a woman by stimulating her ovaries to produce extra eggs. Somatic cell nuclear transfer, which has been mentioned by Dr Foskey, is the method used to create a cloned human embryo. Stem

cells are naturally occurring cells which have the capacity to develop into many different types of cells or tissues in the human body.

I will come to Dr Foskey's comments in a moment, but it is true that over 70 treatments have been developed using adult stem cells. The long list includes treatments for brain cancer, ovarian cancer, skin cancer, several types of leukaemia, multiple sclerosis, arthritis, Parkinson's disease, spinal cord injury, anaemia, stroke and regeneration of the corneas. It is a fairly long list indeed of where adult stem cell research has been used to actually find cures.

Dr Foskey talked about the pluripotent ability of adult stem cells versus embryonic stem cells. There are two papers, one by Yamanaka in the journal *Cell*² and one by Thomson in the journal *Science*³, which show that the ordinary skin cell of a human can be transformed into the equivalent of an embryonic stem cell without ever creating or destroying an embryo.

I know that a number of speakers have highlighted these comments, but it is worth, particularly in response to Dr Foskey, putting them on the record again. Professor Ian Wilmut of Edinburgh university, famous for cloning Dolly the sheep, announced that he would now pursue adult stem cell research as a result of these exciting scientific breakthroughs. Professor Loane Skene, a leading member of the previous government's Lockhart committee which recommended therapeutic cloning, told ABC radio:

It's a very exciting breakthrough and if it works then it wouldn't be necessary to use the embryo process any longer, which would take away a lot of the ethical concerns.

I think this is at the heart of the issue. It is about the science moving forward more quickly than it would seem the legislation, and that would be my reservation about this legislation.

The explanatory memorandum to the bill and the presentation speech by the minister in December last year would have people believe that this legislation is really all about national consistency and uniform regulatory arrangements and would skate over some of the ethical issues that are raised. The minister said that the legislation is required by an intergovernmental agreement that commits all jurisdictions. Unfortunately, I think this kind of bureaucratic explanation is disappointing because it does not really honestly explain what this bill is about or the basis on which this Assembly will decide.

This legislation does involve important decisions about ethics, about the protection of human life, about promises and prospects for cures to disease and about the existence of viable alternative research techniques. The many issues of principle in this bill are so important that we should not accept the minister's assertion that this Assembly is obliged to go along with what other parliaments may have decided. The basis on which MLAs cast their vote should pay greater regard to the ethical questions that are in play. That is why I think, as part of this debate, it would be important to hear from members, given it is a free vote, as to why they will be voting in whatever way their conscience dictates.

A similar set of proposals has been debated in the federal government and voted on in other state parliaments around Australia. Wherever these issues have been put up for legislative debate, both major parties have quite rightly chosen to treat this as a conscience debate where MPs are not bound along party lines. It should not be forgotten that the 2006 Senate vote on the latest amendments came down to a difference of a single vote. So this has been a contentious issue right across the country, where it has been debated.

That said I respect the motives of other MLAs who take a different approach to my own in this debate. I do acknowledge there are distinguished scientists on either side of the debate who can be cited in support of the opposing arguments. Some of us have life experiences and personal values that compel us to treat human life as supremely valuable and we take a precautionary approach to the destruction of human life and the creation of hybrids which fuse human and animal genetic material. Others may have experience of loved ones who have suffered from disease and sickness and therefore feel prepared to contemplate experimental efforts to find a cure, even if there are some ethical trade-offs.

The legislation in this area has been in considerable flux since 2002, just as scientific research in the field of human genetics is in a constant state of evolution. Scientific research in this area is in the relatively early stages of developing and new techniques for reprogramming cells are only in the very early stages of discovery and refinement. This is one reason that makes me particularly concerned that we should proceed with caution in our regulatory regime and not shatter long-held ethical standards unnecessarily.

We should remember that in 2002 there was a unanimous vote in the federal parliament to ban the creation of cloned human embryos. Members and senators from every corner of the political spectrum categorically and emphatically stated that human cloning was unconscionable, dangerous and unethical. Beginning six years ago, federal and state parliaments created a uniform legislative arrangement that only allowed research on surplus human embryos that had been created originally for IVF purposes. We were told that this was the high ethical watermark and that human cloning was a Rubicon that would never be crossed.

Even then, a great number of parliamentarians from across the political spectrum voted against experimentation on IVF embryos. There were two bills, one on human cloning, where all MPs unanimously were opposed to it, and another on IVF embryos, where MPs were split on whether the destruction of human embryos in the name of research was ethically conscionable. We are being asked today in the Assembly to take another step in this debate and cross a very serious threshold. That is where I am sure a number of MLAs, those MLAs who are opposed, have some concerns.

Parts of the bill are not particularly troubling, such as clarifications of the definitions about when an embryo forms and increasing some of the custodial penalties to make penalties consistent. Other fundamental changes in this bill are of such concern that I find it difficult to vote for this bill, and that is why I will not be supporting it, even if amended about the edges.

I take particular objection to clause 22A which would permit the licensed creation of hybrids containing human and animal genetic material. I also object to the proposition that we should authorise the creation of an embryo solely for the purposes of experimentation on the embryo and its ultimate destruction. I also object to human cloning as a method of creating such embryos.

The bill demands that we confront the question of whether in a civilised society the end justifies the means. We must question whether, in a field where the range of scientific techniques is evolving, cruder methods for obtaining stem cells should be allowed.

The important alternative, as I have touched on, is adult stem cell research. This is currently legal and is a more credible source of reprogrammable cells and potential cures. Adult stem cell research can involve the use of bone marrow, fat and other tissue extracts, including the recent advances in relation to skin cells. This does not involve the same ethical questions that we are being faced with today. I cannot accept that we should permit use of a whole human life as a disposable ingredient in scientific research.

I have three further concerns. Supporters of this bill are told that under the Lockhart model, which this bill implements, clones would just be used to create cures. This is not the full story. I would point out that under this bill human clones could be used in a laboratory for purposes that do not relate to finding cures. Clones could be legally used as a disposable ingredient in student training and clinical practice. Many of the licences are likely to be sought by IVF clinics, and the clinical practices they will be seeking to improve will not relate to finding cures but will relate to increasing the efficiency of IVF practice.

In 2002, parliamentarians were given the message by scientists that there would be sufficient surplus embryos from IVF donations so that scientists would never need to come back to parliaments asking MPs to approve cloning in the laboratory. There is already a legal source of human embryos that can be used for deriving embryonic stem cells and these are surplus IVF eggs that provide the ingredient this bill seeks to authorise by the legalising of cloning.

There is very serious scientific evidence showing that embryonic stem cells—and this has been touched on by other speakers—can lead to teratoma cancers when implanted in adult tissue environments. Obviously embryonic stem cells are designed to replicate aggressively and therefore tumour formation is a major outcome in animal experiments where embryonic stem cells have been transplanted into animals. There is strong evidence in the research that adult stem cells are the only type of stem cells suited to treating mature tissues. The asymmetric cell division of adult stem cells is stable and designed to achieve just continuous renewal of tissue, not massive replication of tissue.

Professor James Sherley, an expert from the United States, said in evidence put before the federal parliament:

The only possibility for developing new therapies based on embryonic stem cells would require that they first be converted into adult stem cells. However the conversion process is formidable compared to use of naturally occurring stem cells.

I would say, in conclusion, that I do understand the different motivations that people bring to this debate. I understand the difficult questions that we are grappling with here as a legislature. I do not think it is reasonable to simply write off one side of the argument or the other as being based on a particular way of thinking. I think there are a number of scientific and ethical questions at stake here. I think it is legitimate that we have a difference of opinion, which is why we are having a conscience vote on this issue.

I do think, though, the fundamental reason, the most important reason, for not going ahead with this is that the science has moved on and that we do not have to go down this very contentious ethical road because the way that stem cell therapy has advanced and will continue to advance is providing the same potential and greater potential than would be gained from therapeutic cloning. So for these reasons, I will not be supporting the bill.

MR GENTLEMAN (Brindabella) (12.29): My father suffered from Parkinson's disease for more than 10 years before he passed away. I watched his condition degrade over that time, with, of course, the loss of control, firstly, over some of his bodily functions—the uncontrollable shaking—and then, in time, the loss of the ability to walk. Then, of course, towards the end was the loss of memory. It was the recent memory he lost first, then past memories and then, of course, he forgot his family.

Earlier Mr Mulcahy suggested that no-one denies medical research is a good thing but this decision is an ethical decision. If, by passing this legislation, we have an opportunity to provide a cure for that disease, Parkinson's, and others such as cancer, I believe that we are ethically bound to pass this legislation.

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 12.30 to 2.30 pm.

Questions without notice

Schools—closures

MR SESELJA: My question is to the Chief Minister. Chief Minister, yesterday your deputy said that she began planning to close schools on 30 November 2004. She claimed that you had toured Ginninderra high school around that time and that you had discussions with her soon after 30 November 2004. When did you decide that the government was going to break its pledge at the 2004 election not to close schools?

MR STANHOPE: We broke no such pledge.

MR SESELJA: Mr Speaker, I have a supplementary question. Given that it took you only six weeks to decide to break your promise, why has it taken you so long to come clean with the community?

MR STANHOPE: We broke no promise, Mr Speaker.

Schools—closures

MRS DUNNE: My question is to the Deputy Chief Minister. Yesterday in the Assembly you apologised for an unauthorised comment made by a spokesperson from your office regarding school closures in 2004. During 2005 the same spokesman made a number of comments about the government having no plans to close more schools other than those in west Belconnen. I quote from the *Canberra Times* of 26 July 2005:

A spokesman for Education Minister Katy Gallagher said the Government had no plans to close more schools in Canberra.

Minister, were these other comments unauthorised as well, or did you deliberately instruct your spokesman to make these comments in order to hide your real plans to close more schools?

MS GALLAGHER: I made my position clear yesterday in the debate on the Towards 2020 proposal.

MR SPEAKER: Supplementary question, Mrs Dunne?

MRS DUNNE: Minister, how long has it been your practice to allow unauthorised comments to go uncorrected in the media, especially the comments made on 26 July 2005, which you did not address in your comments yesterday?

MS GALLAGHER: It is not my practice.

Environment—waste management

DR FOSKEY: My question is to the Minister for Territory and Municipal Services and concerns the level of waste being diverted from landfill. The minister recently stated in the media that with a few new measures it should be possible to increase our recovery levels to 85 per cent. What measures has the minister taken to ensure that this happens?

MR HARGREAVES: We have a range of initiatives in place. As Dr Foskey would know, we have a range of things which highlight people who are doing a particularly good job in this regard. I refer, for example, to REECO Australia in Fyshwick. We have been going around to other businesses and talking to people about their recycling opportunities and trying to get those businesses to emulate the sorts of things that REECO are doing.

We spend extensive amounts of money on advertising campaigns. We have education programs in the schools. I wish to acknowledge the presence of one of the best education ministers since self-government. I note that it was in fact schools which changed a lot of our attitudes to recycling back in 1995, with their waste watch with respect to paper recycling. Our No Waste awards highlight the achievements of businesses and their activities, be they government, construction, demolition, the retail sector or the education sector. We put those in the media for the express reason that we wish to show the rest of the community how well it can be done.

The three components that have our attention include domestic waste. I believe that, on domestic waste, the ACT is doing the best in the country. I am happy to stand corrected, but I believe this to be the case. Something in the order of 92, 93 or 94 per cent of stuff is now recycled and which used to go to landfill.

The construction and demolition sector are going well. They are achieving some very high results. One of the difficulties in that regard relates to the site on Fairbairn Avenue—the Pialligo Avenue area over near the airport—where the commonwealth owns the land. We do not have any jurisdiction over that, and they are providing pricing regimes which are actually discouraging rather than encouraging recycling.

The commercial sector presents a difficulty. People in the commercial sector have embraced paper recycling but they have not embraced some of the other recycling initiatives in the way that they should. Just the other day I had conversations with officers from the National Packaging Covenant about working with that particular group of people. They are talking about recycling activities involving packaging in the commercial sector. They want to see less packaging in terms of plastics. We talked about computer disposal.

We also have the best regime in the country in terms of the free collection of green waste. Our figures are comparable with those anywhere in Australia, in my view. We already have a mindset around the recycling of green waste, which had its genesis when we had those small tin bins. Some of the older members of the Assembly would remember putting out the little tin bins. You could not shove half a tree in those bins, so people got used to doing something else with it. When we opened up the free recycling facility at the Mugga Lane landfill, and also at Belconnen, people got used to taking their stuff out there.

Further, we have a very viable trash pack industry. I would encourage people who want us to put bins outside people's houses to collect green waste to consider the impact it would have on that particular industry. They provide a very good opportunity for pruning exercises and leaf collection. So, in answer to Dr Foskey's question about what things we are doing, the succinct answer is: lots of them.

MR SPEAKER: Is there a supplementary question?

DR FOSKEY: Is the minister considering extending the kerbside collections and reinstating and installing a transfer station to assist residents and businesses in their recycling efforts?

MR HARGREAVES: No, Mr Speaker.

Schools—closures

MR PRATT: My question is to the Deputy Chief Minister. Ms Gallagher, yesterday you apologised for an unauthorised comment made by a spokesperson from your office regarding school closures. However, this so-called unauthorised statement was consistent with two statements that you made in the Legislative Assembly on 24 August 2004 about the government not having plans to close any schools. Why do

you claim that it was the only statement where the government misled the public about school closures in 2004 when the record shows that there were other occasions?

MS GALLAGHER: Obviously the opposition did not understand what I said yesterday. The pretty simple concept was that there were no plans to close schools before the 2004 election. So all those statements were correct. The part of the statement from the spokesperson was “in Ms Gallagher’s lifetime”. I think that was the quote, which was incorrect. The statement about no plans to close schools was correct.

On 30 November, I visited Ginninderra district high. In December, the Chief Minister visited Ginninderra district high. After both of those meetings, the Chief Minister and I had a discussion on what we do about Ginninderra district high, the state of repair of the facilities and the fact that enrolments were declining considerably. For a school that was built for 1,000, what do we do about it? From that point, we started a process of looking at alternative options for West Belconnen.

That is what I said yesterday. They are the comments I made. You do not understand it. It is a pretty simple concept. Honestly, you guys are going to have to get something else to pin your re-election hopes on or your election campaign hopes on. Nobody is listening. They accept my word in relation to this.

Opposition members interjecting—

MS GALLAGHER: Keep going. There is nothing more to say, and I will not be saying anything further.

MR PRATT: Minister, when will you correct the record of the two false statements that you made in this place on 24 August 2004?

MS GALLAGHER: Those statements were correct.

Taxation—relativities

MR MULCAHY: My question is to the Treasurer. Treasurer, in Assembly proceedings on Tuesday, 1 April 2008, in answer to a question by Ms Karin MacDonald you said:

... the ACT’s taxation effort relative to other states and territories actually declined between 2005-06 and 2006-07 by 0.7 per cent; in other words, we reduced our taxation effort between 2005-06 and 2006-07 by 0.7 per cent.

Treasurer, according to the consolidated annual financial reports of the ACT issued by your own Treasury, the level of taxation revenue in 2006-07 was \$986 million, up 17.7 per cent from the previous financial year. Treasurer, why do you insist on trying to downplay your government’s massive increases in taxation by using figures of “relative taxation effort” instead of talking about the actual level of taxation in the ACT and its impact on Canberra households?

MR STANHOPE: Thank you, Mr Speaker. The answer that I gave to the question by Ms MacDonald on Tuesday is correct. It is an answer that was derived from figures published by the Australian Bureau of Statistics, indeed supported by the Commonwealth Grants Commission. The Commonwealth Grants Commission and the Australian Bureau of Statistics, the two leading commentators or collectors of statistics and information in relation to almost every aspect, I would imagine, of governance in Australia, reveal in their latest reports on taxation effort and expenditure effort that the ACT government in terms of revenue effort or taxation efforts is on an index of 105 per cent. It is just above the national average but it is consistent with our neighbour, New South Wales, which I believe, from memory, was on 104.5 per cent.

In terms of taxation effort across the board taking into account state-type and local government-type taxes and charges the ACT government taxes and charges at almost the identical rate as is levied in New South Wales. In the context of the ongoing debates, the argy-bargy and the constant claims and counterclaims around taxation or revenue, the effort here in the ACT is interesting. Those figures reveal, as I indicated to Ms MacDonald, that whilst we do tax just above average, consistent with New South Wales and, I think, four other states—there are four of us within a one or two per cent band in terms of revenue effort—there has been in the reports of the Australian Bureau of Statistics and the Commonwealth Grants Commission a reduction of 0.7 per cent in the revenue effort of the ACT over the period that I disclosed.

It is a fact, and I disclosed it. It is taken straight from the reports that I mentioned or referred to. Why would I not refer to the fact that we tax at essentially the Australian average? We are not a high taxing regime. The fact that our taxation effort has reduced I think is something that any government would wish to acknowledge. I simply stated for the record the facts of the matter. Of course, it is an uncomfortable position for someone such as Mr Mulcahy, previously the Liberal Party's rationalist controller and spokesperson for the big end of town in relation to taxation charges, but now, of course, eking out his own little niche within the community as the only remaining rationalist of particular degree or breadth or depth or perhaps the only person from his particular persuasion or political philosophy that has any grasp of economics—

Mr Barr: It all sits on this side of the chamber, then.

MR STANHOPE: That is right. I am prepared to concede the point which Mr Mulcahy seeks to illustrate through questions such as this that, in fact, the only understanding of economic issues or budgetary matters such as this does reside on this side of the chamber. We have previously conceded that it has been a matter of some passing interest or notice to the Labor Party, indeed, I think, to the wider Canberra community, that is, the irony of the Liberal Party, the opposition in this place, expelling their most competent member and deposing their most popular member to leave us with the mob we face today.

We saw that revealed by Mr Mulcahy yesterday as he revealed, piece by piece, the secrets of his previous party room that the Liberal Party's polling—

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

MR STANHOPE: Thank you, Mr Speaker. I will conclude on this point. The secrets of the Liberal Party party room reveal that as a result of the public perception of this mob over here, they face losing three seats at the next election and we see a rump of four. As Mr Mulcahy says, it is quite possible that the Liberal Party will occupy the cross benches after the next election.

MR MULCAHY: I thank the Treasurer for that illuminating response. Isn't it the case, however, that the taxation levels in the various Labor controlled states and territories have been increasing, and it is only relative to these tax increases by your Labor mates that you can claim that the level of taxation in the ACT is appropriate?

MR STANHOPE: I must say that I do not have those numbers around relative increases or decreases or rates of increase to hand or in my head.

Mrs Burke: I thought you were good at figures, John?

Mrs Dunne: Don't you have a brief?

MR STANHOPE: I could go to the brief and perhaps find it. But what I can advise Mr Mulcahy from my recollection or my recall of the Commonwealth Grants Commission reports in relation to issues around relative taxation effort is that, whilst the ACT's taxation effort over the period that we are discussing has reduced by 0.7 per cent, interestingly, the New South Wales taxation or revenue effort in that same period has increased by the same 0.7 per cent. So, in relation to a contrast between the ACT and New South Wales, I can go to one state's record in relation to taxation effort over the same period, and that is that we have reduced our taxation effort over that period by 0.7 per cent and in the same period the New South Wales taxation or revenue effort has increased by 0.7 per cent.

So it is not true to say that the difference that has been achieved by the ACT is just that we are perhaps all increasing at the same rate. We have reduced our effort as a percentage or by comparison. On the average, we have reduced our take, and New South Wales has increased its take. So your basic assertion can be disputed or disproved just by that ACT to New South Wales comparison.

Schools—closures

MR STEFANIAK: My question is to the minister for education. In December 2006 you announced that Southern Cross primary school would close in its present form at the end of the 2008 school year and become a P-2 early childhood school in 2009. Will you rule out closing Southern Cross primary for renovations and relocating students before the end of this year?

MR BARR: I thank Mr Stefaniak for the question. For the record, under the Education Act, a change in year levels of a school is not a school closure. Mr Stefaniak has again failed to do some very basic research and understand the Education Act. In fact, if you had done that research Mr Stefaniak, you would be

aware that changing year level provisions at an education facility is open to the minister for education at any time.

This government believes in consultation and transparency. It believes in an open process. As part of our six months of consultation—particularly paying heed to the feedback of the Canberra Preschool Society, amongst other key stakeholders in the early childhood education sector—we determined that we needed additional early childhood education provision in the ACT. In complementing the existing O'Connor cooperative school, which offers a P-2 education environment, we determined that we would expand that model to include Southern Cross—amongst three other additional—to make a network of five early childhood schools.

In undertaking that change and to bring in new services—these early childhood schools will provide a one-stop shop for children from birth to eight years of age in terms of a range of family services and early childhood services, as well as a preschool to Year 2 education facility—some renovation work will be required. As I have indicated to the Assembly, I think on about six occasions this week, that work will be undertaken in the main during school holiday periods and outside the school hours.

But just so that the assembled opposition, in all of their glory, in all of their catcalls, are satisfied, I can absolutely guarantee that Southern Cross, along with all of the other schools that will become early childhood schools in 2009, will continue their full education program till the end of this year. The work that is necessary will be undertaken not only during the Christmas holiday period but also during the other school holiday periods as well as out of school hours. However, it is possible that some painting may occur during school time.

Given—as I have indicated in this place before—that the number of students occupying these building is well below the capacity of the buildings, it is entirely possible to undertake the vast majority of this work in areas of the school not used at all by the existing student population. That is most particularly the case at Isabella Plains. It is also the case across all of the campuses.

That is a reflection of the fact that the demographics in those areas have changed since those schools were first built. Most of those schools accommodated six to 700, sometimes even up to 800 students, at their peak. They are now accommodating between about 80 and 170 students. There is massive excess capacity. We can undertake the necessary work and not disrupt educational activities at the school.

To answer Mr Stefaniak's question again: yes, I can very confidently say that all of those schools will continue their full education program; they will not be closing early for renovations; and the renovation work required will be undertaken during school holidays and outside school hours.

Schools—closures

MRS BURKE: My question, through you, Mr Speaker, is to the Minister for Education and Training, this time concerning Narrabundah primary school. In December 2006, you announced that Narrabundah primary school would cease to

operate in its present form at the end of the 2008 school year and become a P-2 childhood school in 2009. Minister, will you rule out closing Narrabundah primary school for renovation and relocating students before the end of this year to allow those renovations to happen?

MR BARR: I answered that question previously—yes.

MR SPEAKER: A supplementary question.

MRS BURKE: Minister, will you now rule out that these students will be not placed in a school hall to carry out their education?

MR BARR: I think Mrs Burke meant by that question whether I will rule out these students being placed in a school hall.

Mrs Burke: Will you rule it out, correct.

MR BARR: Yes, Mr Speaker, I will rule out students being placed in a school hall. But, what I will say is that, as is the case across all schools in the ACT, public and private, assemblies generally occur in school halls, and, during the winter months, often physical education activities and some other school activities are undertaken in school halls. That is standard, and that practice will continue. So school halls will continue to be used, but whole schools will not have their entire education programs conducted in school halls. I can make that commitment.

Mrs Burke: But some other type.

MR BARR: Some classes, for example, PE—

Mrs Burke: Any other lessons?

MR SPEAKER: Order! Mrs Burke.

MR BARR: It is possible, Mr Speaker, that some other classes will be conducted in school halls or where groups are moved together on a decision taken at a school level. I am not going to dictate in the Assembly that no classes can occur in a hall. That is a ridiculous proposition. But what I can absolutely state is that there will not be a term or a semester of activity whereby a student's entire education program will be conducted in a school hall. From time to time, for a variety of reasons, perhaps for the viewing of a film or a television program or for bringing together a number of year levels for school band activities, some activities occur in a school hall. That happens regularly.

To make it crystal clear for the opposition: students will not be spending their entire time in the school hall for entire school programs, but classes, as is normally the case in the education system, can be conducted in school halls. That normal practice will continue.

Smoking—reform

MS MacDONALD: My question, through you, Mr Speaker, is to Ms Gallagher in her capacity as Minister for Health. Minister, I note the comment today by the federal minister for health, Nicola Roxon, regarding the marketing of fruit-flavoured cigarettes to young people. Given the ACT government has already taken steps to ban these products in the ACT and that we are on the eve of Youth Week, what other steps can you take to reduce smoking amongst young people?

MS GALLAGHER: I thank Ms MacDonald for the question. In recent years, it is correct that we have taken a number of significant measures—this Assembly has—to reduce exposure to passive smoking in our community, including amongst our young people. In August 2005, under the previous Minister for Health, fruit-flavoured cigarettes—

Mr Smyth: How many ministers for health have there been?

MS GALLAGHER: There have been three, Brendan, not that many to get your head around—fewer than the number of leaders or changes to the shadow leadership positions in your party. Not that many! Not quite! How many have there been? Four of the remaining six! Mr Mulcahy was in the tent then, weren't you? Not that many!

MR SPEAKER: The Deputy Chief Minister will come to the subject matter of the question, please.

MS GALLAGHER: He did ask. I should not respond to interjections, but there have been three health ministers over a period of seven years.

MR SPEAKER: Ms MacDonald asked the question.

MS GALLAGHER: Thank you, Mr Speaker. Fruit-flavoured cigarettes were banned, by placing an interim condition on the licences for tobacco retailers and wholesalers. It is good today that we have the federal minister for health coming out and endorsing that approach and seeing what she can do across the country to discourage the marketing of cigarettes particularly targeted at young people.

We have also seen the Smoking (Prohibition in Enclosed Public Places) Act which has been in operation for some time and which prohibits smoking in any enclosed public place such as a restaurant, club or nightclub. The purpose of the smoke-free laws is to avoid exposing people to tobacco smoke in public places where the building is not sufficiently open to allow natural ventilation.

Also, under the minister for education, from 1 January this year, all ACT schools and their grounds became smoke free. From 1 April 2008, Canberra Stadium and Manuka oval became smoke free. Smokers are required to move outside the stadium and oval to permitted smoking areas within the grounds. This follows a six-week grace period from 23 February to give spectators time to adjust to those changes.

Those are significant changes. Anyone who has been to Canberra Stadium, particularly attracting large numbers of people for particular events, knows that the

smoking in some of those places inside the stadium, when it was allowed, had a significant impact, particularly on people with young children or people who were not able to remove themselves from the impact of that smoke as it passed through the stadium.

The smoke-free message has been well received, and the measures are clearly working. The Australian secondary school alcohol and drug survey showed that there had been a significant reduction in the numbers of young people smoking, down from 15.3 per cent in 2002 to 8.6 per cent in 2005. We will be commissioning another of those surveys, I think, for next year. That will show us, again, whether some of these measures are continuing to see young people's uptake of smoking declining.

As members are aware, we have a bill before the Assembly on a number of further tobacco control measures which the Assembly will debate in the near future. The government is also considering smoke-free outdoor dining and drinking areas and smoke-free under-age functions.

There are a number of further measures that we can take to ensure that we are seeing the numbers of young people, particularly in the ACT, where we did have high levels of smoking, significantly amongst our female young people, decline. We are doing well. We have got a lot of legislation to debate. We have passed a lot of legislation. As an Assembly, we have done the right thing.

There is more to be done. There are more discussions to be had. I am confident that, in the next secondary student alcohol and drug survey, we will see the numbers of young people who are currently smoking continue to decline.

Schools—closures

MR SMYTH: My question is to the Chief Minister. Chief Minister, yesterday you said that it was “absolutely 100 per cent gold-plated truth” that you had no plans to close schools in the ACT before you went to the election in 2004. Then, barely six weeks after the election, your government embarked on planning your school closure regime. Chief Minister, now that your 100 per cent claim has been shown to be 100 per cent false, can you explain why your promises are worthless?

MR STANHOPE: I have answered that question. There was no such promise. The position that was put by the government prior to the election was the truth.

MR SPEAKER: Supplementary question, Mr Smyth?

MR SMYTH: Yes, thank you, Mr Speaker. Chief Minister, given such other broken promises as building a dragway and then no school closures, aren't your gold-plated truths little more than fool's gold?

MR STANHOPE: No.

Housing—rental

MR GENTLEMAN: My question is to the Attorney-General. Can the minister advise the Assembly of steps the government is taking to improve consumer protection for people living in rental properties?

MR CORBELL: I thank Mr Gentleman for the question. This is a very legitimate concern for many people in our community; it is estimated that up to 90,000 Canberrans live in rental properties at any one time in the ACT. It is a very significant housing option for many people in our community.

Not only here in Canberra but right around the country, we are seeing that there are significant pressures on the housing market, and that has implications for the rental housing market in particular.

Mr Stefaniak: The land tax regime is not marvellous either.

MR CORBELL: I have become concerned about some of the reports that are coming to me about the behaviour of a minority of property owners, landlords and agents when it comes to managing rental tenancy agreements. Of particular concern is the fact that there are continuing reports of tenants being evicted under false pretences simply to increase the rent despite the fact that there is already an existing statutory limitation of no more than one rent increase in every 12-month period.

Opposition members interjecting—

MR CORBELL: It concerns me greatly that those opposite seem to think that there is nothing wrong with this type of behaviour.

Mr Stefaniak: What about the bad tenants?

MR SPEAKER: Order!

MR CORBELL: And it concerns me greatly that those opposite are prepared to excuse the behaviour of people who are abusing the provisions of the Residential Tenancies Act.

Mr Smyth interjecting—

MR SPEAKER: Order, Mr Smyth!

MR CORBELL: I would have thought that those opposite would be greatly concerned if anyone was disadvantaged by an owner of a rental property abusing the provisions of the act and effectively illegally evicting tenants so that rents can be increased beyond the limitation of one increase every 12 months.

These are the sorts of issues that I am concerned about. I am also concerned about issues such as rent auctions and the potential for behind-the-scenes rent bidding. These types of circumstances also place tenants and prospective tenants in an incredibly difficult situation. Again, those opposite seek to diminish and downplay the significance of these issues. Aren't they interested?

Mr Stefaniak: Where's your land bank? Why is there a housing shortage?

Mrs Dunne: We were interested in what you did to drive up the cost of housing.

MR SPEAKER: Mrs Dunne!

MR CORBELL: Aren't they interested in providing appropriate consumer protection for people in the rental market? You are just not interested. You just do not care. You just do not care about people in these circumstances.

Opposition members interjecting—

MR SPEAKER: Order! Mr Corbell, resume your seat, please. Stop the clock for a moment, please. Members of the opposition will come to order. There will be no further interjections.

MR CORBELL: This is an issue that the government treats very seriously. There are a range of issues that need to be addressed in dealing with the housing pressures that our community and every other community around the country are facing. The government has announced significant reforms in the areas of housing affordability—

Mr Stefaniak: Lack of planning. Land tax.

MR SPEAKER: I warn you, Mr Stefaniak.

MR CORBELL: land release and a range of other measures. But that does not mean that consumer protection should be neglected. Indeed, there is every reason to ensure that consumer protection is maintained at a period when the market is placing significant pressures on a range of market participants. These are the sorts of issues that I am committed to pursuing and investigating.

I have previously announced that I am seeking the views of relevant stakeholders on what steps can be taken to improve the operation of the Residential Tenancies Act. I have recently made formal written approaches to a range of interested stakeholders, including organisations that represent tenants, landlords and real estate agents. I am seeking their views on their concerns in regard to the operation of the act.

I am committed to consulting as widely as possible to gather the broadest range of views necessary so that we can guide reforms that are appropriate. But the key issue is to address the issue of abuses of the existing legislation. It is not acceptable, for example, for a person who is renting a property to enter into an agreement with a tenant that they—that is, the property owner or the agent—will meet the costs of water bills but then at the same time later renege on that agreement. *(Time expired.)*

Economy—innovation

MS PORTER: My question is to the Chief Minister. Can the Chief Minister please explain the significance of the ACT innovation report he released on 19 March.

MR STANHOPE: I thank Ms Porter for the question. The report of the ACT innovation system prepared by Howard Partners, which I released on 19 March, is a very significant piece of work that contains key messages for all Canberrans—for the business community, for our public sector research organisations, for the creative sector, and indeed for the public sector, which should not be immune from a conversation about innovation here in the ACT.

Innovation is important. A greater focus on innovation is necessary to enable us to convert the territory's considerable capabilities and endowments to enduring economic outcomes—outcomes that also support our social and societal aspirations. We all know that in recent years the ACT has experienced sustained economic growth and improvements in living standards. The challenge for us now is to ensure that this momentum is sustained well into the future.

Systemic innovation is at the heart of any well-functioning economy. The ACT economy is unique among the Australian jurisdictions. We have no ports or mines, no agriculture of major significance—nor any large-scale manufacturing activities. These sectors, which are international in their scope, are often the vehicles of innovation in our Australian jurisdictions.

However, the territory does have a highly service-oriented economy with an undeniable link to the business of government. We also have a huge asset in our human capital—some of the nation's best and brightest minds. We have internationally renowned research and education institutions, including the ANU, the University of Canberra, CSIRO and NICTA—organisations that have distinguished themselves amongst their peers in their respective fields for their high-quality research activities.

By undertaking this study into the innovation system, we have gained a much deeper insight into the ACT innovation system. We now appreciate that it extends far beyond our significant capacity in the scientific research and development fields. The study notes the importance of creativity to the innovation process and the creative industry sectors, including art and design and the national collecting institutions. By building on the strong foundations we already have, we will enhance our innovation capability in the territory and we will be better positioned to compete globally to be at the forefront of world's best practice.

Innovation policy has been actively pursued at all levels of government within Australia and across other economies. Organisations such as the OECD and the EU have strong innovation agendas. I think members would recall that earlier this year the commonwealth government announced its own review of the national innovation system, with the idea of ensuring that Australia remains among the world leaders in innovation.

It is pleasing that the initiative in commissioning this particular study by Howard Partners precedes the Australian government's and as such puts us in a strong position to provide significant input to the national review and some of the other program initiatives around innovation that the commonwealth is looking at at the moment.

MS PORTER: Mr Speaker, I have a supplementary question. Can the Chief Minister tell the Assembly how the territory is performing in terms of business and organisational innovation? What challenges and opportunities lie ahead?

MR STANHOPE: Despite being strong in R&D, with more than 10 per cent of Australia's public sector R&D undertaken in Canberra, our capacity to convert the IP generated to economic activity is somewhat weaker. National indicators show the innovation performance of the ACT private sector to be lower than the Australian average.

The 2005 ABS survey showed that, while nationally about a third of all businesses undertook some form of innovation, in the ACT only 28 per cent did. There may well be structural reasons to explain this. For example, we have the highest concentration of home-based and microbusinesses in Australia. But there is obviously room for improvement.

Indeed, it would seem there is something of a disconnect between the innovation capability that the territory possesses and the outcomes that we are currently achieving. The challenge for us is to turn the situation around—to understand how the innovation system works and what type of small interventions by government might facilitate better outcomes.

The study I released in March touches on some of the possible responses. It provides a number of recommendations to which the government is currently giving serious consideration and to which it will respond. The recommendations are contained under headings. Leadership—where should leadership on innovation come from locally? What might be the role of government in seeding this, recognising that innovation is fundamentally about people and culture?

Creating and leveraging sector linkages—how do we improve and deepen the links between the R&D, technology and creative sectors? There is stimulating and supporting innovation at the enterprise level. Do we need to look at other small interventions at the enterprise level to accelerate the development of small innovative firms? What is the private sector doing in these areas now?

There is the positioning of Canberra in the innovation space. We know of our strengths locally, but the stereotype view of Canberra in the outside world is still strong. How do we promote our technology and human capital credentials to national and international audiences—the connections that bring investment and attract talent? And related to that, how do we raise the awareness and understanding of the innovation paradigm locally so that more of our businesses take up the innovation challenge and implement systemic solutions?

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

Financial Management Act Paper and statement by minister

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

Environment, Water and Climate Change, Minister for the Arts): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 18A—Instrument authorising expenditure from the Treasurer's Advance to the Chief Minister's Department, including a statement of reasons, dated 31 March 2008.

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

Leave granted.

MR STANHOPE: As required by the Financial Management Act 1996, I table an instrument issued under section 18A of the act. The direction and a statement of reasons for the above instrument must be tabled in the Assembly within three sitting days after it is given.

This instrument provides funding of \$77,490 to the Chief Minister's Department to meet rental payments to Dytin Pty Ltd for the period 11 February 2008 to 11 May 2008. This payment has resulted from a deed of variation of agreement being entered into on 11 February 2008 extending the sublease until 11 May 2008. The cost of the additional rent is consistent with the 11 August 2006 Narrabundah Long Stay Caravan Park land swap agreement entered into by the government and Dytin Pty Ltd. I commend the instrument to the Assembly.

Murray-Mackie study Paper and statement by minister

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women): For the information of members, I present the following paper:

Murray-Mackie Study—Recommendations—Government response and current progress as at 25 February 2008, dated April 2008.

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

Leave granted.

MS GALLAGHER: I am pleased to table for the information of members the final report outlining the progress made to implement the recommendations of the independent study of interventions by the Office for Children, Youth and Family Support in matters concerning the death or near death of children in the Australian Capital Territory.

In 2006, the Office for Children, Youth and Family Support within the Department of Disability, Housing and Community Services commissioned a study into the interventions of children who had died or nearly died and who at some time in their lives were known to care and protection services. Ms Gwenn Murray and Mr Craig Mackie undertook the study.

I tabled before the Legislative Assembly in September 2006 the recommendations made in the Murray-Mackie report, the government response to each recommendation and details of their implementation.

This government is committed to ongoing reform in the provision of child protection services and this study provided us with recommendations to promote ongoing learning and to improve service delivery. This progress report provides you with information concerning the main areas of work undertaken since the commissioning of the report to advance its recommendations. The report I table today informs you that, of the 55 recommendations made, 50 have been completed and implemented. The five remaining recommendations involve ongoing processes.

The achievements brought about by this work include:

- the development of protocols and procedures within ACT Health concerning vulnerable infants, from birth to two years of age,
- legislative amendments to enable prenatal reporting,
- development and implementation of supportive structures for parents of infants provided by ACT Health and care and protection services,
- review of the risk assessment framework to improve the identification and responses to vulnerable infants and their families,
- revised policies and practices to ensure timely, holistic and clearer responses to vulnerable infants and their families,
- policies and procedures to support and assist families where drug dependency and mental health issues are impacting on the care of children,
- additional training and guidance for staff across government and non-government agencies, and
- development of protocols with key stakeholder agencies—for example, the Domestic Violence Crisis Service and ACT Policing's sexual abuse and child abuse team.

As noted, the remaining recommendations relate to ongoing work, such as exploring a new structure for review of child deaths with ACT Health and ongoing management of workplace aggression and stress.

Other significant reforms in child protection and out of home care which have occurred over the same period include:

- amendments to the Children and Young People Act 1999, introducing prenatal reporting and clarifying mandatory reporting requirements,

- revised and ongoing review of policies, procedures and practices in care and protection services, reflecting child centred practice,
- revised delegations pursuant to the Children and Young People Act 1999,
- commitment to the framework for service collaboration for the care, protection and wellbeing of children and young people by ACT government departments,
- development of the Aboriginal and Torres Strait Islander kinship and foster care service,
- improvements to the reporting and information systems for care and protection services,
- development of integrated and collaborative models of practice across departments and agencies,
- community education programs to improve community awareness of child safety, safe sleeping and child protection,
- ongoing research, training and other educational opportunities for foster carers, the service sector and staff, and
- convening of Aboriginal and Torres Strait Islander gatherings and forums, including at Wreck Bay, to inform future policy and practice development.

This significant work continues with the commitment and dedication of staff both in the Office for Children, Youth and Family Support, the Department of Disability, Housing and Community Services and all of our non-government partners, and I thank them for their work.

Any child death is a tragedy. We know that such events, regrettably, do occur and many are due to health or accidental causes. In the ACT we have review mechanisms from which we are able to learn. These include the ACT Coroner, the ACT Health clinical review process and independent studies such as this one the government commissioned. The government will continue to support mechanisms that seek to learn from these sad events, in order to improve systems, practices and policies and prevent more deaths.

I commend the final report on the recommendations of the Murray-Mackie study to the Assembly.

Paper

Mr Corbell presented the following paper:

Petition—out of order

Community Noticeboard—Charnwood Shopping Centre—Ms Porter
(224 signatures).

Public housing—energy efficiency Paper and statement by minister

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs): For the information of members, I present the following paper:

Energy efficiency in public housing—Ministerial statement, 3 April 2008.

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

Leave granted.

MR HARGREAVES: I wish to speak in the Assembly today about energy efficiency in public housing. As members will be aware, there are approximately 11,500 dwellings in the ACT that provide accommodation for public housing tenants. Of these, about 6,500 are stand-alone dwellings, with the rest being located in multiple-unit properties ranging from townhouses to flats.

Public housing in the ACT is on average the oldest stock of any other state or territory and it is regrettable that the majority of these properties are not as energy efficient as we would like them to be. This impacts on meeting the challenge of climate change. It also affects those people that live in public housing properties—people who are among the most disadvantaged in our community—as a more energy efficient house is much cheaper to run. Housing ACT has been working to improve the energy efficiency of its dwellings for some time. Ceiling insulation has been installed in all stand-alone homes and improvements are made to dwellings as part of the maintenance program.

The government has helped and continues to help Housing ACT make its properties more energy efficient. In last year's budget, the government significantly increased the contribution to public housing with \$20 million being allocated for energy efficiency improvements to public housing properties over a period of 10 years. This is a major part of our overall commitment of \$100 million from weathering the change, the government's strategy on climate change.

This builds on the earlier work done by Housing ACT to spend \$1 million in the 2005-06 budget for water and energy-saving initiatives. This resulted in more efficient hot water systems and space heaters being installed, in addition to innovations such as energy-saving light bulbs and solar hot water services. Information on changes that could be made which would make a big difference to energy bills and improve energy efficiency was also given to public housing tenants last year. This was aimed at improving the way people "operated" the house, with the aim of reducing the use of energy and water.

Work on giving effect to the government's initiatives is well underway. The rollout of energy efficiency measures includes wall insulation and/or top ups to the ceiling insulation; more efficient hot water systems, including solar; improved house heaters; water-saving devices have been installed, such as AAA rated water-saving shower heads, dust valves and other water flow retardants; dual-flush cisterns and boundary valves. Since the beginning of 2008, 200 energy efficient hot water systems have been installed and water-saving devices have been provided to 450 dwellings.

The focus on energy efficiency is, of course, also applied to property purchases. New purchases have to meet a minimum of three-star energy rating. If a house is specifically required but does not meet this requirement, Housing ACT will purchase the house and carry out works to bring it up to at least a three-star rating, and if possible a four-star rating.

Houses constructed by Housing ACT at a minimum meet the energy rating standard applied by the ACT Planning and Land Authority. If it can, Housing ACT exceeds the standard. Water-efficient design methods are also used. Housing ACT is also looking to try new technology such as photovoltaic cells. This will be trialled in a small multi-unit complex to see what the benefits are and what issues arise. Depending upon the outcome of the trial, further photovoltaic cells may be installed at other properties.

The ACT government has also supported the water and energy savings in the WEST program for some time. Housing ACT has been a strong advocate of the WEST program. This program targets low-income households who are high energy users and it offers an opportunity through education and some refit works to reduce their energy bills.

It is important that the energy efficiency improvements be directed at those properties which have a long-term future as public housing properties. Members may recall that late last year I foreshadowed a review of the public housing asset management strategy and I am pleased to say that that work is close to completion. The strategy recognises that more up-to-date and more efficient properties are cheaper to run, not only from a maintenance perspective but also for those living in them.

The ACT government and Housing ACT are making a significant contribution to improving the energy efficiency of public housing in the ACT, improvements that it is more than happy to share with people who are not as well off as those of us here in the Assembly. I move:

That the Assembly takes note of the paper.

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

University of Canberra—management Discussion of matter of public importance

MR SPEAKER: I have received letters from Mrs Burke, Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter, Mr Seselja, Mr Smyth and Mr Stefaniak proposing that matters of public importance be submitted to the

Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Mulcahy be submitted to the Assembly, namely:

The management of the University of Canberra.

MR MULCAHY (Molonglo) (3.26): The University of Canberra is, of course, a statutory body created by this Assembly under the University of Canberra Act of 1989. It is managed by a council of 15 members, including the chancellor, the vice-chancellor, the chairman of the university board, eight members appointed by the Chief Minister and four members from the staff and the student body of the university.

It is the responsibility of the government to oversee this body and ensure that it is properly managing the university. The proper management of the university includes not only the management of academic work and standards but also the management of administrative and financial matters. When we think of the management of a university, we naturally think of the formulation of degree programs, research projects and academic standards. We think about issues relating to students and researchers. However, no academic research and teaching organisation, whether a commercial body or otherwise, can function without sound financial management and an ongoing financial viability.

As the former shadow Treasurer of this territory, I have a keen interest in such financial matters and, as I have mentioned before, holding an adjunct professorship at another university I have not only an interest in financial matters but also some degree of interest and knowledge of management of tertiary institutions. This interest has not subsided and I intend to continue to put forth my views on the financial management of this territory.

In this case, it appears that the financial problems, which I will shortly discuss, were unknown to both the current shadow Treasurer and shadow minister for education, and they are not here today while we discuss this education issue, so I am happy to step in and hold the government to account on this issue and take up that responsibility as a member of the crossbench.

Mrs Burke interjecting—

MR MULCAHY: Mrs Burke can be critical but we are discussing an education issue and I am surprised that those responsible for education financial management in the opposition are not in the chamber to talk about it.

Late last year my office conducted a detailed financial analysis of the university from its published financial statements and this demonstrated to me that there were some serious problems with the financial state of the university. The low magnitude of the surpluses of the university, in comparison to its large expenses, demonstrated that the university had been operating on a knife edge. It now appears, in fact, that the university has incurred a large deficit.

I did not move hastily on this matter because I wanted to be sure of all of my facts and take the perspective of the institution, to be fair, because these things are likely to cause some fair level of public interest and had the potential to cause some disquiet

amongst parents and students. For that reason, I arranged to meet with the current vice-chancellor and the chief operating officer of the university to receive a briefing on the financial state of the university in March of this year, just a couple of weeks ago.

I said on Ross Solly's program, I think it was yesterday morning, and I say it again today: I was impressed by the level of candour of these officials. They did not attempt to hide or downplay the problems at the university. They were open and honest about the problems and their finances. But I was disturbed to be informed at this briefing that the university expected to post a trading loss for 2007 of between \$15 million and \$16 million and that they were at the final stages of the Auditor-General's examination of the accounts. The university is also expected to post a smaller but nevertheless a trading loss in 2008.

It has also been revealed that there has been a loss of 100 administrative jobs at the university, and this too is a dramatic sign of the problems that have occurred. The loss of people's livelihoods is no small matter and whilst it can be packaged in terms such as a restructure, which always sounds nicer than saying we are sacking people, the fact is that it has caused obviously an adverse impact on a number of households in Canberra. Indeed, the vice-chancellor told WIN news that the deficit was largely as a result of the high level of redundancy payments.

I should add that these problems are not the making of the current administration at the university and it certainly appears to me that the current administration are taking steps to try to restore the financial viability of that university. Nevertheless, the financial problems revealed are severe and raise many questions about the management of the university and the government's failure to ensure sound financial performance.

Although I was well aware from my own inquiries, prior to my briefing in March, that there were problems at the university, I say that I was disturbed by the revelation of this trading loss because there has been complete silence on these problems from the minister for education and the Chief Minister. Neither minister has given any warning to the Assembly that I can recall of the problems that were occurring at the university and the dire financial straits that the university was getting itself into. There has simply been no mention of any problems.

This is a poor result for government accountability and accountability to this place. When it falls to a member of the crossbench to unearth and report serious financial problems, problems that should already have been raised with the Assembly by the minister, one is justified in wondering what else ministers may know about but are choosing not to tell the Assembly and the public. These problems and the failure of the government to disclose these problems raise a number of questions, and questions which must be answered for the sake of openness and accountability.

First of all, the government must tell the people of Canberra when it first became aware of the dire financial straits of the university. I am told that Mrs Burke is a former member of this council and, if that is the case, I would be very interested to know whether she was across problems of this nature when she served on that council.

Next, the Chief Minister and the minister for education must explain to the people of Canberra why they have said nothing about these problems until now, as one of the major universities in this city has recorded such a significant trading loss.

Next, I believe the Chief Minister and the minister for education must explain to the people of Canberra how these problems came about and why the government has been unable to ensure that the university could trade and operate and stay in the black.

If this outcome was indeed the result of large numbers of redundancy payments—and I believe that a significant part of that loss is but that there are other elements than that—we are entitled to know why there has been such a large loss of staff that would trigger this large payment. The bottom line is: how did we get into this situation that meant 100 people had to lose their jobs? How did we get into a situation where we lost \$16 million last year and are expected to lose more money this year? We are hopeful that the university will start to come back into a balanced trading position in 2009; it is, at this stage, an objective. But, until we reach that point, we do not know whether that will be accomplished.

Despite the poor financial performance of the university, I am the first to acknowledge that there are some positive signs from the current administration which may see the university return to a sound financial position in the future. I am particularly glad to hear that the student population of the university has grown by 2.6 per cent this year. This is a good sign for the future of the university, so long as it is able to cope with the additional population of students.

As was said in the interview with the vice-chancellor on radio, one of their problems is that the skill shortage and the tendency for people to move away from full-time tertiary studies, take employment and then extend the time for their studies has presented them with a financial problem. I would be keen to know how they will solve that, because growth in numbers in itself is not all of the answer that is needed to address this financial challenge.

The university's provision for 500 new beds for student accommodation and its new planning course for students are welcome additions in view of the growth of the student population. However, I do have a real concern with the university's current proposals to move into lines of business that are far outside of its core business and areas of expertise.

In particular, I am concerned about plans by the university to invest in office blocks and aged care facilities. I heard the rather tenuous justification for this—that we have to look to the future and that, as people get older, they may want to go to university, so we will build aged care facilities. I thought that was the longest bow I have ever seen drawn and I think, to be frank, the whole thing is about trying to get some revenue into the place. That certainly was the justification provided to me for getting into these activities, but I am one who is always nervous about people moving into lines of business that they do not have expertise in. These seem to be questionable investment ventures—

Mr Barr: The Liberal Party in economics.

MR MULCAHY: This could be true, Mr Barr. That is certainly not an area of their strength, as we have observed this year. But they seem to be highly questionable investment ventures, given that the university is primarily concerned with academic research and teaching.

I was the one vocal critic in this town when the previous government set up the Australian International Hotel School. I warned about it. I said it would fail, and it did. It was a disaster. It was very ill advised for people to go into that particular exercise in Canberra. All sorts of people were running around the planet on wonderful trips across to Asia, to America and so on. A good life was had by one and all. But the fact is that it had no prospect of competing against colleges such as the Blue Mountains one and other leading hotel schools and it became an albatross around the necks of the taxpayers of the ACT. Academics know lots about research and the like, but I worry about them when they try to get into commercial activities.

This is not, of course, the first time that we have seen governments and government related institutions move into lines of business that are outside their core areas of expertise. We have already seen large losses borne by taxpayers from business ventures like Rhodium. I recall speaking against that in my first formal speech in this place and warning of its dangers. Sadly, my predictions were vindicated and confirmed, as we have seen now in this ongoing tragic saga.

I think we are moving to the same kind of risky territory when we have a university council consisting of academics, student representatives and other university officials begin ventures like aged care facilities. That is not a reflection on the competence of the people I met; the vice-chancellor and the chief operating officer seemed to have very impressive credentials. But I am very much of the view that one should stick to one's knitting. It seems to me that, if these kinds of ventures go ahead, we have learned nothing from the experience of Rhodium. I would have thought that the core lesson from that scandal would have been to confine the government's ventures to areas in which they hold some expertise and experience.

Aside from the high level of risk involved, there is another issue raised by these kinds of outside ventures and that is the issue of a proper division of labour and a focus on the core areas of responsibility. There is no sense in having members of a university council, whose attention should be focused squarely on the university, spending substantial amounts of time trying to become familiar with the workings in aged care facilities in the ACT in order to conduct an investment venture and hope that they get it right.

We already have entire areas of ACT government departments that focus, day in and day out, on the dynamics of aged care and we have a number of reputable operators in the field in the ACT who seem to be very well equipped in terms of the product they are offering. I feel that there is little sense in breaking this existing division of labour. The development aspects of these kind of projects, whether building office blocks or aged care facilities, is a matter that is best handled by, in my view, private developers, not just statutory bodies, which are created for an entirely different purpose.

The division of labour is one of the oldest and most sound principles of economics. But we detract from the efficiency and value of this specialisation when we start

having educators going into development ventures or ministers trying to run car leasing businesses.

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) (3.39): It is a great pleasure to have the opportunity to discuss this matter of public importance brought forward today by Mr Mulcahy.

The University of Canberra is an important institutional pillar of Canberra's educational community. It is, as many have observed, our university. The University of Canberra began life in 1967 as the Canberra College of Advanced Education. Since 1990, it has been a fully-fledged university. Its legacy is truly significant for our town and our community: 60,000 graduates with qualifications ranging from bachelor degrees to doctorates. It trains professionals in 30 different fields, from nurses and teachers to communication professionals, designers, businessmen and women, government administrators and international specialists. The University of Canberra has its own character. It copies no-one; it emulates no-one. Its niche is quite different from that of the Australian National University, and different again from the Canberra Institute of Technology. Its focus is on the education of professionals and on applied research.

There is no disputing that the university has recently had to make some tough budgetary and administrative decisions. The irony is that its financial situation today, about which Mr Mulcahy attempted to make some cheap political points, is in some measure due to those very decisions. The university's operating deficit for 2007 was roughly \$15.9 million. But let us examine that more closely. One of the single biggest components of this—almost a third of the total—was \$4.7 million for voluntary separation packages, as part of the new vice-chancellor's bold restructuring of the institution, its staff and its courses. All of this will be recovered in salary savings in 2008 and this will free up more resources for the University of Canberra's core business of professional education and applied research.

Another \$7.3 million of the operating deficit was made up of repayment to the commonwealth government of overpayments in 2006 and 2007. In other words, two years of liabilities were accrued in 2007. The reason? To give the university a clean slate moving forward. Again, that makes good sense, but it is something about which Mr Mulcahy attracts a one-day headline. Another \$2.7 million of the deficit was accounted for by bad and doubtful student debts from earlier years and \$1.4 million was for depreciation that had not been included in the 2007 budget. So we see, suddenly, that there are reasons—explicable and reasonable—for the dollars that go to the deficit.

There are almost always two sides to any issue, and more complexities to any matter than are usually appreciated. The financial stresses experienced by the University of Canberra can, in part, be attributed to a decline in student numbers that we know had been driven by the growing financial burden of increased HECS fees. Of course, if we are casting about to apportion blame on that score, we need to look no further than to Mr Mulcahy's own former Liberal colleagues federally, who paid so little attention to the need to invest in any level of education over their period in office—most particularly higher education.

The changing profile of the student body has had direct implications for the University of Canberra, as well as other higher education institutions. In particular, the proportion of students studying part time, many of them from financial necessity rather than choice, has had a significant impact on the University of Canberra's revenue. But look a little deeper. In 2007, the university had roughly the same number of students as in 2002, but the funds that it got from the commonwealth for those students were considerably lower. Because students, out of financial necessity, were taking fewer units, the university's revenues were lower, too. Funding is apportioned not per student but per unit studied. Costs had also risen, largely because of salary growth agreed for the enterprise bargaining period 2006-08.

We could focus now on the years of federal neglect. We could lament the Liberal legacy. But perhaps it would be more productive to examine the cultural change and the transformation in energy levels, in enthusiasm and in focus that have been effected by Vice-Chancellor Professor Stephen Parker in a single, solitary year. Under the stewardship of Vice-Chancellor Stephen Parker and the university's council, the future of the University of Canberra is looking suddenly and dramatically brighter.

Since his appointment in March 2007, Professor Parker has implemented a range of strategic reviews across the university, looking into the course content and coverage as well as the financial, administrative and staffing arrangements. In a period of less than a year, the initiatives implemented by Professor Parker have resulted in the university positioning itself in the top third of all Australian universities. Late last year, the university was advised by the commonwealth that, in addition to the funding it received in 2007 under the learning and teaching performance fund, it would receive additional funding in the 2008 round. Consequently, the University of Canberra is now placed in the top 10 universities across an average of measures. Tough decisions have had to be made, and many of these are reflected in the deficit to which Mr Mulcahy attempts to draw such attention. But from those tough decisions, benefits to the university and ultimately to the students have quickly accrued.

The university's activities are governed in two ways. Firstly, the university must comply with the commonwealth's national governance protocols for higher education providers. Secondly, the university council has a crucial role. Members may not be aware that in 2005 I commissioned a review of the governance structure of the University of Canberra Council. The review recommended a reduction in the number of council members. In addition, the review recommended that council members be selected with particular financial, legal, commercial and pedagogy skills.

Mr Mulcahy: Well, they did well.

MR STANHOPE: The chamber would be aware—but Mr Mulcahy indicates that he is not—that in late 2006 the minister for education introduced an amendment to the University of Canberra Act 1989 which reduced the size and prescribed the composition of the university's council. The number of council members was reduced from 22 to 15. I believe that a 15-member council is large enough to provide a diversity of viewpoints and skills but small enough for effective decision making. The management of the University of Canberra is in good, solid and firm hands.

One pointer to the university's strong future can be found in its growing links to and alliance with the community, the commercial sector and other educational institutions. The University of Canberra and the Canberra Institute of Technology have had a long association, underpinned by a memorandum of understanding. In 2005, the University of Canberra and the CIT obtained a grant from the Australian government's collaboration and structural reform fund. It enabled the two institutions to work together to provide students with greater flexibility in their educational choices, in addition to fostering resource sharing and professional exchanges. The relationship is one of Australia's most comprehensive and successful articulation schemes.

Another sign of a strong and robust future is to visit the campus and see the site where another 500-bed accommodation wing for students is about to be built. That future is there for all to see. Another sign is that within the next few weeks the University of Canberra will have released an exciting master plan which identifies development opportunities on the Bruce campus. We may wring our hands, but what Professor Parker is seeking to do is to make the university an integral part of the community it serves—the Canberra community, the Belconnen community. The intention is to attract tenants to the campus who can use the university facilities, contribute to its courses and engage in collaborative research. The university seeks to be at the heart of the Bruce precinct, already a centre of innovation—a heart that is a magnet for those in the business of education, research and health services.

The diversity of review streams which will flow from the implementation of the University of Canberra's master plan will deliver a greater measure of financial independence and financial security. I have had the benefit of extensive briefings from Professor Parker on his plans and his vision and broadly, in terms of a broad vision and broad plans, I have been fully supportive of what Professor Parker is seeking to achieve at the University of Canberra.

2007 was a year of renewal, rebuilding and repositioning. At the beginning of 2007, my colleague the Minister for Health opened the university's new allied health building, an initiative supported with \$10 million from my government. The building gives the university the capacity to deliver new courses to the allied health professionals of tomorrow in areas such as physiotherapy, pharmacy and dietetics. In the same year, 2007, the university embarked on a comprehensive review of its budgeting arrangements. This process has already delivered a more robust approach to writing off past bad and doubtful debts and a reduction through voluntary separation of administrative staff by approximately 100 full-time equivalent staff members. Numerous other exercises were commenced in 2007 to strengthen the university and assure its prospects.

A strategic planning exercise led to the adoption by the university council in 2007 of a new strategic plan, the University of Canberra's 39 steps. A review of the university's positioning and marketing strategy led to the adoption of "Australia's capital university" as a statement which encapsulates the university's commitment to Canberra and its surrounding region. A review of the administrative structure led to centralised administrative services commencing on 1 January 2008, with fewer full-time equivalent staff members. A review of the academic structure led to the replacement of three academic divisions containing 10 schools with a new structure of eight faculties. This new, flatter structure commenced on 1 January 2008.

I refer also to a review of the university's courses and disciplines, with a view to new courses and educational approaches commencing on 1 January 2009; a quality self-review in preparation for the cyclical audit of the university by the Australian Universities Quality Agency in 2008; and review of the university's systems, processes and procurement, leading to a reform grant which will partly be funded by a commonwealth government grant under the workplace productivity program of \$4.7 million over three years. This grant, the largest received by any university in the round of funding, demonstrates that the commonwealth government shares our confidence in the new leadership at the University of Canberra. Other reforms of 2007 include tendering of the university's internal audit services and tendering for the management of most of the university's existing student residences and the construction in 2008-09 of new residences comprising over 500 beds.

In February the university council approved a 2008 budget which projects a deficit of just under \$10.5 million—about one-third less than the 2007 deficit. First-semester student census data is encouraging—about three per cent up on budget. International students studying on campus are up 13 per cent on budget. New academic programs are coming online. There is the new course in building and construction management which the ACT government, in our last budget, was pleased, in conjunction with Hindmarsh most particularly, to fund. Now, within one year, it is the second most popular course at the University of Canberra—a sign of the confidence of the private sector and major Canberra corporate citizens such as Hindmarsh in the University of Canberra. In 2009 there will be new courses in urban planning, cultural heritage and information studies.

The future for the University of Canberra is bright. I urge everyone in this place to see the positive and to resist the temptation to play some of the games we have seen over the last couple of days in relation to the University of Canberra. This university is our university and it has a great future. I admire the energy of and direction in which Professor Parker and his council have taken the University of Canberra. I believe they have a new and expansive vision that we should all support. I do not believe that the media generated by Mr Mulcahy over the last couple of days is edifying, helpful or expresses the degree of confidence that we should show in the University of Canberra and the degree of confidence that the—

Mr Mulcahy: Why didn't you report to us on this? Why did it take me to make you do it?

MR STANHOPE: Mr Mulcahy thinks that he has revealed some deep, dark secret. I believe this was reported a couple of months ago in the *Canberra Times*. I thought it was made very public at the time that Professor Parker announced the very significant—

Mr Seselja: I think it was in August.

MR STANHOPE: Yes, in August. There is no deep, dark secret here that was being withheld or that needed to be revealed. Professor Parker has been more than open regarding the direction he proposed to take in relation to the university. The University of Canberra is a great university. It has issues. It has a new leader who has

enormous energy, strength and vision. I, for one, intend to fully support Professor Parker, his council and the University of Canberra in realising the vision and the plans they have been developing and articulating for that particular campus.

MR SESELJA (Molonglo) (3.53): I thank the adjunct professor for bringing this issue forward. It is true, and Mr Mulcahy said in his speech, that, when it falls to a member of the crossbench to reveal a financial problem, it raises questions. We are, of course, referring to the *Canberra Times* article of 7 August last year, which started to go into some of these issues.

It is, of course, of some concern to all MLAs to read the news that the University of Canberra has recorded a significant deficit of almost \$16 million. This represents a large amount relative to the university budget. For example, the latest published financial statements for 2006 show that the annual income of the university is around \$130 million. So we are talking about a deficit of over 10 per cent of annual income.

I do understand many of the concerns that Mr Mulcahy raised but I do think it is somewhat precipitate to launch into a spray on the issue. The annual report for the year ended 31 December 2007 is not yet completed, and it would be proper for that reporting to be complete and all the facts to be before us before we start shooting from the hip. I would have thought that the proper approach would be to ascertain the full facts once the annual report is finalised, both through question time and through the estimates committee process which is just around the corner.

It is important to put on the public record that I met with Vice-Chancellor Professor Stephen Parker about a month ago, and I have been broadly aware of the prospect of a loss in the preceding 12 months. I did not rush to the media in an attempt to make political capital. I am disappointed that, when my office contacted the vice-chancellor today to advise him of the matter of public importance, he was not aware of it.

It is important to understand that, when institutions are dragged through the media, many in the public just see the headlines. An article in the *Canberra Times* today is headed “‘Blunders’ to blame for \$16m UC deficit”. It is important to understand the impact that negative publicity can have on enrolments and on the public standing of the university. So we need to be very clear about what has caused these issues. Questions do need to be asked and it is proper that the Assembly should debate this issue. But we should get ourselves fully informed before we start going into the details. We should actually go into the details before quoting the figures.

I do not want to comment critically on the University of Canberra management. I believe that some of the changes that have been made are positive and that Professor Stephen Parker is making some positive changes. I believe it is extremely important that Canberra has a strong second university—one which has significant strengths and points of differentiation and which can build a reputation for excellence both nationally and internationally. The ANU is an older competitor which, for 50 years, has been specifically funded for research. ANU is a local gem and we are all very proud of it.

UC is emerging in its own right as a differentiated competitor. It, too, stands among our country's top universities. *The Good Universities Guide* has given five stars to

both ANU and UC for their starting salaries. Both ANU and UC get four stars for student-staff ratios. UC scores the top ranking in the guide for graduate employment prospects, and it is the fifth successive year for which it has had this ranking. UC is one of only four universities which scores top marks for having the best paid and most employable graduates.

The University of Canberra's strategic plan for 2008-12 was only approved late last year. It is a fresh document which contains frank recognition of the challenges faced by the university. It will be up to the minister to keep an eye on how these challenges are being met. It clearly recognises the many advantages enjoyed by the institution and it sets out strategies to strengthen UC's capabilities and competitiveness. The campus has always had a strong vocational focus to its work, and its excellence is well recognised locally among commonwealth government departments who send their officials to UC to obtain skills and advanced education that complement their work in public administration. I had that opportunity as a graduate in the former Department of Transport and Regional Services.

The broader Bruce precinct is a centre for innovation and research, and UC is well geared towards collaborative and commercial ventures. I am very interested in working with UC to see how the ACT government can do more to assist the university to grow, to enhance its reputation and to attract more students from interstate and abroad. The campus is on a very large plot of land and there is significant scope for UC to accommodate greater teaching and research facilities, as well as a growing student population housed on campus. I think this would be a positive for the university. Certainly, one of the great things about the ANU at the moment is the genuine sense of community.

It is worth examining the financial problems. There will be a deficit reported in 2007 of around \$15.9 million, which, as a headline figure, is certainly a concern. Mr Mulcahy did not go into some of the details. I think Mr Stanhope touched on them but I would like to go into them as well. In previous years, the ratio of administrative staff to academic staff was higher than the sector average, especially considering it was a single-campus university. University management assessed that there needed to be redundancies, and I understand that some \$4.7 million of the deficit in 2007 is explained by voluntary separation packages.

The Assembly should note that the reduction in administrators will mean more money for teaching and research in this calendar year. The voluntary separations were not supported by the National Tertiary Education Union. They argued that a recruitment freeze could achieve the same result. But the UC branch secretary, Greg Barrett, did acknowledge last year that these changes had been quite well implemented.

The redundancies are not the only factor behind the deficit that are of a one-off nature. A further \$2.7 million relates to bad and doubtful debts from earlier years. The largest component of the deficit, \$7.3 million in repayments to the commonwealth covering two years of liabilities, was accrued in 2007 to improve the position of the university going forward.

When you look particularly at that \$2.7 million in bad and doubtful debts from earlier years, I think the government does need to take its share of responsibility for that. The

fact that we are seeing changes now from Professor Parker means that we should give him the benefit of the doubt that he is seeking to fix some of the damage that was left to him when he took over management of the university. It is certainly a concern to see deficits this large and we do want to see it reduced as quickly as possible.

There are serious questions which the Stanhope government must answer regarding previous governance of the university in the period when administrative costs were getting out of balance. This may again be a case of the current minister for education looking to blame some of his previous ministerial colleagues, as we have seen in relation to the school closure debate. We will put those questions in an appropriate way that ensures we have an informed debate at the end of the day.

The ACT government does not contribute directly to the recurrent costs of the university. Its only contribution is in the form of occasional grants of contracts—for instance, for research. The government does need to be accountable for the governance and oversight of the university. I note that the university has a strong enough balance sheet to ensure sufficient working capital to manage these deficits. It has low debt compared to the sector average and the debt ratio will still be low even as it incurs these deficits in terms of a round.

In addition to deficits and the importance of managing them, getting them down and bringing them back into surplus, we also need to ask other questions. How is the university going with efforts to get deferred maintenance back on track? That was an issue of concern commented on by the commonwealth Department of Education, Employment and Workplace Relations. Is depreciation now costed at a realistic level?

What is the state of discussions with the ACT Auditor-General on risk management, governance and the operation of related institutions? Notwithstanding any new debt facility or increase in the university's overdraft, is the UC balance sheet improving over time? Is the institution replacing its own capital stock by spending more on capital each year than the level of depreciation?

I do see a bright future for the University of Canberra. The government needs to ensure that improvements continue to be made. We do not want to see these kinds of deficits in future years. The government needs to take its share of responsibility for letting the situation get out of hand in the first place. However, I do not think attacking the current management is the way to go, because from what I have seen they are making reasonable attempts to get the university back on a reasonable footing.

I welcome the opportunity to have contributed to the debate. I think it is an important debate. The University of Canberra is an important institution. It is important that we look not just at the headline figures but at all that goes to contributing to that deficit. I am confident that the university management is doing all it can. I hope that it will get the kind of support and oversight that it needs from the ACT government, some of which clearly have been lacking in previous years.

DR FOSKEY (Molonglo) (4.01): I am sure that members would be aware that concerns regarding management at the University of Canberra go back quite a way. Concerns were first raised with the Greens in 2002 regarding management of the university union and at the board level of the university itself. The matters were

referred to the Ombudsman and the Auditor-General. The view of the Greens was that they were dealt with very slowly.

One of the key issues became the lack of whistleblower protection at the university and the application or otherwise of the Public Interest Disclosure Act. One of the outcomes of the efforts for the university whistleblowers, the Ombudsman and the Auditor-General was that the University of Canberra agreed—kicking and screaming, it would be fair to say—to accept the provisions of the ACT Public Interest Disclosure Act. In seeking to apply the act, it became clear that when push came to shove the act was fairly unwieldy and weak. So another outcome appears to have been a review of the Public Interest Disclosure Act itself. The outcome of that review at this stage appears to be a step backwards. However, a national whistleblower project called “Whistling while they work”, which includes the involvement of the ACT Ombudsman’s office, will, hopefully, come up with something better.

The point is that there were a number of concerns raised about overall financial management of the university, in addition to the specific concerns and confirmed breaches of proper procedure that were made about the university union. It is not appropriate to detail the concerns that were put at the time, but I believe that it is reasonable to say that the response of the university was, unfortunately, a defensive one. The whistleblowers and the complainants have been ground down to the point of exhaustion—with the collapse of a marriage, the loss of employment and so on, as so often happens with whistleblowers.

The key issue here is one of transparency. Clearly there is an important and broad principle of academic freedom and independence, which the Greens take very seriously. However, financial management is a different matter. As a public institution, universities such as this one need to be both transparent and exemplary in how they run their operations and account for the funding they receive. That includes an open and transparent treatment of any concerns regarding the way those finances are managed.

The issues that were raised with the Greens here in the Assembly date from around 2001 to 2004. Since 2001, there have been two vice-chancellors and a range of council members appointed. The legislation itself was amended in accordance with national agreements, so it does seem that the level of accountability has been improved. The University of Canberra annual report for 2007 will be available in a few weeks; that might be a better time to look closely at how the university is tracking.

I want to say more generally that I am a very strong supporter of the maintenance and function of the University of Canberra. We have three universities in this town, including the Catholic University. I hope I am not missing one out.

Mr Barr: UNSW.

DR FOSKEY: UNSW; that is correct. Thank you very much for that. So we are very privileged for our population. But the role of the University of Canberra is unique. It has been—I hope it always remains—a university that has a particular interest in maintaining areas of knowledge and doing research of particular interest to Canberra. The Australian National University is here as well, but it regards itself as a national

university. Of course, it does do some local work. I am very happy to see that there is a lot more collaboration between the two universities, because that is important as well. We are in a financial world where universities have to compete for funding. That can be dangerous for cooperation between universities. I hope that that is never the case with ANU and the University of Canberra.

I also want to say that I believe that the University of Canberra has been subject to some similar management procedures as those at ANU. Heads of department are very frequently academics who do not want to perform these roles, because they are very time consuming and they take time away from research and teaching, duties which they have to continue to do. And it is worth noting that they are not trained as managers. At the end of their time—which is often around three years or so—they may be qualified as managers, but there is no way that they can be declared to be such in the beginning. They spend most of their time in meetings, arguing with other departments, looking for funding and trying to deal with conflicts between some of their staff—which can be extremely acrimonious at that level. So there are issues around the way we manage our universities.

We also need to look at the workload of lecturers at the University of Canberra—perhaps even more so than at our other universities. I know that an incredible amount of work is expected—teaching two courses minimum per semester as well as delivering, as academics have to now to further their career, peer-reviewed paper after peer-reviewed paper. It is onerous. The work of an academic once used to look quite privileged in terms of the idea that you can just be there studying and doing what you are interested in; it is very far from that these days.

So there are general issues around universities and the way that they are funded nationally. We should not look upon the University of Canberra as just a unique institutional thing. It has many of the problems of all academic institutions, particularly universities. But it does have specific problems—and they come back here, because so much of its funding is from government.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (4:09): I thank Mr Mulcahy for bringing forward this matter of public importance. I note, however, the irony of this MPI—which in part deals with the financial management of an organisation—being brought on by Mr Mulcahy. He is the man who, as shadow Treasurer, struggled to control the spending commitments of the Liberal Party—over \$200 million, I understand, Mr Mulcahy. And did you not, on your last day in the parliamentary Liberal Party, have commitments so far from the Liberal opposition of something in the order of \$200 million?

Mr Mulcahy: I never even got a chance to hand them over before they threw me out.

MR BARR: Before they threw you out. Yes, indeed. But I digress.

The University of Canberra, as we have heard from all members who have contributed to this debate, has a very proud record as an academic institution, a record stretching back over 40 years. It has provided, and it continues to provide, thousands of Canberrans, other Australians and international students with world-class education.

It is an institution with a new and internationally regarded vice-chancellor in Professor Stephen Parker. Following Professor Parker's appointment, it is an institution with a very strong strategic direction and a bright future. I must say that Professor Parker's talent as an administrator and his passion for the future of the university has become obvious not only to me, as education minister, but I think to all members of this place and everyone who has had the opportunity to engage with him over the future of the institution.

As the Chief Minister indicated—other speakers have touched on it—the university faces a unique range of circumstances. In 2007, it had approximately the same number of students as were enrolled in 2002. However, as we have discussed, those students were studying fewer units. That has resulted in significantly reduced revenues from the commonwealth.

Because of this, and because of the flattening of student study levels, the university has had to make some significant adjustments. This goes back to last year. There was considerable media attention at the time, so I accept Mr Seselja's point that this is not something that Mr Mulcahy has unveiled in the last week. This was the subject of some considerable attention through last year.

Following a series of briefings with the new vice-chancellor, and just prior to him making the major structural reform announcements that he did, I recall some conjecture on the local ABC radio. I recall being interviewed on these issues and being asked to oppose the sorts of reforms that Professor Parker was outlining. At that point, I made it clear that the government supported the changes that Professor Parker was proposing, and our support continues.

Mr Mulcahy: When did you report here, though?

MR BARR: Comments were made in the public arena and part of the general political debate of this town, in addition to the usual reporting processes of the university through its annual report and a range of other avenues. One would presume that the considerable media attention last year on a number of occasions and comments I made at that point would suggest that this was something that the government was engaged in.

When considering matters of university governance, there are always questions about just how far governments and ministers should go in terms of seeking to micromanage the day-to-day operations of a university. One need only look at some of the criticisms of previous federal education ministers who have sought to dictate personal preferences around aspects of university administration and just how poorly they have been received by those educational institutions.

As education minister, I do not propose to begin a process of micromanaging the activities of the University of Canberra. There is an appropriate level of accountability under the act and there is an appropriate level of interest, as indicated by today's debate and by the opportunities that all members have to ask questions in relation to the university. I continue to have regular meetings with the vice-chancellor and, through the education and training portfolio, the planning portfolio and the sport and recreation and tourism portfolios, I have very strong and consistent links with the university across that range of areas.

It is worth noting, as I think the Chief Minister outlined in his remarks, that the wide array of reforms that Professor Parker has put forward have changed the university's educational offerings and affected its cost structures, its administrative processes, its staffing and its budgeting arrangements. As we have heard, they have led to a more robust approach to dealing with bad and doubtful debts, to dealing with liabilities to the commonwealth and to dealing with its own administrative staff.

The university has commenced a number of major reform projects. We have already heard about the 39-step strategic plan, the development of Australia's capital university as the marketing strategy, the review of the administrative structure, the review of the university's courses and disciplines and a campus master planning exercise, which is due to be completed later this month, I understand. It puts forward a range of proposals. I note Mr Mulcahy's concern about activities that might be deemed non-core for a university, but all of these issues should be canvassed in a master planning process. That is not to say that all of those options will go ahead, but it is important—particularly given the size of the campus, its location and the important role it can play in the Belconnen community and the broader Canberra community—that the university at least considers a wide variety of options as part of this master planning process.

From the extensive list of actions that Professor Parker and his team have begun, it is very clear that they are turning the university around and positioning it very well for a great future. It looks as if these reforms are already starting to have an impact. I understand that the first semester student census date has just been reached. These figures came out only the other day. The university expects that its total student load will be about three per cent higher than expected and its international student enrolment is up 13 per cent. This, I am advised, means that the university will generate an additional \$3 million in extra revenue, which will enable UC to reduce the 2007 deficit by half rather than a third.

The university again received funding under the commonwealth's learning and teaching performance fund, which is designed to reward excellence on seven sets of educational measures. The university's performance on these measures placed it in the top third of Australian universities. In late 2007, it was informed that it would receive further funding in the 2008 round. As a consequence, UC is now placed in the top 10 Australian universities across the average of relevant measures, which you would have to say is not a bad indication of the current management of the university.

As we all know, the nation is in the grip of a skills crisis. There is no doubt that the cause of that is 11 long years of under-investment by the previous federal Liberal government in education and training. For those 11 years, the ACT Liberals, who profess to care about education, did not say one word against the Howard government that they revered so much. That said, probably the one person who was most reverent of the former government is now sitting on the crossbench. Now that he is not required by party discipline to be so supportive of the Howard government, we will be interested to hear his views as to whether, upon mature reflection, he thinks that maybe they dropped the ball on education and training.

I thank Dr Foskey for raising in this debate some of the more considerable issues that face the higher education sector across the country. It is clear that there is a need for a national review of higher education. I am very pleased that the Deputy Prime Minister has indicated that such a review will commence. It needs to look at a range of issues, not least of which is the current status of the higher education contribution scheme. There can be no doubt that the scheme, which was introduced by the former Hawke-Keating Labor government, for very sound reasons, was utterly bastardised by the federal Liberal government under successive education ministers Amanda Vanstone, Brendan Nelson, David Kemp and Julie Bishop, to the point where it was completely removed from its original intent and has become a major disincentive for students to undertake higher education. It is clear, across a range of measures, that that has had a detrimental impact.

MRS DUNNE (Ginninderra) (4.19): I will speak briefly on this matter of public importance. I echo some of the comments made by the Leader of the Opposition, Mr Seselja. As a member for Ginninderra and the former shadow minister for education, I take this opportunity to congratulate Professor Stephen Parker and the current staff and board of the council of the University of Canberra for taking the steps that they have to try and re-establish the University of Canberra as an institution with a stable and long future.

The University of Canberra has a fine reputation for servicing the ACT and region and for serving international students. For a variety of reasons, over the past few years there has been a decline in its standing and its prospects. As the minister has said, Professor Parker is someone who inspires confidence from those who have taken the time to get to know and discuss the issues relating to the University of Canberra.

Mr Mulcahy raises some questions about whether things such as aged care accommodation are poor business for the University of Canberra. These are things that we probably need to look at as a community, but principally this is a matter for the council of the University of Canberra.

A number of things that have come up in this debate and been skirted over should be addressed. For a substantial period of time, about three years ago, it was almost impossible for the University of Canberra council to meet because the government had not appointed sufficient members. Often council meetings were inquorate simply because there were not enough members. This was a failing by ministers of education and the Chief Minister for a number of years. Complaints were made to me as the member for Ginninderra about the fact that from time to time the University of Canberra council could not meet to fulfil its responsibilities because there were not enough people. There has been neglect on the part of the Stanhope government in relation to the University of Canberra.

I noticed a couple of comments made yesterday that make me wonder whether the current minister has either interfered inappropriately at the University of Canberra or wants to big-note himself. On ABC Radio 666 yesterday morning, he seemed to take single-handed responsibility for the appointment of Professor Parker as the vice-chancellor of the University of Canberra last year, and he also did so yesterday in an amendment to Mr Seselja's motion in relation to the *Towards 2020* proposal. It

does Professor Parker and the University of Canberra a huge disservice to imply, as the minister did, his level of involvement. The appointment of the vice-chancellor is not a job for the minister; it is a job for the council. The imputation he made on two occasions yesterday detracts from the status of the vice-chancellor. The vice-chancellor deserves an apology because of the imputation that was made yesterday.

The minister for education made it very clear yesterday that he had an abiding interest in the administration of the University of Canberra. I wonder whether it is more than just his ministerial interest. It is of use to note that a former staff member of his office who had previously been associated with the University of Canberra came to work in the minister's office, then left, and has gone back to the University of Canberra. I do not know whether he is considered to be in some way a mole in the system. He may have a lot to answer for.

I also thought it was interesting to note in passing one of the more outrageous comments made in Mr Mulcahy's speech when he claimed that in this town he was the only critic of the establishment of the Australian International Hotel School.

Mr Barr: You were a critic too, were you?

MRS DUNNE: No, I was not, because I was not around at the time. I thought it was a big ask and I thought it was a big play, because I am very aware that my former colleague Mr Cornwell, who was the shadow minister for education at the time of Mr Wood's announcement of the Australian International Hotel School, was quite critical of that.

Mr Barr: Publicly?

MRS DUNNE: Yes, he was publicly. I will also put on the record my recollection, without being able to check consistently, that there was considerable public opposition from the then opposition—the Liberal opposition led by Mrs Carnell—and that that was longstanding. It was unfortunate that it took so long for the whole process to be wound up. It took until well into the treasurer-ship of Mr Quinlan before the whole thing was eventually concluded. It should have been concluded before that. It was a sorry episode in the ACT. But it is a big ask for Mr Mulcahy to claim that he was the only person who was prescient enough to see that this was a mistake.

MRS BURKE (Molonglo) (4.25): I want to correct on the public record something Mr Mulcahy said which was quite stupid. I was a member of the council—and very proud to be a member of that council too. I was there in Don Aitkin's time. Hopefully, people will read *Hansard*, because no doubt Mr Mulcahy will be delivering—as he always does—a copy of this for people to read. I just want the public record to note this: as if I would tell Mr Mulcahy anything at all about the discussions we had on council at that time—or in fact any other time! I just wanted to put that on the public record. For Mr Mulcahy to even suggest that I might be able to tell him details about what happened in the discussions of a council meeting is somewhat strange coming from a man who seems to know everything there is to know about corporate life, counselling and so on.

I just want to stand up in support of the University of Canberra. I have heard comments made that we perhaps are a little pre-emptive. I agree that we have to keep a watching brief and keep an eye very closely on what is happening out there. But to be dragging it out—maybe somewhat prematurely given that the end-of-year financial reports are not out yet—is a little sad. We need to be very careful about doing that to such a fine institution in the ACT.

MR SPEAKER: The time for the discussion of the matter of public importance is concluded.

Human Cloning and Embryo Research Amendment Bill 2007

Debate resumed.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (4.27): The speed of developments in research and emerging technologies constantly presents our society with difficult ethical and moral challenges for consideration. Recent changes in the field of reproductive technology—in particular, the refinement of cloning techniques, the isolation of human stem cells and the development in vitro of stem cell lines—have caused considerable debate and attracted significant media attention both in Australia and internationally. Much of the discussion on these technologies has centred on potential therapeutic benefits, including the possibility that many diseases and disabilities characterised by tissue degeneration such as Parkinson's, Alzheimer's, heart disease, spinal cord injuries, type 1 diabetes, arthritis, liver disease and muscular dystrophies may be effectively treated or cured.

It is my view that this bill will increase the chances of this future success by allowing research on stem cells created by somatic cell nuclear transfer to proceed. The advances in this field are already significant. Regenerated cells derived from adult cells are already being used to treat leukaemia, lymphoma and several inherited blood diseases.

However, there are also concerns in the community about the fundamental ethical issues posed by work with embryos and the level of oversight applied to such work. Debate has focused on the possibility of producing a clone of a human being and the destruction of human embryos in research for a potential therapeutic application. In my view, the Human Cloning and Embryo Research Amendment Bill 2007 does address these concerns. As has been highlighted in the debate earlier by the minister when the bill was introduced, the purposes of this amending legislation are to ban human cloning and other unacceptable practices associated with reproductive technology and regulate research involving human embryos.

The nationally consistent scheme as outlined in detail by the health minister was developed through an extensive consultation process in which the ACT played a significant role. Indeed, this was a matter which was the subject of consideration by ministerial councils which I was a member of when I was Minister for Health.

As the current minister has stated, the introduction of this scheme was originally agreed to at the Council of Australian Governments, COAG, meeting in 2002 and

reinforced through the development of the intergovernmental research involving human embryos and prohibition of human cloning agreements 2004 to which the ACT is a party. The commonwealth, states and the ACT then signed a notice of variation to the 2004 agreement in 2007, renewing their commitment to nationally consistent arrangements for the prohibition of human cloning and the regulation of human embryo research. This is an approach that I believe has served the community well and has provided us with a clear and rational framework for the assessment of these often difficult issues.

The Human Cloning and Embryo Research Amendment Bill 2007 addresses the desire for a nationally consistent approach to regulate research involving human embryos, research that has the potential to cure disease and save lives. In my view, this bill will expand the range of research activities which may be carried out under licences issued by the National Health and Medical Research Council, or the NHMRC, Embryo Research Licensing Committee.

Specifically, the amendments will allow, under licence, the creation of embryos for research purposes by means other than fertilisation of a human egg by human sperm. As is currently the case, the NHMRC Embryo Research Licensing Committee will be able to issue licenses only for research approved by a human research ethics committee. Research must also be conducted in accordance with the NHMRC's ethical guidelines.

I believe strongly that the special character of embryos warrants a strict regulatory regime for research involving excess ART embryos. I also believe that human embryos should not be created for any other purpose than ART treatment. And this is something that this bill seeks to address. The bill amends the definition of a human embryo to be consistent with the NHMRC definition and the definition in the 2006 commonwealth legislation which this bill mirrors. The point at which a human embryo is defined to commence existence is the identification of the first mitotic division.

Perhaps the most controversial aspect of this bill is that it will allow for the creation of embryos using somatic cell nuclear transfer. The purpose of this technique is to create an embryo clone from which embryonic stem cells may be derived for research. Attempts to use this technique to clone a human will be prevented by the prohibitions that I have just mentioned.

This perhaps is one of the provisions of the bill most open to misinterpretation. Yes, it is true that animal and non-animal egg and sperm may be used as part of this process. But it should be recognised that this is used only to test the viability of the human sperm and to assist researchers in the process of facilitating their activities.

While there have been enormous developments in medical research involving adult stem cells, this does not, in my view, remove the need for embryonic stem cell research. While there is some suggestion that certain adult stem cells may be pluripotent, this research is not conclusive, and research in this area is ongoing.

Many scientists working in the areas of adult and embryonic stem cell research agree that their work in these two main areas of stem cell research is both complementary

and necessary and will remain so for many years. This bill will give researchers the scope and certainty to develop embryonic stem cell lines to lead to even greater advances in this field. It is my view that both avenues of research should be pursued simultaneously to maximise our chances of discoveries to cure diseases that continue to kill thousands of people every year.

The passage of the Human Cloning and Embryo Research Amendment Bill 2007 will secure our participation in this national scheme. It will ensure consistency of decision making across Australia and prevent unlicensed and unregulated embryo research being conducted in the ACT.

For me, this bill strikes the right balance between allowing responsible and ethical research that enjoys strong community support within a strictly regulated framework and explicitly prohibiting practices that are abhorrent to the overwhelming majority of Australians. It is my hope that the work that will be permitted through this bill will lead to advancements in our ability to combat diseases that currently cause a great deal of suffering and death to many Australians. I will be supporting the legislation.

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) (4.35): I propose to speak very briefly in relation to the Human Cloning and Embryo Research Amendment Bill to signal that I too support the bill. I accept the very difficult issues that this bill and the proposals contained within it represent for many of us.

All parties within the Assembly regard this as an issue in relation to which they will respect positions of individual conscience. That is a reflection, of course, of the sensitivity, seriousness and, indeed, complexity of it and, for many, the difficulties that are presented by proposals such as are contained within this legislation.

The legislation seeks to establish a nationally consistent scheme for the regulation of activities involving the use of assisted reproductive technology embryos, other embryos and human eggs. The bill is required by an intergovernmental agreement to which the territory is a party, and I was very much part and parcel of discussions within COAG in relation to that intergovernmental agreement and the arrangements that were agreed among all jurisdictions within Australia in relation to stem cell research. This legislation will align ACT legislation with commonwealth legislation that has been amended following extensive community consultation and review. This bill is consistent with agreements that were delivered through COAG.

I wanted really to do no more than to indicate that I essentially have views that have been reflected in the presentation my colleague Mr Corbell has just made and it is perhaps unnecessary for me to repeat them. I agree entirely with the presentation that Mr Corbell has just made. It represents my views. My decision to support this bill is essentially as reflected by Mr Corbell in his speech just now. I wanted, just for the record, to indicate that. I believe that the research that is made possible through the amendments which we debate today does present enormous potential.

I understand the arguments that others will make about some of the risks that they believe research involving embryos, human eggs and the combination of possibilities

that would be permitted as a result of these amendments is a risk or an outcome that they find impossible to support. I am one of those that do believe that the potential ends, the outcomes, of some of the research may be pursued—we do need to give it the opportunity and capacity to be pursued—will, at the end of the day, have potentially lifesaving potential for people with the most debilitating diseases and life-threatening and life-ending diseases such as cancer, most particularly leukaemia, motor neurone disease, Parkinson's disease, spinal cord injuries and a whole range of other diseases that render the lives of many people very difficult and that do impact enormously on the quality of their lives or the capacity to live meaningful lives.

To that extent, I am one of those that believe in some of the ends that we believe are possible as a result of some of the research that may be pursued. There are lots of ifs, buts and mayas in all of this, but at the end of the day I believe the potential for outcomes that will alleviate significant suffering and enhance the quality of lives of many Canberrans, many Australians, many people throughout the world, does justify and support the need for these particular amendments to allow that possibility or that potentiality. So I will be supporting the amendments.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (4.39): I have been listening to the debate as best I could upstairs and I offer, by way of explanation for my absence from the chamber, the fact that I have been trying to do a number of things at once. This is a very difficult issue and it is not the first time that I have had to rise in this place, having been faced with a particularly difficult issue because I differ quite a lot from a lot of people in this place in my view about when life commences.

I have the very strongly held view that it commences when a sperm penetrates the membrane of the egg. As far as I am concerned, that is then a life. Then, if anything needs to be done with that life, for whatever reason, and that causes it to die through intervention, then we should acknowledge the need to do that as a community and that we are taking a life. Let us not fool ourselves. The minute an egg divides because of the insemination it is therefore alive. Whether it will proceed to a condition of developing a consciousness will really depend upon the environment in which it is nurtured. That is where, in fact, in my view, a lot of our attention needs to be placed.

However, there are other issues at stake. Let me put my position. One of the things that I brought to this consideration very early was my total opposition to the farming of embryos for any reason. I do not believe in it and I will not ever support it. So people can save themselves a bit of time later by asking me to, because I just will not.

However, there are occasions—and we have discussed them here before—when an embryo will be destined for a certain fate. One case that I could think of and that comes to mind is where a person will have an embryo inserted by IVF but there were two created. But there was only ever meant to be one. We have seen some cases in the media recently where there happened to be two and there has been litigation. One of them is destined to be destroyed.

In my view, I would be saying, “We will keep the other one as long as we can for implantation later.” But if it is a decision by all of those people that have responsibility for this that that should be destroyed, then that would be, I believe, a sad thing to happen.

There are two parts to this that caused me concern and about which I am now reconciled. At one stage I would not agree with the use of embryonic cells for stem cell research because of what I was concerned was a lack of safeguards around the practice, the actual notice and the notion of sacrificing one life to make another life a little nicer or better or improved. But I reconciled myself to the fact that we are not talking about farming of embryonic cells for stem cell research but we are, in fact, using excess cells which would be destroyed anyway.

I know a bloke who sits in a wheelchair because he is a quadriplegic and he has a spinal injury, a trauma. I spoke to him about this. I looked into his eyes, and he said, to me, "Johnno, for my sake, if nobody else's, support this research because I live in hope. I am now facing a shortened life. I am living in hope that maybe one day while I am still here stem cell research may be able to come up with something which can get me out of this wheelchair." I confess to you, Mr Speaker, that I went away and I was deeply affected. I changed my position from that account. He was not being hysterical.

The other thing is—and I am not as eloquent as my colleague Mr Corbell, particularly on issues like this, because he has this ability to more succinctly put things together—that we are talking about the use of these eggs and sperm to test the viability of the sperm. It is true to say that the use of an egg to test the viability of sperm on a human was actually messing around with the reproductive process, when you think about it. What happens is: if we are going to test the viability of human sperm on a human egg and it is a viable sperm, it is likely that you are going to create a life. What happens then, I ask. Is that life then continued or is it discarded? I do not know the answer to that.

I am assured that the practice of testing the viability of sperm on a non-human egg is about the viability of that one sperm in the group of sperm that it travelled in and that it is destroyed basically the minute it is determined that it would have been a viable sperm and has actually penetrated the membrane and before the first mitotic division. I am convinced that the safeguards exist at this stage for that. I am also aware of the penalties for non-compliance with those safeguards. They are significant penalties, up to 15 years imprisonment.

I guess the bit that gave me the biggest angst was that we are not talking about an inanimate object; we are talking about mucking around with what can be a created life. We have to be very, very careful with this. I do not subscribe to the notion that we are elected to this place to reflect the views of the majority of our electors in this particular instance. I believe that we are elected to this place to have the strength of conscience and respect the faith that people have put in us on the use of that strength of conscience. My conscience on this particular piece of work was sorely tested.

I understand what Mrs Dunne is proposing. I applaud her for her stance. I respect very sincerely the position that she is taking from a deeply religious position and a deeply held personal conviction. I want to make sure that the record shows, and everybody that is listening understands, that I respect her position on this. But in this case I cannot support her amendment.

I do believe, in fact, that this legislation will, in all probability, have beneficial effects on people like my good friend into whose eyes I looked when he was in his wheelchair. I do believe that the safeguards are in place around the use of human sperm and non-human eggs. The mere mention of the words “chimeric embryo” in the prohibition lists is, to me, making it particularly obvious and up front that there is no intention of allowing a hybrid human being to be developed. That is quite clear.

Against this background, however, I would share with the Assembly a concern that I have. I will be asking the minister to check this out and let me know how this goes. If my fears are realised on this, I may very well have a different view. We do not have the time today; we need to vote on it today, I believe. It is this: we talk about the creation of a hybrid embryo. A hybrid embryo is actually the wrong terminology to use anyway, I believe, because, if the egg and the sperm are destroyed pretty much immediately after penetration, then you do not actually proceed to the mitotic stage anyway. It happens before that; so it is not actually that point. But it is good enough for the conversation.

If the process and the procedure are to say yes, that particular sperm is viable, therefore the conclusion about the predominance of those millions accompanying it is also a viable group and is therefore destroyed, I ask the question: why is it that we have to leave it and have the prohibition that we cannot develop a hybrid embryo after 14 days? Four hours would be better, in my view. I cannot see any reason why that is not so. It has not been explained. However, I do believe that the prohibitions address the issues that I have. I do believe that the penalties reflect the depth of seriousness with which this issue has been addressed.

On a lighter note, the test of viability of a sperm is usually the intention to create life. This procedure and this process are really about trying to make sure that life can be created. So we need to be a little bit careful about that. We do know that you could not and should not test the sperm on a human egg because then you will, if it is viable, create life. Then you have got some horrendous decisions on your hands. We do not have laboratory techniques to test it in some other way, as far as I know. I do not have a difficulty with that now, but I did have before.

We can see that one of the prohibitions quite clearly is that it will be an offence to create or develop a chimeric embryo. For those people who do not know, and for the record, what that term means is: it is essentially a two-headed monster in the definitional stuff. Therefore, we are talking about a Minotaur-type creature. That, of course, ought to be prohibited. I have confidence that that prohibition covers those sorts of possibilities. It also ought to be noted that we actually already implant other parts of animals into the human body to make sure that we can prolong life. There is an integration here. There is not a total prohibition on that.

I know that I disappoint Mrs Dunne and I know that I disappoint Mrs Burke. I respect their positions, and I would ask them to respect mine.

MS MacDONALD (Brindabella) (4.54): This is, I think, most probably for all of us, a very personal issue. But I do believe that, in spite of the fact that it is a personal issue for me—in fact, a very personal issue for me—I do have a responsibility to explain the way that I vote on this.

Mr Assistant Speaker, you were here during the Fifth Assembly when we had the debate on a woman's right to choose on the issue of abortion. I said at that point that I did not think that any debate could be harder. But I do have to say that this possibly is harder than that debate, especially as none of us in this place are scientists. There are complexities that surround the terminology. If you have got a teaching qualification, which I do, a primary teaching qualification, or you work in a trade union background, which I have also done, or you have got a law qualification or you have worked in other areas, you will not necessarily have a great deal of understanding of these complexities. So it is complex trying to wrap your head around the issues that surround embryonic stem cell research.

Many have said today that this is a complex issue. But I do not believe that it really is a complex issue. I think that it is actually quite a simple issue, and certainly my husband, Brendan, keeps telling me it is a very simple issue. I believe that it comes down to your attitudes or your beliefs on when life begins and whether humans have the right to assist with the creation of life. I personally do not see embryos created by assisted reproductive technology as life; rather, I see it as the potential for life.

While I respect the views of Mrs Dunne and my husband, they are not my own. When two people come together in a partnership of marriage, obviously I think any of us who have been in the situation know that there has to be give and take. There certainly is in my marriage and I do not for one moment regret that.

I place on the record that I have no problems with IVF, but my husband does. I think it has certainly become public in the last couple of months that we are looking to adopt a child and that is because the one process that we could possibly go through that is sanctioned by the Catholic Church and is acceptable to my husband, GIFT or gamma intrafallopian transfer, is something that I cannot use.

As I said, we want to adopt. I do admire Brendan for his strength, belief and his convictions, especially given that we do face this challenge, especially as he is a human geneticist and especially as the research shows that human cloning and embryonic stem cell research could actually provide a cure for his fairly rare form of leukaemia, which, fortunately, he is in remission from. He is in remission from it but if he were to go out of remission and have that leukaemia come back and there was a cure that was found by such research, I know that he has the strength and conviction that he would not accept such a cure. I do understand that, and I respect him for that.

I know that that is something that Mrs Dunne has said in this place before with regard to her own family suffering cystic fibrosis. They would not accept any such cure that came about as a result of embryonic stem cell research. That is an incredibly hard thing for somebody to say, especially about their children. I understand that.

When this matter was debated in the Senate, Brendan wrote to every senator and laid on the table his situation and the fact that he would not accept any such cure that came about in this way. I respect him for it. I support him in it. But if I was faced with the same situation, it would not be my choice.

As I said to him last night, I cannot impose his views on how I vote, given that they are not my views and even though I am happy to go with the give-and-take in our

marriage—“happy” is possibly not the right word, because there have been a lot of tears in relation to our inability to have children—but I knew that when we got married. I knew what it meant. But that does not relate to the choice that I make in this place. As I said before, as I do not see embryos as life but rather the potential for life and I do think the possibilities that this research will give are incredibly important to the vast majority of people in our community, I will be supporting this bill.

MR BERRY (Ginninderra) (5.01): I had not intended to speak on this matter. I have seen the debate continuing over many, many months now, and it seemed to me to be going in the direction which I would support and which is generally supported by the community. But I felt a little goaded into commenting today because some speakers have said that people who have a conscience on this issue, because it is a conscience vote, ought to say which way they are going to vote and why. That is just part of the political partisan debate, but I was goaded by it, so I thought I would say something on this from a humanist’s perspective.

I regard this move as a rather routine development and improvement on the science which we as human beings enjoy because of the education that is provided to us in progressive states like our own. Much was said earlier about the ethical and moral positions that people might have, and there was an attempt try to draw some connection between this issue, the abortion issue and capital punishment. Of course, there is no real connection. This is a science which is aimed at improving the lot of ordinary human beings. I take the view that, as a human being—it is probably one of those primeval things—that we are here to make things better for the next generation and to reproduce ourselves. By making things better for the next generation we improve on science.

I am not going to attempt to debate the good and bad sides of the sciences that are involved in this piece of legislation. My job, I think, is to ensure that there are adequate safeguards when this science is exercised. As a legislator, and having that humanist commitment to making things better for the next generation and supporting any opportunities that arise to do so, I feel obliged to support these sorts of advances in science which may or may not improve the lot of other people. In my view, and in the view of many of my constituents, it would be immoral and unethical not to do this. I take that very strong view. I have taken that very strong view on issues such as capital punishment—that is, it would be unethical and immoral not to oppose it—just as I have taken the view that it would be unethical and immoral to prevent a woman from making decisions about her reproduction.

It is with some pleasure, I suppose, that I am able to vent my senses about this advance. I have had no trouble with it from the beginning, save for the obligation as a legislator, as I mentioned earlier, to provide proper safeguards for the possibility of scientific advances which will improve the lot of other human beings. I feel a sense of responsibility as a citizen to do whatever one can to make life better for the next generation. As a legislator I have an even stronger obligation to do that. That is why I will be supporting this bill wholeheartedly, and that is why I will continue to support this science.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for

Women) (5.06), in reply: I do not think it will come as any surprise to members that I will be supporting the Human Cloning and Embryo Research Amendment Bill 2007. It does represent the ACT component of a nationally consistent scheme to prohibit human cloning and regulate research involving excess human embryos.

This is a rapidly developing area of technology, and it is important that the ACT keep pace with the potential therapeutic applications of research, as well as changes in community attitudes and standards. The introduction of this scheme was originally agreed to at the COAG meeting of 5 April 2002. This amending legislation is required by the intergovernmental Research Involving Human Embryos and Prohibition of Human Cloning Agreement 2004, to which the territory is a party.

At the COAG meeting of 13 April 2007, the commonwealth, states and the ACT signed a notice of variation to the 2004 agreement to renew their commitment to nationally consistent arrangements for the prohibition of human cloning for reproduction and the regulation of human embryo research. The commonwealth Prohibition of Cloning Act 2002 and the Research Involving Human Embryos Act 2002, which provided the framework for the national scheme, were assented to on 19 December 2002. The ACT government and other states and territories were involved in the extensive consultation process undertaken in the development of the commonwealth legislation.

Amendments to the commonwealth legislation were made by the Prohibition of Human Cloning for Reproduction and Regulation of Human Embryo Research Amendment Act 2006, which received royal assent on 12 December 2006. The amendments implemented recommendations of the legislative review of the Prohibition of Human Cloning Act 2002 and the Research Involving Human Embryos Act 2002, also known as the Lockhart review, produced in December 2005 by the legislative review committee chaired by the late Hon John Lockhart, a former justice of the Federal Court.

The Lockhart review was instigated in accordance with the requirement of the commonwealth acts of 2002 that those acts be independently reviewed two years from the date of their assent—the end of 2005. The Lockhart committee had representatives with expertise in law, ethics, medical practice, science and community representation, and all appointments were made after consultation with states and territories. The committee consulted widely across Australia. ACT officials participated in a COAG working group which advised COAG on the Lockhart review recommendations.

The commonwealth legislation has limited coverage due to constitutional issues. The commonwealth acts do not cover state agencies, individuals or universities. The nationally consistent scheme addresses these gaps, provides uniform regulation and avoids uncertainty about the application of the regulatory scheme. The states and the ACT have undertaken to use their best endeavours to introduce corresponding legislations into their legislatures by 12 June 2008 and for all parties to maintain nationally consistent arrangements over time. The Victorian, Queensland, New South Wales and Tasmanian parliaments have already passed nationally consistent legislation. Relevant legislation has been introduced into the Western Australian and South Australian parliaments. The Northern Territory parliament is yet to introduce nationally consistent legislation and was not a party to the 2004 agreement.

There is widespread international agreement on the prohibition of cloning human beings. The international position expressed in article 11 of the UNESCO Universal Declaration on the Human Genome and Human Rights 1997 states:

Practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted.

This bill retains the existing prohibitions on activities such as placing an embryo clone in the human body or the body of an animal; importing or exporting a human embryo clone; creating a human embryo by fertilisation of a human egg by human sperm for a purpose other than achieving a pregnancy in a woman; creating or developing a human embryo by fertilisation of a human egg by human sperm which contains genetic material provided by more than two persons; developing a human embryo outside the body of a woman for more than 14 days; making heritable alterations to a human genome; collecting a viable human embryo from the body of a woman; creating or developing a chimeric embryo; developing a hybrid embryo before 14 days; placing a human embryo in an animal, a human embryo into the body of a human other than into a female reproductive tract or an animal embryo in a human; and importing, exporting or placing in the body of a woman a prohibited embryo. They are the prohibitions under this bill.

The bill does enable certain types of research involving embryos to be permitted under the approval of and in accordance with a licence issued by the National Health and Medical Research Council, the rigorous regulatory framework established by the original legislation for research involving excess ART embryos. The bill modifies the existing regulatory framework to allow for the use of somatic cell nuclear transfer, often referred to as therapeutic cloning, and contains provisions on licensing arrangements under the authority of the NHMRC in relation to excess assisted reproductive technology embryos, human eggs and their creation or use of other embryos.

In summary, a person may apply for a licence to use excess assisted reproductive technology embryos; create human embryos other than by fertilisation of a human egg by human sperm and use such embryos; create human embryos by a process other than the fertilisation of human egg by human sperm containing genetic material provided by more than two persons and use such embryos; create human embryos using precursor cells from a human embryo or a human foetus and use such embryos; undertake research and training involving the fertilisation of a human egg up to but not including the first mitotic division outside the body of a woman for the purposes of research and training; create hybrid embryos by the fertilisation of an animal egg by human sperm and develop such embryos up to but not including the first mitotic division, provided that the creation or use is for the purposes of testing sperm quality and will occur in an accredited assisted reproductive technology centre; and create hybrid embryos by introducing the nucleus of a human cell into an animal egg and use of such embryos.

In no circumstances can any embryo be developed outside the body of a woman beyond 14 days. The implantation of human embryo clones in the body of a woman for the purposes of reproduction also continues to be absolutely prohibited.

Non-compliance with safeguards can attract maximum penalties of up to 15 years imprisonment.

Currently in the ACT, ART is conducted under a self-regulatory framework through the Fertility Society of Australia code of practice and the National Health and Medical Research Council ethical guidelines. Assisted reproductive technology is conducted by two facilities in the ACT—the Canberra Fertility Centre and Sydney IVF Canberra.

It is possible that these facilities may, in the process of assisting couples to have children, generate excess human embryos that, with the consent of the two people whose sperm and egg were used to create the embryo, may be made available for research purposes. Under this bill, the only embryos that will be made available for research purposes will be the excess assisted reproductive technology embryos that donors have consented to being used for this purpose.

The NHMRC Licensing Committee will be tasked with scrutinising applications on a case-by-case basis to ensure that the use of each embryo is fully justified and that the embryos are donated with informed consent. The researcher that seeks such consent cannot be the assisted reproductive technology provider who obtained consent for the creation of the embryos at the outset. Consenting donors will also be able to specify research restrictions on the use of their embryos.

In granting a licence, the licensing committee will have regard to whether the outcomes of the research will be likely to provide a significant advance in knowledge or improvement in technologies for treatment as a result of the proposed research which could not be reasonably achieved by other means. The research must also have the approval of human research ethics committees and comply with all ethical guidelines issued by the NHMRC.

The Standing Committee on Legal Affairs in their scrutiny report raised concerns about whether new sections 20, 21, 25A and 25B of the act, if enacted, would create strict liability offences. I would like to emphasise, as I stated in my response to this report, that these are not intended to be strict liability offences. If it had been the intention to apply strict liability, it would have been explicitly labelled as such, as required by the Criminal Code. Fault elements will apply to these provisions as per section 22 of the Criminal Code.

I believe that the Human Cloning and Embryo Research Amendment Bill, in conjunction with the commonwealth act, meets the objective of providing a nationally consistent approach to human cloning and embryo research. I believe that this bill provides an appropriate and balanced approach to the issues at hand. It prohibits unacceptable activities, such as human cloning, and it responds to community concerns that we regulate scientific research on the use of excess assisted reproductive technology embryos. At the same time, it keeps open the ability for research to find therapies and cures for debilitating and life-threatening illnesses within strictly legislated parameters.

As other jurisdictions have found, I think this bill strikes the right balance. I acknowledge the difference of opinion that exists across this chamber and the debate that has gone on today, but I believe this legislation allows certain research to occur in

tightly controlled and approved conditions. The bill goes to a list of prohibited activities—in fact, most of the bill is about prohibited activity—and this creates a sensible, modern way forward—that is, not to ban all research, not to allow simply any research, but to agree on a nationally consistent framework for which some research can occur.

I am advised that Australia is internationally recognised and renowned for providing a nationally consistent environment for research to occur. This nationally consistent framework genuinely makes Australia attractive for researchers to come and embark on research, either on their own or in partnership with Australian professionals.

Many of those who spoke against the bill spoke about some Korean research which was referred to in the Lockhart review. If you look at the Lockhart review, you will see a great deal of other research that was referred to listed as appendices to that review. Lockhart did not rely on this research alone, but, importantly, the Korean research results, as they have come to light, did not prove that what was attempted could not be done; it was simply not done under this research.

Also, opponents to this legislation today said that, because of the number of licences issued it showed that this kind of research is not required—that is, not many people had applied for licences. I would argue that this shows how cautious scientists themselves are around conducting research in this area. Most of the research is adult stem cell research.

Mr Smyth had a number of concerns. In the current legislation, which Mrs Dunne recommended we repeal, section 30 (4) (b) actually provides—and I mentioned this earlier in my speech—that if there is a better way of doing things, if there is a more effective way of doing things, for example if adult stem cells can be used in research, then a licence will not be granted for another type of research, such as the one that Mr Smyth is concerned about. That issue is covered off.

The argument was that science is moving too fast and we have found that so much can be done with adult stem cells. But only so much can be done with adult stem cell research, and that is covered off in section 30 (4) (b) of the current act. If people had taken the time to have a look at that, they would know that it addresses the concern—

Mr Smyth: No, I do not believe it does.

MS GALLAGHER: Well, it certainly addresses the argument you raised. In relation to success rates of research and whether it is cost-effective—and you could apply that to a whole range of research—surely the NHMRC are the people that need to make those decisions around reasons for research, whether that research is appropriate and whether it is cost-effective. Their guidelines for the ethical conduct of human research are available, and they are quite extensive. They go to many of the concerns that those opposed to this legislation have argued today.

The other issue was around the words “excess assisted reproductive technology embryos”. There are excess embryos now and they are destroyed now. With the very personal consent of donors—that is, the agreement of the man and woman involved—some of the embryos which are currently destroyed can be used for research. That is a

very personal decision and not one which I think we can make on an individual basis in this place. It has to happen with informed consent; there are guidelines around that. The NHMRC has to look at that, and there are safeguards in this legislation which protect that.

In relation to Mr Hargreaves's concerns around the prohibition that there is no development of a hybrid embryo beyond 14 days, that is consistent with other prohibitions in the act. You cannot go further than 14 days. That is largely around using those for reproductive purposes, but if members look at clause 16 of the amending bill, they will see that you cannot actually get a licence to use hybrid embryos beyond the first mitotic division, which is 24 hours. I think that addresses Minister Hargreaves's concerns.

I thank people for their contributions today. I acknowledge this issues touches at the hearts of many people for many different reasons, but I believe this is a modern, safe, regulated way forward.

MR SMYTH (Brindabella) (5:21): I seek leave to move the motion that has just been circulated in my name concerning this bill.

Leave granted.

MR SMYTH: I move:

That the debate be adjourned and that the Minister refers the Human Cloning and Embryo Research Amendment Bill 2007 to the Commonwealth Minister for Health with the request that the scientific techniques proposed in the Bill still represent the best practice in science.

Although I have heard what the minister has said about section 30, I am not convinced that it is so. There is no real—

Ms Gallagher: You have not read it.

MR SMYTH: I have read it.

Ms Gallagher: Well, why did you make a fool of yourself?

MR SMYTH: You are making a fool of yourself by your caterwauling across the chamber.

Ms Gallagher: You never do that, Brendan!

MR ASSISTANT SPEAKER (Mr Gentleman): Order, Mr Smyth. Address your comments through the chair, please.

MR SMYTH: Mr Assistant Speaker, it is a simple request based on up-to-date information, which the minister refuses to acknowledge. Information from people who were involved in the Lockhart review, which has been referred to widely in this place today simply suggests that the position taken some years ago is now out of date

because new research has emerged. All I am asking is that the minister take a little bit of time and refer it back to the federal minister and ask that that minister confirm that the research that is the basis of the Lockhart report and the basis of this template legislation which is being enacted across the country is still valid.

The one thing the minister said that was correct is that, yes, the progress of scientific research is moving at a great pace. Before we put legislation in place, we should not be legislating for something that was valid two years ago when we know that there are techniques available today that now supersede that. That is all I am asking. It is a very simple request. We talk in this place a lot about the precautionary principle—let us apply it for once. We heard quotes from Professor Skene this morning that there are new techniques that supersede the need for using embryonic stem cells that can be done simply from adult stem cells. If that is so, then we should avail ourselves of that information.

With that in mind, I am simply asking that the Assembly adjourn this debate and that the minister write to the federal minister, from whom I assume she can get a quick response, and bring back debate on the bill in the sitting week in May. That is plenty of time to enact the bill in June, if necessary. However, we all might be surprised by the fact that, yes, indeed, some Australian scientists have made significant progress in processing adult stem cells to do the research that two or three years ago seemed to require embryonic stem cells. I think this is about getting it right and not about getting it done quickly.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (5:23): The government will not be supporting this motion. There has been enormous discussion and consultation around this issue stemming back more than six years. This legislation was introduced in December. There has been ample time for briefings and further discussion to be had. In fact, we briefed the opposition and no concerns were raised, other than it is a conscience vote. We did not ask for any commitments around that.

There was time, other than at the last minute today, to put this on the table and ask for this issue to be referred on. This is largely a delaying tactic, as far as I can see. Human stem cell research is allowed to happen under legislation now, so the research that you want to see continued can continue. This bill simply allows another type of research to occur, if it is proven and if, under the licence requirements, it is approved by the NHMRC and it sees it as the best way to conduct the research. That does not discount all the growth and advances in technology and research in the area that you are interested in at all. Those can all continue. This simply allows for particular types of research to occur in tightly regulated, controlled and approved conditions.

What you are asking me to do is to make sure that scientific techniques still represent best practice. This is allowing a whole range of research to occur, and that will not change. I can see no reason why the debate that we have had today cannot be concluded. This is a delaying tactic. The government will not be supporting it.

MRS DUNNE (Ginninderra) (5.25): I would like to support Mr Smyth's motion. It is interesting to see that suddenly the corporatist Labor Party is coming out. Suddenly

this matter has moved from a conscience issue to the position taken by the government. The issues put forward in Mr Smyth's motion go to the heart of almost everything that has been said in this place today. Many people have said that they have thought long and hard about this and that they have been troubled by some of the issues. Mr Hargreaves himself actually asked for some confirmation as to why things needed to be done in a particular way. An adjournment would give you an opportunity to address Mr Hargreaves's concerns on these issues.

There are a range of matters that have been raised by members across the chamber today that go to the heart of whether a range of techniques which will now become potentially approved by the NHMRC are, in fact, the absolute acme of what good science is at the moment. I have spent a lot of time over the last little while discussing this with eminent geneticists of all sorts of political persuasions, and the take-out message that I have got from a range of conversations, including those that I had with a number of people last night on this bill, is that what is proposed here in this legislation is entirely and completely outmoded.

In a sense, even if the permissions were given, it may be the case that there would be very few people who would take it up because there are better ways and more efficient and in fact cheaper ways of doing this now. Therefore, it begs the question: if there are better ways, why is it that this minister is continuing to push this and why are we being told that we have to come on board because this is a nationally consistent approach?

If we want a nationally consistent approach on the matter, why does the minister not have the courage to go to her federal colleague and say, "Let's look at the situation: the world is not going to come to an end if the people in the ACT do not give permission for researchers in the ACT to conduct experiments in the creation of hybrid embryos or experimentation in relation to the production of embryos with more than two lots of genetic material, or the experimentation and the creation of stem cell lines from precursor cells"? The world will not come to an end if we do not do this in the next six weeks or eight weeks.

What Mr Smyth is proposing is that the minister assure this place and the people of the ACT that, when we pass substantial pieces of legislation which do go to the very heart of the matter about when life begins and what is a legitimate and moral and ethical thing to do in relation to a small part of our community, we actually have all the information to hand.

If you look at what the minister said in her introductory speech you see that she basically repeated it in her conclusion to the debate. If you look at the explanatory memorandum, you see that it essentially says we are doing this because Lockhart said so. Recommendation 5 of Lockhart says this, so therefore we are doing this. The advice from everyone that I spoke to is that Lockhart is outmoded. What Mr Smyth is essentially asking for is a reprise of Lockhart—Lockhart mark 2—to see whether the recommendations that were made four years ago or more in relation to these matters still stand the test of time.

MRS BURKE (Molonglo) (5.30): I led the debate this morning for the opposition. I read these words and they still hold good now. These leading international

laboratories—and we were talking about laboratories around the world—working in embryonic stem cell research have shown that pluripotent four-stem IPS cells can be induced from adult mice and human cells. These findings were verified in late 2007.

These IPS cells have been shown to have all the properties previously attributed to embryonic stem cells and thus provide means for preparing individually tailored pluripotent cells without the ethical problems involved in therapeutic cloning. To this must be added the fact that IPS cells can readily be prepared, whereas human therapeutic cloning is an inefficient and costly process that has only been reported once, in the peer review literature of 2008, and is likely to require unacceptably large numbers of egg donations by women, with all the attendant risks of that procedure.

I support what Mr Smyth is trying to do here. But one thing has struck me in all of this debate. It is interesting that the government seem to be the only ones allowed in this place to change their minds or act on new information and be able to think outside the square and be ready and able to act. They seem to be the ones that can do it. We on this side of the house are not allowed to, somehow. I think it is very sad that the minister would say this is a delaying tactic. That is nonsense. Surely it is better to get this right.

Ms Gallagher: We are never going to agree on that.

MRS BURKE: It is not a matter of agreeing, minister. I hear you say that, and I respect your views. Respect, therefore, what we on this side of the house are trying to propose now. You say we have had a briefing. I agree with that. But it does not mean to say that things cannot change.

This debate today has been difficult for all of us, including the government members who have stood up, including Ms MacDonald's very touching and moving account and Mr Hargreaves's. It is difficult for us. But I think it is equally difficult if we allow this to go ahead, without a reprise, to really take stock of what we are doing in this place.

As Mr Hargreaves said, we have a responsibility. We have a responsibility to the people of Canberra. Why the great, hectic rush to push this through anyway? We are here as a legislature to debate and deliberate on matters. This is serious. It is a serious issue. I agree with the amendment put forward by Mr Smyth that the debate be adjourned and that the minister refer the Human Cloning and Embryonic Research Amendment Bill 2007 to the commonwealth minister for health with the request that the scientific techniques proposed in the bill still represent the best practice in science. What is wrong with that?

Why is this rush so necessary today, to close the debate and let us do that, tick it off the list, because it was on the program? I find that quite heartless. I find that ruthless. I find that uncaring. I think that is the least we can do for all those people that have stood up in this place to say stem cells will assist, when we know that there are good and better alternatives, when we know that science is advancing at rates faster than we can keep up with; yet we decide—of the 17 of us in this place, 10 people, with one of the crossbench members, for it—that we are going to be judge, jury and executioner, and that is it; no more debate.

We are not asking you to change your view. You would not ask us to change our view. The Minister for Health has said, “We have different views on this.” Absolutely! All we are asking you to do is please look at what we are asking here as a sensible request, not a delaying tactic. I find that remarkable. I find it rude. That is not our aim here at all.

I ask and urge members, including those that are in their rooms listening to this ongoing debate tonight, to please reconsider, particularly those members on the government side who are struggling with this, to allow fully their concerns to be answered and addressed. I do not see that there is any problem engaging with the commonwealth, considering that is where this issue came from in the first place. I think it makes sense for us as legislators to take that deep breath, get extra input from the commonwealth and then we can move forward. I will be supporting Mr Smyth’s amendment.

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

That the question be now put.

Question put:

That **Mr Smyth’s** amendment be agreed to.

The Assembly voted—

Ayes 7		Noes 10	
Mrs Burke	Mr Smyth	Mr Barr	Mr Gentleman
Mrs Dunne	Mr Stefaniak	Mr Berry	Mr Hargreaves
Mr Mulcahy		Mr Corbell	Ms MacDonald
Mr Pratt		Dr Foskey	Ms Porter
Mr Seselja		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Amendment negatived.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 10		Noes 7	
Mr Barr	Mr Gentleman	Mrs Burke	Mr Smyth
Mr Berry	Mr Hargreaves	Mrs Dunne	Mr Stefaniak
Mr Corbell	Ms MacDonald	Mr Mulcahy	
Dr Foskey	Ms Porter	Mr Pratt	
Ms Gallagher	Mr Stanhope	Mr Seselja	

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7.

MRS DUNNE (Ginninderra) (5.40): I seek leave to move amendments Nos 1 and 3 circulated in my name together.

Leave granted.

MRS DUNNE: I move amendments Nos 1 and 3 circulated in my name together [*see schedule 2 at page 1013*]. These two amendments, moved together, would create a prohibition in all circumstances on creating or developing a human embryo that contains genetic material provided by more than two people. The genesis and the reason for these amendments go back to the points that I made at the very beginning of this debate this morning. I reinforce that, if the minister had been entirely honest, she would have repealed the previous legislation and introduced a new bill, because the intent of these amendments is almost diametrically opposed to the intent of the existing legislation.

The legislation, as it was originally intended and as is borne out by the long title, was to prohibit the creation of human embryos and other unacceptable reproductive technology practices. What we see here is one of the things which could be categorised as an unacceptable human embryo practice. These things were, in the previous legislation, absolutely and completely prohibited, but now we are actually having a move whereby these things can be allowed if you obtain a licence to do so.

The licensing depends upon the goodwill of the National Health and Medical Research Council which, as we all know, is a body of eminent scientists, medical technicians and, sometimes, ethicists. In this case the licensing committee will meet to decide whether or not to issue a licence.

There are some protections, but they are not the protections that Ms Gallagher claims are in the legislation. Those protections in fact still rely on prudential judgements by those people who sit on the licensing committee. They still have to make a judgement. It is possible that we will go from a circumstance where, at the moment in the ACT, it is absolutely prohibited to create a human embryo by any means which has more than two sets of genetic material to a situation where we will be able to do that. We will be able to create embryos that have essentially three or more parents.

As the legislation currently stands, of course you cannot develop those for any length of time; they are only there for experimentation. But we have already progressed a significant distance since 2004 when these things were absolutely ruled out by the Minister for Health and by the previous legislation.

When do we move further down the path so that yes, we can develop these things and then destroy them, because we live in a utilitarian age? But how much longer will it

be before we actually get to a situation where we can keep them going a bit longer? As Mr Mulcahy said, what is so magical about 14 days? When will it become 21 days and when will it become 28 days et cetera, et cetera? When will it become acceptable? When will it become acceptable to take an embryo that has been created with three parents, implant it and bring it to full gestation?

The first amendment adds a new section 11A. It says:

A person commits an offence if—

- (a) the person intentionally creates or develops a human embryo by a process other than the fertilisation ... and
- (b) the human embryo contains genetic material provided by more than 2 people.

As it stands, new section 11 says that it is an offence to do this by fertilisation. What we do not do is make it absolutely clear that there is no means by which a person, a scientist, a doctor, should be allowed to create a human embryo that contains the genetic material of more than two people.

You have to actually do the common-man test. You ask the man on the 333 or, in this case, the 315 from Spence to Theodore. What does the common man on the 315 from Spence to Theodore do, think and say when you say to him, “Today in the Legislative Assembly, we debated and passed a bill that makes it possible for scientists in the ACT to take genetic material from three or more people and put it together and make a human embryo”? I can tell you that the man from Spence, who is catching the bus to Theodore, is appalled.

We can couch it with “as a result of this, one day, hypothetically out there in the deep distant future, we may be able to find a cure for diabetes or some other thing”, but at this stage this is entirely theoretical. Those cures are entirely theoretical and the mechanisms for doing this are abhorrent to the common man in the ACT, the man on the 315.

This is the test that we should ask ourselves all the time: is it appropriate? Are we doing what the people actually want us to do? We should not gild it over with things like therapeutic cloning. It makes it feel so much nicer when you say, “It is therapeutic; it is good for you; anything that is therapeutic must be good for you,” or, “Somatic cell nuclear transfer,” because nobody on the 315 bus, I suspect, is a geneticist and understands what that is. I suspect that most of us here do not fully comprehend what that is. I actually, from time to time, have to write it down to remember what the order of the words is.

We know that it is science tinkering with our DNA; it is tinkering with our genome. The geneticists that I have spoken to are appalled that we would be progressing down this path today, and they are particularly appalled about the path we would go down when we get to the creation of hybrid embryos.

This is a simple amendment that makes what is currently proposed in this legislation, a procedure that could be allowed by licence, prohibited in all circumstances. For me

and for the people that I speak to, the people that I deal with in my electorate, they are appalled. They are repulsed at the notion of mixing three or four or five lots of genetic material to make a human embryo. Because of that I have moved this amendment today to keep faith with those people in my community who do not want to see these sorts of measures brought in, do not want to see this research and do not see that there is any benefit to the advancement of human kind from this research.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (5.50): I will not be supporting Mrs Dunne's amendments. I think they really do go to the heart of what we are actually debating here today and the legislation that has just been agreed to by this Assembly in principle.

If you were to accept Mrs Dunne's amendments, you would take away exactly a key element of this bill. I accept that that is done because of Mrs Dunne's personal view on this matter. But the whole reason for this legislation is to allow certain types of research to occur, one of which is research into genetic conditions, treatments or possible cures. In order for that to occur, there are some situations where more than two people's genetic material would be used in such research.

To prohibit that in all circumstances really does, in a sense, gut the legislation on one significant aspect. I accept Mrs Dunne's view on this, but I do not accept the view that this is what the common man or woman thinks—God forbid. I accept that Mrs Dunne's constituency feels that way. We are all here because we represent different constituencies. That is how we get elected; that is how we get the number of votes, because we appeal to a certain group within the community.

I will not stand here and accept that Mrs Dunne's view is the view of the broader community or the common man or woman. To me, that is offensive. The group that I represent, my constituency—not all of them, but large parts of them—are very supportive of this legislation, extremely supportive of this legislation.

So I will not stand here and listen to the rubbish that you know what everyone in Canberra thinks and the common person does not support this, that this is repulsive and that this legislation is abhorrent to them, because it is simply not true. By all means stand up and represent your constituency and represent what you feel about this, but do not underestimate the interest and the support that research of this type has in our community, right here in the ACT. I am representing that constituency and it is as valid as everyone else's.

MRS BURKE (Molonglo) (5.52): I will be brief. Mrs Dunne has outlined exactly where she is intending and needs to go with this. I believe there is a need to be able to do what Mrs Dunne wants to do here. As Mrs Dunne has said earlier today, we were relying on the judgements of those on the committee. And I think human frailties exist.

The notion the minister is putting is that the common man does not hold the view that Mrs Dunne or the opposition hold. I do not see how she can say that about people, once they know. I think that is the key. Mrs Dunne said earlier today that there has been little to no openness about what we were debating in this place today. I did not see the media release from the minister saying we were going to debate it. We could

have a community full of people here who would have been interested and better informed.

I see that this has somehow been done in a stealthy way. Internally, we know what is going on. But it is up to the government to drive into the community what they are proposing to put, as it is for the opposition to drive into the community what they are proposing to do. It is the government's bill. I think it is sad that the community are so unaware of the implications and ramifications of what this bill will do if it goes through as is. I would call it a desensitising of the community. I do respect people's views. I do respect where people come from.

I have said it before—and I know members have struggled with it—but I suppose I can see where Mrs Dunne is coming from. Personally, I probably have reached a point in my life—and I have had varying views throughout my life—where I fully know, understand and accept where life itself begins. Many members have said that is the argument today.

Where life begins becomes the crucial point for whether you can accept this legislation, holus-bolus as is and let it go through, or whether you have some nagging doubt. There are obviously some members on the government side who have nagging doubts—at least one, anyway. I am not judging people for this. I am just saying that that is why Mr Smyth's amendment needed to be agreed to. It is about time.

The community do not know what we are talking about here today. They would not have any idea. What we have placed before them is a fait accompli. I think the acceptance of this bill today is the start of a dangerous and slippery slope. As I have said before, science is advancing far more quickly than we realise and know. I just do not know how we can accept the fact that it is right that scientists can take genetic material from multiple sources.

If you do not understand or cannot accept or agree that life begins when a sperm penetrates an egg, then you will, of course, look on this legislation as simply scientific. I am trying to grasp and understand that that is where many in this debate have come from. It is all scientific. As I always have said in this place, what do people think happens when a sperm hits an egg and fuses? What does that then grow into? It grows into a baby. It does not grow into a dog or an elephant; it grows into a human being. Therefore, it is human life. There are two living things that come together to make a human life, a human being.

I will not say too much more now, for the sake of time. But I am really concerned that we cannot tell and have not told the public more about what we are doing. I think if they knew they would want time to absorb and digest some of the very scientific phrases and terminology and what it actually means. I fully support what Mrs Dunne is saying.

For those in the government and one crossbench member to keep saying this is some sort of religious debate, I think, is wrong. This is about ethics. Many of us on this side of the house and on that side of the house are churchgoers. It is not about that. It is about the ethics of what we do here. That is what I said earlier. We are legislators, tasked with a really serious job to do. You want to push this through without so much

as a by-your-leave or really engaging the community. We can engage the community on same-sex marriage, but we cannot engage them on something as serious as this. I find that very, very disappointing. I will be supporting Mrs Dunne's amendment.

DR FOSKEY (Molonglo) (5.57): I am rising to speak briefly on these two amendments. It is quite hard for me to see what difference they make. There is obviously a difference of nuance but, if we are talking about difficulties with scientific language, it is the change that these amendments make which is quite difficult for a person like me to see.

I have heard what Mrs Dunne said. I have heard what Mrs Burke said. I want to respond and say that I will not be supporting it. But I also want to respond to some of the things that have been said. I feel that to align what I have said with the fact that I have just dismissed this as a religious debate is absolutely undermining everything I have said. I think you only need to go back to *Hansard* and see that I have tried, in the 15 minutes allowed to me, to deal with some of the complexities.

I have actually studied ethics. To me, ethics is a rigorous and analytical system, and I do not like to see ethics called upon as a way of justifying something which I do not believe has been subjected to the hard-nosed analysis that the opposition keeps saying they want to delay this bill for. I understand the commitment behind people's void; I can hear it in their voices.

But it is very wrong to dismiss different views as being lacking in ethical analysis, because these are difficult decisions. People have expressed disquiet. It is a disquieting thing to be in a place like this where your job is to authorise legislation about issues that none of us here has the scientific and medical knowledge to fully understand. Consequently, we must listen to what is told to us.

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

Commonwealth Day

MS PORTER (Ginninderra) (6.00): Recently we celebrated Commonwealth Day, and the theme for this year was very fitting: "the environment—our future". I attended a multifaith celebration at the chapel of the Australian Centre for Christianity and Culture. As the name of the celebration indicates, there were many faiths present. The celebration included representatives from the Sikh community, the Jewish community, Sukyo Mahikari, the Muslim community, the Christian community, the Baha'i and Buddhist communities and the Jain and Hindu communities. We also enjoyed music and dance brought to us by the Woden Valley choir, Tongan choir, Maori performing artists, Indian classical and Chinese cultural dancers and the Ugandan African group.

But what struck me most about this celebration was the similarity of beliefs and values expressed by the different representatives of the different faiths. As I said, this was in response to a theme of "the environment—our future". The message read out from Queen Elizabeth II as head of the commonwealth began, and I will quote straight from the document itself:

Last year, Commonwealth Heads of Government met in Uganda on the edge of Lake Victoria and agreed to an Action Plan for tackling climate change.

It went on to say:

The example of the Nile illustrates many of the challenges facing the global environment as a whole which cannot alone sustain our lives as once it did. The competition for fresh water by a growing population is itself becoming a source of potential conflict. Our own attitudes to the environment and the use we put it to may have consequences for people on every continent and for every ocean and sea.

I think you would agree that, whatever our beliefs are and whatever our value system, there are many things on which we can agree. We are now experiencing the greatest challenge to all life forms through climate change that we have ever experienced. I think we can all agree that we carry joint responsibility for working to ensure the health of our planet. Her Majesty ended with this comment:

In the Commonwealth, governments, businesses, communities and individuals should each strive to match words and good intentions with deeds. Every contribution has its part to play. Whatever we do, wherever we live, our actions in defence of the environment can have a real and positive effect upon the lives of others, today and into the future.

I would like to thank everyone who put the celebration together, including Reverend Professor James Haire AM, Executive Director of the Australian Centre for Christianity and Culture, the senior representatives of all the different faiths that I mentioned before—though I am not quite sure that anybody was particularly listening—and those who performed their music, song and dance for us. It was a very pleasant day and I am very grateful to those people who put on the celebration and invited us to come. I was there, I forgot to say, representing the Chief Minister.

Justice and community safety legislation Ukraine

MR STEFANIAK (Ginninderra) (6.05): I wish to raise two things tonight. Firstly, I note that one bill was speeded through today. A couple of matters collapsed and, as I was on my way back from a medical appointment, I was unable to move an amendment. I want to speak briefly to that amendment to the Justice and Community Safety Legislation Amendment Bill 2007 (No 2). It is pretty rare that you get amendments. This one was a jury matter in relation to people who suffer an impairment of being deaf or blind —

MR SPEAKER: Without reflecting on a vote, of course.

MR STEFANIAK: Without reflecting, yes, although there was not a vote in the end, actually, Mr Speaker, but I am not going to go into that.

MR SPEAKER: There was; the legislation was passed.

MR STEFANIAK: It was. I am not going into the circumstances of that; I will leave that for another time. But I just want to raise an issue about that amendment now that the legislation is passed. I refer the government and members to the scrutiny of bills committee comments. The committee normally does not make a comment such as that something should be the subject of major legislation and its own substantive bill, and I cannot recall that with any of the JACS bills to date.

There is a very good reason for that—hence my putting up that amendment at the time—and that is that, for a matter such as people with those disabilities going on a jury, substantial work would need to be done. There are a number of issues in relation to that. I can see the reason for that particular amendment; I have no problems with it. But in terms of what is involved, I think there is a very strong case for a substantive bill just to ensure that you get it right. It is probably not going to happen all that often, but there will be times, when a person suffering from those disabilities will be on a jury, and certain things will need to occur. It is important to get it right rather than do it in an ad hoc way. The scrutiny of bills committee was quite right to indicate that a substantive bill was needed, and I think it would have been preferable if that had been the case rather than for that just to go through in an omnibus bill. I make that point and I refer members, as I think I said in my in-principle comments, to the scrutiny of bills report, which makes some very profound comments on that.

Mr Speaker, my second point tonight—and I thank you for passing this around to members—relates to a press release from the Embassy of the Russian Federation in relation to Holodomor and the lighting of a torch. I think that torch relay starts on 6 April in Canberra, and I have already given my apologies. But members may recall that in an adjournment debate earlier this week I mentioned the commemoration of Holodomor, or the man-made famine in the Ukraine.

I can understand the Russians being a bit testy on this. I am pleased, at least, to see that they acknowledge the unjustified and anti-human way the Stalinist governments implemented economic reforms.

Mr Mulcahy: In a half-baked fashion.

MR STEFANIAK: It is very half-baked. They grudgingly say that yes, indeed, that was a tragedy. They talk about an unprecedented drought, however, and say that countries other than just the Ukraine were the victims of mass starvation. The fact was, however, that it was Stalin's policy to wipe out the kulaks. The kulaks fundamentally were in the Ukraine. Ukraine was an independent state from 1918 to 1921 and it was a deliberate policy by Stalin and his cronies to destroy the Ukraine and destroy as many people as possible.

We have talked about genocide. Russians do not like the term “genocide”. You can have genocide of your own people, and at that time the Ukraine was within the boundaries of the USSR. Pol Pot, rightly, I think, has been accused of genocide—genocide of his own people. Two million Cambodians were slaughtered between 1976 and 1978-79, while that murderous regime was in power, out of a population of about two million. So I think the Russians are being ultrasensitive in complaining about the word “genocide”, because it has been used in those types of situations and it is, rightly, used in terms of what Stalin tried to do to the Ukraine.

The Ukraine has not really got over that since then. In my earlier speech I indicated that there had been droughts at various times, but they had been natural droughts—not a deliberate man-made famine, not a deliberate famine where villages were surrounded so people simply could not eat and thus starved to death. It was horrendous. I think it is unfortunate that the Russian embassy has not just come out and acknowledged that Stalin was a monster. In the history of any country we probably end up having the odd monster rule us.

Mrs Dunne: They have admitted to Katyn Wood.

MR STEFANIAK: That is right. Mrs Dunne says, “They have finally admitted to Katyn Wood,” where over 14,000 Polish army officers were shot in 1940, including, I think, 256 my father knew personally because he served with them. It took them 50 or 60 years to admit that, and they are still being a bit touchy about this. I find it a bit disingenuous, although at least they do have a go at the Stalinist government and I think they are also correct in saying that certain other republics of the Soviet Union also suffered as a result of Stalinist excesses. (*Time expired.*)

Employment—labour market

MR MULCAHY (Molonglo) (6.10): Mr Speaker, I will use my time in today’s adjournment debate to talk about something that we hear a lot about from governments at all levels—the skills shortage that is facing pretty much all jurisdictions in Australia.

There is no doubt, with an unemployment figure at a record just over two per cent in the ACT, that employers are feeling the pinch in recruiting staff in the territory. I am on the record in the past urging the government to look beyond traditional migration areas to address this problem. South America is, I believe, an area that offers significant scope for recruitment of new workers to the Australian market, and there is little or no effort currently made to recruit workers from Latin America. I am not sure of the reason. It is a region with considerable similarities to Australia, with significant numbers of well-educated people that are open to travel and working overseas—and New Zealand has been quicker to take up that opportunity. This is the sort of new thinking that is needed when the labour market is as tight as it is at the moment. The slower the ACT is at embracing new ideas and options, the worse the skills shortage will be. We need to be a leader in this field to compete with places like Sydney, Melbourne and Brisbane in attracting workers from overseas.

I will take this opportunity to draw the Assembly’s attention to the National Farmers Federation’s 2008 labour shortage action plan, which I believe is an example of the holistic and ambitious planning that is needed to combat skills shortages. Although the plan, which was launched today, applies to an industry, there are parallels that can be drawn with a small jurisdiction like the ACT. Members would be aware of the significant impact the recent drought has had on the farming industry. Many tens of thousands of workers have left the industry as work has disappeared as a result of the drought. With the drought hopefully coming to an end, the industry now has a severe skills shortage.

The NFF have estimated, based on ABS data, that, for agricultural production to approach pre-2002 levels again, an additional 80,000 to 100,000 workers are needed across Australia. They have advocated a multifaceted approach to respond to this challenge and this includes attracting people to skilled agricultural careers through a focus on education, training and actively engaging job seekers. I have reviewed the NFF's labour shortage action plan and it is to be commended. It recognises the benefits that that industry can offer and the plan commits the organisation to marketing those benefits strongly. It also recognises the need for skilled and unskilled migration to fill the short-term void that exists within the industry. I am impressed by the scope of the plan and will watch with interest as it is implemented over the next few years. Farmers have had, as we all know, a tough run for some years now and I hope that their fortunes are changing.

I draw the Assembly's attention to the NFF's plan to provide an example of the innovative approach that is needed to combat skills shortages. I am aware that the ACT government has undertaken some steps like the Live in Canberra campaign and the business migration program but, as I said earlier, I would like to see a little more initiative and innovation to attract people to live and work in the ACT, particularly when one is conscious of the competing interests from the other major cities of the eastern seaboard.

MR SPEAKER: Just so that people do not despair about how I do this, what I do is, of the people who are standing, try to give it to the person who has had the least opportunity, so now to Mrs Dunne.

Dr Foskey: Least opportunity for what?

MR SPEAKER: To contribute to the adjournment debate.

**Cancer Council—relay for life
Charnwood Carnival
Belconnen Community Service**

MRS DUNNE (Ginninderra) (6.13): I will not dissent from your ruling on this one, but I think I have actually had a fair share this week. But there are a couple of issues that I wanted to raise last night but was unable to do so.

I was privileged to participate last weekend in the Cancer Council's relay for life. It was a stunningly good community-building event. Mrs Burke and I arrived out at the AIS athletics track at about the same time on Saturday morning, about 7 o'clock. It was quite stunning to walk into what had become a tent city in the course of Friday afternoon and at 7 o'clock in the morning to see a large number, possibly 1,000, people, walking very quietly around and around the athletics track. There was a sort of almost reverential hush. I suppose there were still a few people sleeping and it was quite remarkable to see so many people walking around and making so little noise.

I spent a couple of hours walking and talking with people at the relay for life. Mrs Burke had turned up to help with the breakfast and discovered that there were so many volunteers that her ministrations were unnecessary. I spent some time later in

the afternoon, as the relay for life came to a conclusion, again at the AIS athletics track, by which time the whole place was much more animated. People were doing yoga and all sorts of things, and there was entertainment throughout the day.

There were in excess of 100 teams there, participating from a range of schools. From memory, there was the Copland Melba school, Radford College, St Francis Xavier, Dickson College—they are the ones that come to mind, that I recall seeing banners for—a range of business organisations, community organisations, government organisations and of course team Z. Team Z in the course of the relay for life had a considerable number of people who came and showed their support for the cause of raising funds for the Cancer Council, and I would like to pay tribute to Duncan, Ella and Xinyu, who helped to coordinate the team, but particularly to the indomitable, irreplaceable, mercurial Tio Faulkner from my office, who was there for every hour of the 24 hours, who did not sleep, who helped transport all the gear to and from and who kept the spirits of people up at all hours. To those people who contributed to the success of team Z and in a small way to the success of the Cancer Council's relay for life last Saturday, I say thankyou.

I would also like to talk about the Charnwood Carnival, which was held three weeks ago, on 15 March. It was an extraordinarily hot afternoon, and, with the drought, the poor old Charnwood oval was looking a bit the worse for wear. But that did not detract from the indomitable spirit of the organisers or from the enthusiasm of people attending. There was a bit of disappointment when the slushing machine could not keep up with demand; there were a few unhappy children, and a couple of unhappy adults as well, because we were all hanging out for a slushy. It could not create slushies fast enough in the hot weather. But again we saw great spirit and a range of community organisations coming together in support of the schools and the wider community in Charnwood, an area of considerable social disadvantage.

I would like to pay tribute particularly to Belconnen Community Service for what they do in the Charnwood community and to west Belconnen health and wellbeing cooperative for their work in attempting to set up a bulk-billing doctor service based in the Charnwood community. I acknowledge the considerable support they have received from the community and I also acknowledge the Stanhope government's commitment to assist in funding that organisation. I hope that we will see the service open very soon.

Housing design seminar

MR GENTLEMAN (Brindabella) (6:18): A fortnight ago I attended the ACTPLA housing design seminar. The seminar discussed the importance of methods of achieving energy efficient housing in the territory. In attendance were public servants, architects, scientists, academics and representatives of the building industry, including Derek Wrigley OAM, Emeritus Professor John Sandeman, Jerry Howard from the Master Builders Association, Catherine Carter from the Property Council, Peter Overton from TT Architecture, Guy Barnett from the CSIRO, Anne Pellegrino from the Australian Greenhouse Office and Ray Prowse from the Centre for Sustainable Energy Systems, as well as many other experts in the field. The seminar included a presentation by Neil Savery, a crosscheck with national and interstate examples, an industry perspective presentation from industry experts, workshopping sessions and question and answer sessions.

It was a highly productive and a very informative day that saw many issues raised, case scenarios examined and actions developed. I have in my hand here the greener, better house checklist that was circulated at the seminar. It is co-authored by Derek Wrigley OAM, Emeritus Professor John Sandeman OAM and Simon Fisher. This document, also supported by the Nature and Society Forum, the Australia and New Zealand Solar Energy Society, the Alternative Technology Association and the ANU emeritus faculty, concentrates on the orientation, shading, insulation, internal mass and ventilation of a house and block in the interests of making it as environmentally efficient as possible. This, I believe, is an essential document for any homebuyer. I have made some of these checklists available from my office as well.

The seminar and checklist both refer to solar hot water and photovoltaic panels, urging home owners and buyers to install them. Mr Speaker, as you are aware, I have been to Europe and have had the pleasure of seeing the clear benefits of well-designed housing first hand. I feel it is crucial for our future that we embrace strategies like this one to further advance the capital's position as a leader in national sustainable development of housing. I have said it before and I will keep saying it until the message comes across: we have a powerful tool in the sun; let's not waste it.

While I eagerly await the ACTPLA summary and outcomes and the minister's policy paper, in the meantime I will be attending the Switch to Green expo and conference 2008 at the National Convention Centre, which starts this evening. This exciting event will give the wider community the opportunity to measure their carbon footprint, discover how to make their homes green and get expert advice on retrofitting low-energy items to their homes. Not only that; we will be able to meet a carbon cop. I hope he does not issue any fines, Mr Speaker!

Tobacco—retailers

MRS BURKE (Molonglo) (6.21): I will be very brief and hopefully Dr Foskey will go for five minutes then too. Last evening I tabled 132 letters from various tobacco retailers around the city. At Mr Hargreaves's suggestion, I want to say tonight that the representation came from IGA stores, Local Liquor shops, newsagents, petrol stations, tobacco kiosks and other mini markets. Some 61 suburbs and areas have been represented and I am very pleased that the minister will be meeting with a representative group next Thursday, I believe.

I put it on the public record again that the letter that they have written to the minister states:

As responsible retailers we applaud any meaningful efforts to redress concerns over young people and smoking and constructive measures to educate and regulate the stakeholders accordingly.

So I look forward to fruitful discussions and a fruitful outcome of that meeting next week. Whilst the government has every responsibility to get the legislation right, it must almost hear from the community, and that is a fair swag of people from the community represented. So I look forward to a good report next week.

National Folk Festival Ms Val Plumwood

DR FOSKEY (Molonglo) (6.23): My apologies for not understanding the Speaker's selection system. I want to remember—even though it is a little while ago, there is a change that we will not remember—the incredible organisation that produced, as usual, the National Folk Festival that was held in Canberra. I just want to say that, as always, it was an absolutely stupendous affair with thousands and thousands of people. Apparently, about 30 per cent of the people who attend the festival are Canberrans, so it brings many people to our city and it is always very, very well organised—a very classy event—and as usual I commend its recycling system.

This leads me to something that is a little more poignant. People may remember my mentioning the death of Val Plumwood in the last sitting week. Val died on 29 February—it was just like her to die on the leap year day—and last Sunday I went to Val's burial. We could call it a funeral, but it was certainly a burial and it was held at her place. It was delayed, you will note, because of the various permissions that had to be achieved to allow her to be buried on her land, only a few metres from her house—in a cardboard coffin, of course.

The connection with the folk festival is that, in her very beautiful owner-built stone hexagonal house, sitting on one of the tables—exactly as she left it as she walked out that morning, had an aneurism and died—was her folk festival pamphlet. She would have been there; she would have been there if she could, because Val was a very well-known player of the tin whistle.

Nonetheless, we all trekked up the track—a very long track it is—to her house and had a party. It was a very strange thing that, though Val was not there physically, she was absolutely there, absolutely present. We all had a feast and then went and had a look at the lookout from her place. You can see right down to the coast, down over the escarpment, down through the mountains—probably one of the best views in the world.

She has deeded her land to national parks. There are quite a few people who are aware that there is a wombat that turns up every night to be fed, that was actually hand-reared by Val, and there is still a certain role for humans in that place, in maintaining her garden, which is full of foreign species but nonetheless absolutely beautiful. It will need maintenance to make sure that those do not become weeds in that incredible forest that she lived in; I say “lived”, but I really mean “lives”.

Val was an independent thinker. She was a very ordinary woman. While mostly good comments are made at funerals, there were, of course, people who had had their brushes with Val. There was a bit of trouble getting her coffin into the hole that was dug; it was a pretty damn hard hole to dig as well because the ground is very rocky. It was just like Val not to fit into her hole, even her final hole. But what was really interesting was the butterfly that just came out of nowhere as the people spoke and as the coffin was interred. I do not know how many people have been to funerals—I have been to far too many of them—but the sort of bird dipping, the butterfly appearing from nowhere; who knows what it all means? But I think it means that Val

will always be there. That might be disquieting for some people staying in that house on a dark winter's night, but I am sure that her presence will be very, very amiable, making sure that everything is done.

She wanted to be buried standing up—that must be against the law; it did not happen—and I think that was so that she could be rotted down and composted as soon as possible. A number of worms were thrown on top of the coffin, so I imagine that the process of her mingling with her mountain has already begun.

Question resolved in the affirmative.

The Assembly adjourned at 6.28 pm until Tuesday, 8 April 2008 at 10.30 am.

Schedule of amendments

Schedule 2

Human Cloning and Embryo Research Amendment Bill 2007

Amendments moved by Mrs Dunne

1

Clause 7

Proposed new section 11A

Page 5, line 21—

insert

11A Offence—creating or developing human embryo containing genetic material provided by more than 2 people

A person commits an offence if—

- (a) the person intentionally creates or develops a human embryo by a process other than the fertilisation of a human egg by a human sperm; and
- (b) the human embryo contains genetic material provided by more than 2 people.

Maximum penalty: imprisonment for 15 years.

2

Clause 7

Proposed new section 16

Page 7, line 1—

omit proposed new section 16, substitute

16 Offence—creating or developing hybrid embryo

A person commits an offence if the person intentionally creates or develops a hybrid embryo.

Maximum penalty: imprisonment for 15 years.

3

Clause 7

Proposed new section 21

Page 10, line 17—

Omit

Answers to questions

Planning—Kambah (Question No 1815)

Dr Foskey asked the Minister for Planning, upon notice, on 6 December 2007:

- (1) In relation to the clean up of block at 54 Morant Circuit, Kambah and given that the ACT Planning and Land Authority (ACTPLA) 2002 Order stated that to “clean up a leasehold by removing the accumulation of miscellaneous items and debris from the land and to continue to keep the land clean to the satisfaction of the Territory”, does the ACTPLA removal of everything from the yards at 54 Morant Circuit, Kambah signify that the satisfaction of the Territory required that the block be cleared of all items regardless of any value or use;
- (2) Can the Minister confirm whether this standard for a clean yard is applied to all other lessees in the Territory; if not, why not;
- (3) Was the lessee notified within a reasonable time that the satisfaction of the Territory was to be the removal of everything in the yard regardless of value and use;
- (4) Upon what lawfully obtained evidence collected by ACTPLA inspectors during 2002, in the form of photographs and inspection reports, was the clean up of the yard at 54 Morant Circuit, Kambah on 2-4 December 2002 conducted;
- (5) Will the Minister provide the supporting documentation referred to in part (4);
- (6) Will the Minister explain upon what lawful basis ACTPLA inspectors authorised the clean up of the yard at 54 Morant Circuit, Kambah on 2-4 December 2002, given that (a) the Administrative Appeals Tribunal (AAT) Consent Decision gave the lessee until 25 November 2002 to comply with the Order, (b) ACTPLA inspectors failed to determine on that date whether the lessee had complied and that (c) section 259 of the *Land (Planning and Environment) Act 1991* stipulates that an order can only be executed by the Planning Minister if the lessee has not complied within the specified period;
- (7) Given that ACTPLA inspectors failed to determine whether the lessee had complied with the AAT Consent Decision on the due date of 25 November 2002, did the inspectors breach the terms of the Consent Decision;
- (8) On what basis, according to the *Land (Planning and Environment) Act 1991* and the Regulations, were the lessee’s garden sheds demolished and the contents removed given that the AAT Consent Decision did not specify demolition of unapproved structures on the block nor was there a current demolition order in place;
- (9) Will the Minister provide the supporting documentation referred to in part (8);
- (10) Given that ACTPLA wrote to the lessee on 15 November 2002, retrospectively adding demolition of the garden sheds to the AAT Consent Decision, was the demolition of the sheds a breach of the AAT Consent Decision which did not specify demolition.

Mr Barr: The answer to the member’s question is as follows:

I do not intend providing detailed responses to the Member's questions. As with a similar approach being taken in relation to another matter, it is clear that these questions are designed to pursue matters that have been the subject of court and other legal proceedings, and in doing so, seek to by-pass those judicial arrangements.

I will restate the position I have taken in response to Question on Notice No. 1816. This is another case where the lessees flagrantly flouted the law and have not complied with numerous opportunities to rectify the matter that they are required to attend to. The Government has the responsibility to follow statutory processes and abide by the decisions of the Territory's tribunals and courts. It also has the responsibility to have regard to the amenity of all residents, and in this case there are other constituents whose quality of life is affected by this ongoing matter that has been the subject of compliance by ACT planning bodies over many years.

Further, I regularly see correspondence from Assembly Members who chastise ACTPLA for not taking compliance action and when ACTPLA does take such action it gets taken to task for doing so.

This matter has been comprehensively dealt with through the legal processes and the lessee is required to attend to the consent decision made by the ACT Administrative Appeals Tribunal (AAT).

My detailed response to Question on Notice No. 1678 of 24 September 2007 provided detailed information about the processes and actions that have been taken in relation to this matter. The AAT considered all relevant matters in regard to this case before making the consent decision. Neither the ACT Planning and Land Authority nor the ACT Government will act contrary to an agreement made in the AAT.

As with the stream of questions regarding Block 45 Section 37, Waramanga, I do not intend to continue to debate aspects of this matter that have been properly dealt with through the judicial processes.

Children—access (Question No 1824)

Dr Foskey asked the Minister for Children and Young People, upon notice, on 12 February 2008:

- (1) Does the Office for Children, Youth and Family Support liaise with Housing ACT to ensure that court ordered access to children is possible for clients placed by Housing ACT;
- (2) How does Housing ACT and the Office for Children, Youth and Family Support ensure that the needs of children are taken into account in decisions related to housing.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The Family Law Court can make orders regarding access arrangements. These are made under the Family Law Act 1975, and are not administered by Care and Protection Services (CPS).

The ACT Children's Court may make an order for contact during and following care and protection proceedings, which are administered by CPS in line with the provisions of the *Children and Young People Act 1999*.

In accordance with the child's case plan CPS liaises with all relevant parties in determining contact in the child's best interest and ensuring that contact occurs. Where relevant this would include liaison with Housing ACT.

- (2) Housing ACT works closely with the Office for Children, Youth and Family Support in an effort to assist families to sustain their tenancies and resolve housing difficulties. Housing ACT and the Office for Children, Youth and Family Support have an agreed communication process where a family facing possible eviction and children or young people are involved.

Roads—Wells Station Road (Question No 1826)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 12 February 2008:

Is the Government planning to seal Wells Station Road, as the primary entrance to the National Folk Festival; if so, when; if not, why not.

Mr Hargreaves: The answer to the member's question is as follows:

There are no current plans to seal Wells Station Road, a local road providing access to Exhibition Park. The road is in good condition.

Sealing Program funds are currently directed to higher priority roads on the main road network.

Braddon—flooding (Question No 1827)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 12 February 2008:

- (1) What action is being taken to address recurring storm flooding to properties at, and around, 53 Elimatta Street, Braddon;
- (2) Given that a constituent has advised that Brown Consulting was contracted to investigate the issue in 2007, (a) can the Minister advise what recommendations were made from this investigation and (b) have the residents been informed of these recommendations;
- (3) Given that the constituent also advised that ActewAGL has also been informed of the issue and that a report was being prepared, (a) is this report complete and (b) have any measures been implemented as a result; if so, which measures; if not, will any measures be implemented;

- (4) Is there a timeframe for the improvement of the storm drainage capability in Elimatta Street.

Mr Hargreaves: The answer to the member's question is as follows:

1. Maintenance works to clear significant blockages were undertaken in November 2007. An investigation into the capacity of the stormwater system at the above complex was undertaken in 2007 by Brown Consulting (ACT) on behalf of Roads ACT with a view to determining appropriate upgrades for future implementation.
2. (a) A report into the findings of this investigation, and possible solutions, was submitted to Roads ACT for consideration in mid 2007. The potential solutions to overcome the flooding problem ranged in cost between \$100,000 and \$350,000 for minimal (1 in 5 year flood event protection) and maximum (1 in 100 year protection), respectively. (b) The residents have not as yet been informed of these recommendations.
3. (a) ActewAGL's Call Centre records indicate that they went to Elimatta Street for stormwater maintenance in November 2007. No further investigations are planned by ActewAGL. (b) There is no report by ActewAGL.
4. Yes, the improvements identified will be considered for inclusion in the 2008/9 Capital Works program.

Motor vehicles—registration payments (Question No 1832)

Mr Mulcahy asked the Treasurer, upon notice, on 12 February 2008 (*redirected to the Minister for Territory and Municipal Services*):

- (1) How many vehicle registration payments were made in (a) 2006-07, (b) 2005 06 and (c) 2004-05;
- (2) What proportion of these registration payments were made online in (a) 2006 07, (b) 2005-06 and (c) 2004-05.

Mr Hargreaves: The answer to the member's question is as follows:

1. How many vehicle registration payments were made in (a) 2006-07, (b) 2005 06 and (c) 2004-05;

Registration Payments	2006 - 2007	2005 - 2006	2004 - 2005
Renew Registration	360 368	348 745	338 176
Establish Registration	41 277	39 006	38 642
Transfer Registration	39 456	38 854	40 276
Total Registrations	441 101	426 605	417 094

2. What proportion of these registration payments were made online in (a) 2006 07, (b) 2005-06 and (c) 2004-05.

Online Payments (1)	2006 - 2007	2005 - 2006	2004 - 2005
Renew Registration	88 893 / 25% (2)	71 212 / 20%	48 970 / 14%
Establish Registration (3)	0	0	0
Transfer Registration (3)	0	0	0
Total Registrations	88 893	71 212	48 970

Notes:

- (1) Online is defined as internet payments, and payments made by BPay
- (2) 88 893 or 25% of **all** registration renewals were paid online
- (3) Cannot be paid online due to regulatory requirements

Canberra Hospital—helipad (Question No 1833)

Mr Mulcahy asked the Minister for Health, upon notice, on 12 February 2008:

- (1) What consultation has occurred with Garran residents in relation to the location of the new helipad at The Canberra Hospital;
- (2) Has consideration been given to the impact of flight paths on local residents;
- (3) Has any work been undertaken to, where possible, ensure that all helicopters use a uniform flight path when entering and exiting the hospital; if so, what has been the outcome of this work;
- (4) Do all operators use, or endeavour to use, uniform flight paths.

Ms Gallagher: The answer to the member's question is as follows:

- (1) There are no plans to relocate the helipad in the immediate future. However, I am advised that ACT Health continues to examine options for the long-term location of the helipad at The Canberra Hospital (TCH). Any proposed changes will include consultation with the community, through the normal planning process.
- (2) The impact of flight paths on the local community is taken into consideration, along with air safety regulations and proximity to roadways and adjacent buildings.
- (3) The standard flight path for approach to and departure from the hospital helipad has remained unchanged since the facility was established.
- (4) I am advised that helicopter operators have been provided with information on the flight paths for approaching and departing the helipad. However, various factors such as prevailing weather conditions, extent of local knowledge and overall safety concerns may cause crews to vary their flight path from time to time.

Children—autism (Question No 1839)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 12 February 2008:

What is the current number of children, by age and gender, diagnosed with autism in the ACT.

Ms Gallagher: The answer to the member's question is as follows:

- (1) I cannot provide a complete answer to this question as the ACT does not hold a register of all people with this diagnosis. Residents of the ACT may be diagnosed by public or private paediatricians, psychiatrists or psychologists in the ACT, or through interstate services.

Therapy ACT is the primary government agency for assessment, diagnosis and intervention for children with Autism and related disorders. These disorders include Autistic Disorder, Asperger's Disorder and Pervasive Developmental Disorder – Not Otherwise Specified (PDD-NOS). Clients of Therapy ACT with any of these disorders are all recorded under the diagnosis of Autism Spectrum Disorder (ASD).

Therapy ACT has provided data as at 13/02/2008 for the children they service who have a recorded diagnosis of ASD. They are divided into early childhood and school aged groups:

Age	Total	Males	Females
Total (0 – 17 years)	206	171	35
0 - 5 years	44	33	11
6 - 17 years	162	138	24

Roads—speeding (Question No 1841)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 13 February 2008:

- (1) Is the Minister aware of the high frequency of speeding cars along Swinden Street Downer;
- (2) What measures are in place to stop drivers travelling above the speed limit;
- (3) Are there traffic calming measures planned; if so, when will they be put in place.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) Traffic survey results indicate that Swinden Street carries around 400 vehicles per day, in each direction at an average speed of about 54km/h.
- (2) ACT Policing is responsible for enforcing speed limits on the ACT road network.
- (3) The Traffic Warrants System, used to identify the need for, and to prioritise, traffic management measures in residential areas ranks Swinden St at 208 when compared with similar streets in ACT in terms of priority for traffic calming measures. Roads ACT has therefore no immediate plans for the implementation of additional measures on Swinden Street.

**Education—universities admissions index
(Question No 1843)**

Dr Foskey asked the Minister for Education and Training, upon notice, on 13 February 2008:

- (1) In relation to the ACT senior secondary school system's UAI achievement rate, is the Minister aware that 30% of ACT residents aged 15 and over held a Bachelor degree or higher qualification according to Australian Bureau of Statistics (ABS) 2006 Census results, compared to 16% for NSW and 16% for Australia as a whole;
- (2) Is the Minister aware that the median family income for the ACT was \$1 773 according to ABS 2006 Census results, compared to \$1 181 for NSW and \$1 171 for Australia as a whole;
- (3) Is the Minister aware that the ACT's socio-economic status is by far the highest of Australia's eight states and territories;
- (4) Is it acceptable that the ACT's UAI achievement rate is significantly below that of NSW;
- (5) Can the Minister explain why the ACT system's UAI achievement rate has been significantly below that of the NSW system in recent years;
- (6) What UAI achievement rate percentage is an appropriate objective for the ACT senior secondary system to aim for;
- (7) What plans does the Minister have to increase the ACT's UAI achievement rate.

Mr Barr: The answer to the member's question is as follows:

- (1) No. However, I am aware of figures similar to those quoted in the question.
- (2) Yes.
- (3) Yes.
- (4)&(5) The purpose of a UAI is to gain entry into university. In the ACT, there are multiple pathways available to students consistent with their interests, abilities and goals. Preparation for university study is just one of those options. Other options include vocational education and training courses and Australian School-Based Apprenticeships (ASBAs). The breadth of curriculum options allows ACT students to be selective in their study choices.

Although the percentage of NSW students gaining a UAI is higher than in the ACT, the result does not necessarily lead to a greater proportion of students going to university. Students with UAIs of 60 or higher have a good chance of receiving a university offer. The likelihood of going to university is significantly lower for students gaining a UAI less than 60. In 2006, 86% of ACT UAI cohort students received a UAI of 60 or above, while only 60% of the NSW UAI cohort received a UAI of 60 or above.

(6)&(7) As noted above, the primary focus is on providing multiple pathways and supporting students to make informed choices about their study options, rather than trying to achieve a quota. ACT students who are choosing to obtain a UAI are achieving excellent results.

This is reflected in the below comparison of ACT and NSW median UAI results. In 2005 and 2006, the median UAI results for ACT students were more than 10 points higher than the median results for NSW students.

Year	ACT	NSW
2005	76.90	66.90
2006	78.90	67.65
2007	78.95	Not yet available

ACT Health—patient supply and quality unit (Question No 1846)

Mrs Burke asked the Minister for Health, upon notice, on 13 February 2008:

In what way has the establishment of the Patient Supply and Quality Unit resulted in better outcomes for ACT Health since its inception.

Ms Gallagher: The answer to the member's question is as follows:

As ACT Health has not established a Patient Supply and Quality Unit I am unable to assist the Member in this instance.

Hospitals—access improvement program (Question No 1847)

Mrs Burke asked the Minister for Health, upon notice, on 13 February 2008:

In what way has the establishment of the Access Improvement Programme resulted in better bed management, operating theatre processes and further reform of emergency department processes at both The Canberra Hospital and Calvary Public Hospital since its inception.

Ms Gallagher: The answer to the member's question is as follows:

On 13 November 2007, as a Matter of Public Importance, I provided a comprehensive response to the Member regarding management of public hospitals in the ACT. I submitted detailed information about outcomes achieved by our hospitals against key performance indicators, including triage performance by category, access block and off-stretcher times. That response shows how our initiatives, which include the work of the Access Improvement Program, have impacted favourably on public hospital performance.

Further to that information, a comparison of 1st quarter performances across the ACT for the past three financial years demonstrates that we are making headway in our emergency departments. The number of patients being triaged on time has remained at 100% for

category 1, and for category 2 has steadily increased from 68% to 82% against a benchmark of 80%. The number of patients remaining in our EDs for longer than 8 hours prior to admission has reduced from 35.7% to 28.9%, which is a 19% improvement.

**National Convention Centre
(Question No 1850)**

Mr Smyth asked the Chief Minister, upon notice, on 13 February 2008 (*redirected to the Minister for Territory and Municipal Services*):

- (1) What was the estimated budget for the refurbishment of the National Convention Centre;
- (2) How much was actually spent on the refurbishment project;
- (3) If there was a variance from the budget, what was the reason for this variance;
- (4) What consultations were undertaken with relevant industries prior to the refurbishment project;
- (5) What were the outcomes of these consultations;
- (6) How were these outcomes incorporated into the design of the refurbished Centre.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) The budget was \$30,000,000.
 - (2) The expenditure to 3 March 2008 was \$25,024,000.
 - (3) The project has been constructed without requiring the contingency and there were favourable tender prices.
 - (4) Consultations were undertaken with representatives of the Master Builders Association, Canberra Convention Bureau, Tourism Industry Council, Australian Hotels Association, EPIC, Canberra Business Council, ACT Chamber of Commerce, Property Council and The Communication Link.
 - (5) Desired improvements to the NCC were identified and prioritised.
 - (6) The most highly rated improvements were given priority in the scope of works.
-

**Crime—assaults
(Question No 1855)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 13 February 2008:

- (1) How many reported assaults have taken place at the City Bus Interchange each month since September 2007;

- (2) How many reported assaults on ACTION (a) bus drivers, (b) staff and (c) bus patrons have taken place at the City Bus Interchange each month since September 2007.

Mr Hargreaves: The answer to the member's question is as follows:

1. Reported incidents of assaults at City Bus Interchange.

Sept 07	Oct 07	Nov 07	Dec 07	Jan 08	Total
1	3	6	-	-	10

2. Reported incidents of assaults on (a) bus drivers, (b) Staff and (c) Patrons

	Sept 07	Oct 07	Nov 07	Dec 07	Jan 08	Total
(a) bus drivers	-	1	-	-	-	1
(b) staff	-	-	2	-	-	2
(c) bus patrons	1	2	4	-	-	7

**Dickson library
(Question No 1856)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 13 February 2008:

- (1) What are Dickson Library's current opening hours;
- (2) Are there long term plans for Dickson Library; if so, what are they.

Mr Hargreaves: The answer to the member's question is as follows:

1. Dickson Library is open:

- a. Monday 11.00am – 7.00pm
- b. Tuesday, Wednesday and Friday 10.00am - 5.30pm
- c. Thursday 8.30am – 5.30pm
- d. Saturday 9.00am – 4.00 pm

2. Current long-term plans for all libraries, including Dickson Library, include:

- a. Continuing to provide library and information services to the Canberra community;
- b. The strengthening of existing partnerships with community organisations and development of new partnerships; and
- c. Implementation of Radio Frequency Identification (RFID);
- d. It is also expected that opening hours for all libraries will be reviewed on a regular basis (opening hours had previously not been reviewed for a number of years).

**ACTION bus service—Nightrider
(Question No 1857)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 13 February 2008:

- (1) What was the total operating cost of the Nightrider bus service in 2007-2008;
- (2) What was the total operating cost of the Nightrider bus service per (a) vehicle kilometre and (b) passenger boarding for 2007-2008.

Mr Hargreaves: The answer to the member's question is as follows:

1. Total operating cost of the Nightrider bus service in 2007-2008 was \$56,348 40
2. Cost of the Nightrider bus service per:
 - (a) vehicle kilometre was \$1.49
 - (b) passenger boarding was \$28.27

**Public service—community engagement
(Question No 1858)**

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 14 February 2008:

- (1) What is the relationship between the Department of Territory and Municipal Services (TAMS) Community Engagement Policy and the ACT Government's Community Engagement Manual;
- (2) Given that the Department of Housing and Community Services website now offers the TAMS Community Engagement Charter, (a) what department does the Community Engagement Unit now sit in, (b) who does the unit report to and (c) how many staff are employed in the unit;
- (3) Can the Minister provide a copy of the Community Engagement Framework referred to in the TAMS document;
- (4) Can the Minister provide some examples of instances where it has used the Community Engagement Policy;
- (5) Given that in 1998 a register of Community Consultation was available as part of the Community Consultation protocol and that it lists consultation by department, process, and indicated feedback methods, (a) is such a register still maintained; if so, by whom; if not, will the Minister consider reinstating this service.

Mr Hargreaves: The answer to the member's question is as follows:

1. *TAMS Community Engagement Policy* – This policy sits within the ACT Government overall framework for Community Engagement and specifically addresses the needs of the Department. The TAMS Community Engagement Policy is consistent with the

ACT Government Community Engagement initiative. The TAMS policy was developed from the ACT Government Community Engagement policy.

The TAMS Policy provides a capacity for the community to influence and improve the delivery of the Department's services, as well as provides a framework to collect valuable feedback to include in decision-making processes. This ensures that TAMS continues to offer targeted services that meet community needs, and helps guide priorities into the future.

The *ACT Government Community Engagement Manual – Your Guide to Engaging with the Community* is the over-arching Community Engagement manual for the ACT Government and is available on the DHCS website. This manual includes tools and techniques to assist government officers involved in community engagement. When conducting community engagement TAMS staff refer to the *ACT Government Community Engagement Manual*.

2. Both DHCS and TAMS have a community engagement unit.

DHCS Community Engagement:

- (a) Strategic Policy and Community Engagement, Department of Disability, Housing and Community Services.
- (b) Minister for Disability and Community Services.
- (c) Three FTE staff.

TAMS Community Engagement

- a) Office of the Chief Executive, Territory and Municipal Services
- b) Chief Executive, Territory and Municipal Services and through him the Chief Minister, Minister for Territory and Municipal Services and Minister for Sport and Recreation
- c) Four FTE staff

3. The ACT Government Community Engagement Initiative consists of the following documents:

- i. *ACT Government Community Engagement Charter*
- ii. *ACT Government Community Engagement Manual – Your Guide to Engaging with the Community*
- iii. *Community Engagement weblinks*

These documents are available on the DHCS website.

4. The following are some examples of when the TAMS *Community Engagement Policy* has been used over the last 12 months:

- i. Tharwa Bridge community consultation
- ii. Wheelchair Accessibly Taxi community consultation
- iii. Consultation for former school sites
- iv. Ainslie shops upgrade
- v. ACT disabled parking review
- vi. Belconnen and Tuggeranong skate park community consultation
- vii. Playground safety community consultation
- viii. Community consultation to improve parking in Fyshwick
- ix. Community consultation regarding TAMS' provision of services for people with disabilities

5. (a) The Community Consultation protocol and register was replaced with the Community Engagement Initiative that includes a community engagement website

with engagement information and a consultation calendar and is available at <http://www.dhcs.act.gov.au/engagement>

TAMS also has its own web page on community engagement activities occurring within TAMS which is available at www.tams.act.gov.au

Planning—consent agreements (Question No 1859)

Dr Foskey asked the Minister for Planning, upon notice, on 14 February 2008:

- (1) Is the ACT Planning and Land Authority (ACTPLA) required to comply with Consent Agreements made by the Administrative Appeals Tribunal (AAT);
- (2) What options are available to lessees to redress actions made by ACTPLA that are contrary to Consent Agreements made by the AAT;
- (3) Is the information the Minister provided in response to question on notice No 1815 incorrect with regards to the proceedings between ACTPLA, the AAT, and the lessee and is the Minister prepared to correct the record.

Mr Barr: The answer to the member's question is as follows:

- (1) Yes.
 - (2) A Consent Agreement is an agreement by consent, and any party to an agreement is required to act in a manner that is consistent with the agreement. Where a party is not acting in a manner that is consistent with an agreement, then in that event the inconsistency should be raised with the AAT.
 - (3) The information provided in response to question on notice No 1815 contains an incorrect reference to the Supreme Court. The reference should have been to the ACT Administrative Appeals Tribunal. A corrected version of the answer to question on notice No 1815 is attached.
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Health—domiciliary oxygen (Question No 1861)

Mrs Burke asked the Minister for Health, upon notice, on 14 February 2008:

Can the Minister provide information on who currently receives domiciliary oxygen in the ACT by age and by gender and, what, if any, charges do the users incur for this service.

Ms Gallagher: The answer to the member's question is as follows:

The number of clients on the Domiciliary Oxygen Scheme fluctuates due to the health of each client. As at January 2008, 289 clients were registered on the Domiciliary Oxygen Scheme.

Of the 289 clients registered on the scheme, 135 (46.71%) were male and 154 (53.28%) were female.

The breakdown of number of clients by age as at January 2008:

Age (years)	Number of clients
0-9	9
10-19	4
20-29	6
30-39	3
40-49	7
50-59	26
60-69	55
70-79	90
80-89	80
90-99	9

There is no charge to clients registered on the Domiciliary Oxygen Scheme for the use of oxygen up to the prescribed amount. The supply of oxygen for clients is based on the volume of oxygen prescribed by a suitably qualified doctor. If a client requires additional refills of portable oxygen above the number allocated to them, it is purchased at their own expense.

Health—influenza preparedness plan (Question No 1862)

Mrs Burke asked the Minister for Health, upon notice, on 14 February 2008:

Can the Minister provide an update of the revised ACT Influenza Preparedness Plan and whether this plan has been released; if so, when; if not, why not.

Ms Gallagher: The answer to the member's question is as follows:

The ACT Health Management Plan for Pandemic Influenza has received Government approval.

The Government agreed that the public release should be withheld until the completion, by the Chief Minister's Department, of an overarching ACT Government Pandemic Planning Framework. The Government and ACT Health have now endorsed the Framework and plans are in progress for the release.

Health—occupational health and safety claims (Question No 1863)

Mrs Burke asked the Minister for Health, upon notice, on 14 February 2008:

Given that the ACT Government is party to the national Occupational Health and Safety Strategy 2002-2012 which targets improvements in four areas and one of these areas is Target 1 – Reduce number of claims reaching five days incapacity by 40 per cent, can the Minister provide more information in regard to the statement that a number of more complex claims has increased and what complexities are involved in such claims.

Ms Gallagher: The answer to the member's question is as follows:

Overall the number of ACT Health claims reaching five days incapacity has decreased. The comment in the 2006/07 Annual Report referred to an internal ACT classification system whereby claims are categorized as type 1 or type 2. Comcare has a similar classification system. Type 1 claims require little or no time off work, whereas type 2 claims are the more complex ones. Examples of type 2 claims are those that may require surgery, lacerations, fractures, tears, muscular lumbar and back strain, muscle spasm, or disc injury. Every accident /injury is treated as a unique case and is managed by ACT Health's return to work co-coordinators along with, as appropriate, their treating GP's and specialists, our occupational physician, vocational and rehabilitation advisors and Comcare. As a result of the introduction of an internal staff physiotherapy service and other initiatives some of the smaller claims received in past years are no longer being received thus the comment in the Annual Report.

Nurses—agency (Question No 1865)

Mrs Burke asked the Minister for Health, upon notice, on 14 February 2008:

- (1) What was the number of agency nurses employed in the ACT during (a) 2001-02, (b) 2002-03, (c) 2003-04, (d) 2004-05, (e) 2005-06, (f) 2006-07, (g) 2007-08 to date;
- (2) What was the cost of agency nursing for the periods stated in part (1);
- (3) What was the average number of full-time equivalent vacant nursing positions during October, November and December 2007;
- (4) What is the cost differential between agency nurses and nurses employed directly by The Canberra Hospital and Calvary Public Hospital.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The Comparison of Agency nurse usage from 2000 to 2007 is of limited use in terms of trends because there have been significant changes in service provision and rostering practices.

During this period ACT Health has substantially increased service provision, including increased numbers of Aged Care beds, Rehabilitation beds and Operation Theatre rooms.

The ACT public hospitals morbidity data sets 2000-01 and 2006-07 show an increase of 34% in hospital separations and 30% increase in bed days.

Admitted patient activity	2000-01	2006-07	Variation	% change
Separations	56384	75628	19244	34%
Bed days	212496	275219	62723	30%

Source: ACT public hospitals morbidity data sets 2000-01 and 2006-07
Total public hospital separations (excluding unqualified neonates and chemotherapy)

This growth in service provision has increased the total staff requirements and consequently agency nurse requirements.

Additionally, rostering practices have changed relating to the usage of agency nurses and maintenance of a relief pool. These practices are governed in accordance with guidelines that are outlined in the Certified Agreement.

With this caution the following numbers are provided

ACT Health (excl Calvary) Agency FTE and costs

	FTE	Total Costs (\$)
2001-2002	25.9	n/a
2002-2003	17.5	3,578,304
2003-2004	22.7	2,073,993
2004-2005	32.5	3,325,717
2005-2006	44.7	4,588,540
2006-2007	22.6	2,350,646
2007-2008	32.2	3,038,679

Calvary Public Hospital Agency FTE and costs

	FTE	Total Costs (\$)
2001-2002	n/a	n/a
2002-2003	2	328,000
2003-2004	3.2	370,000
2004-2005	1.7	226,000
2005-2006	8.6	941,000
2006-2007	11.3	1,335,000
2007-2008	11.3	1,431,000

- (2) The Cost of agency staff is included in the answer to part (1)
- (3) The average number of full time equivalent vacant nursing positions during October, November and December 2007 were as follows;

	Oct 2007	Nov 2007	Dec 2007	Average
The Canberra Hospital	133.5	142.54	138.43	138.16
Calvary Public Hospital	43.66	43.66	n/a	43.66

- (4) As a guide, the hourly rate charged for agency nurses is 30% - 50% higher than average hourly rates for ACT Health employed nurses. Different charges are variously applied for postgraduate qualifications, the level of postgraduate experience and for the shifts worked.

The cost differential between agency nurses and nurses employed directly by The Canberra Hospital and Calvary Public Hospital varies.

**Disability services—advisory council
(Question No 1867)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 14 February 2008:

What work is the Disability Advisory Council currently charged with and when will it be releasing its next public report.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The Disability Advisory Council is currently developing its work plan for 2008-09.
 - (2) The release of public reports is being considered by the Disability Advisory Council as part of its 2008-09 work plan.
-

**Disability services—employment
(Question No 1868)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 14 February 2008:

What progress has been made in relation to the Workforce Development Strategy since it was developed in 2006 and has Stage Two been completed in regard to the development of an implementation plan and the establishment of new programs as outlined on page 19 of the 2006-07 Disability ACT annual report.

Ms Gallagher: The answer to the member's question is as follows:

- (1) Disability ACT released the Disability Sector Workforce Strategy in 2007 and established a cross-sector working group that is co-chaired by a community and a government representative.
 - (2) Stage two of the Strategy has commenced.
-

**Disability services—support services
(Question No 1869)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 14 February 2008:

What direct support services have been provided to the 25 individuals, as identified in the Department of Disability, Housing and Community Services annual report 2006-07, and how have they benefited from the \$426 000 funding provided to the Community Programs Association.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The Community Programs Association supports young people and adults who have completed school and are not ready or who may not be able to seek or participate in full time employment. Community Programs Association provided the following services to 25 individuals in 2006-07;
 - a. 425 hours of community development including projects to enhance the use of community facilities by people with disabilities;
 - b. 4,610 hours of community access including the facilitation of clients planned access to community events, groups, and activities supported by disability support staff; and

- c. 132 hours of community inclusion including the support of natural and unpaid relationships between the clients of the service and members of the community.
-

**Disability ACT—policy framework
(Question No 1870)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 14 February 2008:

Given that in March 2007 the Department commissioned a mid-term evaluation of Disability ACT's policy framework, 'Future Directions: 2004-08' and that in the 2006-07 annual report on page 15 it states that the report was due to the Chief Executive in late 2007, can the Minister provide advice on whether this report has now been publicly released.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The Future Directions Evaluation Team finalised its report in January 2008
 - (2) The report has not been publicly released.
-

**Public service—consulting services
(Question No 1872)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 14 February 2008:

- (1) How much was spent on consulting services for your department in the 2007-08 financial year to date;
- (2) Can the Minister provide details of the individual contracts as outlined in part (1) as to (a) who were they awarded to, (b) at what cost, (c) for what purpose and (d) how were they awarded, for example, by tender or with certificate of exemption.

Ms Gallagher: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Information regarding Disability and Community Services use of consultants is publicly available in its annual reports, with the total amount paid to contractors and consultants shown in the notes to the financial statements. There is also a table listing all significant contractors and consultants by name.

All new Government contracts executed after 1 October 2007 with a value of \$20,000 and over, and prior to that date with a value of \$50,000 or greater are published on the public register and included on the ACT Government website at:
<http://www.contractsregister.act.gov.au>.

**Public service—advertising
(Question No 1873)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 14 February 2008:

- (1) How much will be spent in the 2007-08 financial year to date on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;
- (2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/ department or Minister's office on behalf of the Minister or the department/agency
- (3) Did the Minister or the Minister's office approve the publication in each case;
- (4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency.

Ms Gallagher: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

**Public service—advertising
(Question No 1875)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 14 February 2008:

- (1) What promotional activities, publications and advertising in any media have been undertaken by (a) the department, (b) the Minister's Office or (c) any other office or agency on behalf of the Department or Minister's office in the 2007-08 financial year to date;
- (2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency, (b) the Minister's office, (c) another Minister's office or (d) another agency/department;
- (3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department on behalf of the Minister or the department/agency;
- (4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;
- (5) How much has been allocated both within the Minister's office and the department/agency for these activities in the 2007-08 financial year to date.

Ms Gallagher: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.

**Disability services—focus groups
(Question No 1877)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 14 February 2008:

- (1) How many public focus groups were conducted through the area of disability and community services in the 2007-08 financial year to date;
- (2) When were they held and what was the nature of each focus group;
- (3) What was the cost to conduct these focus groups;
- (4) How much, if anything, were focus group participants paid to attend;
- (5) Where can Members get the details and findings of these publicly funded focus groups.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The information will be provided in the 2007-08 Annual Report.
 - (2) The information will be provided in the 2007-08 Annual Report.
 - (3), (4) and (5) I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question.
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**Tharwa bridge
(Question No 1879)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 14 February 2008:

- (1) Which company was awarded the tender to build the new concrete bridge at Tharwa;
- (2) What was the exact amount submitted by this company in its successful tender application;
- (3) How much (a) money has been appropriated to the new concrete bridge project and for what purpose and (b) of the appropriated funds have been expended;
- (4) Is the ACT Government contractually obligated to provide the successful bidder with recompense for cancelling the contract to build the new bridge; if so, how much.

Mr Hargreaves: The answer to the member's question is as follows:

1. No company was awarded a contract to build a concrete bridge at Tharwa.
 2. See answer to Q1.
 3. a) \$10.0 million was appropriated for a bridge at Tharwa as part of the 2007/08 capital works program funding;
b) \$300,000 has been expended at the end of December 2007.
 4. No.
-

**Roads—safety signs
(Question No 1880)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 14 February 2008:

In relation to the ACT Road Safety Strategy and Action Plan and the Minister's recent announcement on 6 February regarding the installation of thirty Street Safety signs across the ACT, what (a) crash data and rationale was used to determine these locations and (b) is the total cost of the signs and installation.

Mr Hargreaves: The answer to the member's question is as follows:

- (a) Roads ACT engaged a consultant engineering firm to recommend specific locations for the new road safety signs. Although crash data was not used to determine these locations, messages on the signs reflect issues identified in the ACT Road Safety Strategy and Action Plan. Appropriate sign locations were determined based on the message on the sign – for example, fatigue messages have been placed on the main highways from Canberra, and distraction messages have been placed on high volume arterial roads.
 - (b) I am advised that the total cost of the signs and installation was approximately \$27,400.
-

**Motor vehicles—registration waiting times
(Question No 1881)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 14 February 2008:

- (1) What was the average waiting time at the Dickson Motor Registry prior to the Civic Shopfront's closure in December 2006;
- (2) What is the current average waiting time at the Dickson Motor Registry since the closure of the Civic Shopfront.

Mr Hargreaves: The answer to the member's question is as follows:

- (1) The average customer waiting time at the Canberra Connect Dickson Shopfront in the period prior to the closure of Civic Shopfront in December 2006 was 7:38 minutes.
 - (2) The current average waiting time at the Canberra Connect Dickson Shopfront is 8:32 minutes.
-

**Tharwa bridge
(Question No 1882)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 14 February 2008:

- (1) When will the Government invite expressions of interest and subsequently initiate the tender process to procure suitably qualified contractors to undertake the refurbishment of Tharwa Bridge;
- (2) What is the (a) closing date for tender submissions and (b) anticipated date of commencement of this project.

Mr Hargreaves: The answer to the member's question is as follows:

1. Select tenders were called on 10 February 2008 for the initial stage of the refurbishment of Tharwa Bridge.
 2. a) the tenders closed on 22 February 2008
b) a contract was awarded on 12 March 2008.
-

**Charity bins—illegal dumping
(Question No 1883)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 14 February 2008:

How many fines have been issued for illegal dumping at charity bins since June 2007.

Mr Hargreaves: The answer to the member's question is as follows:

Since 1 June 2007 until 19 February 2008, City Rangers have issued a total of 22 Infringement Notices pursuant to the *Litter Act 2004* each in the amount of \$200.

**Planning—block 23, city
(Question No 1884)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 14 February 2008:

Can the Minister advise whether there are any plans to build on Block 23 opposite

'Mooseheads' in the City; if so, what will become of the public carpark which incorporates most of Block 23 and will a new building include public parking.

Mr Stanhope: The answer to the member's question is as follows:

The Government is giving consideration to including the release of part Section 19 Block 23, City in the Land Release Program for 2008/09. If the site is included in the Land Release Program, it will be released in accordance with the requirements of Amendment 59 to the National Capital Plan and the Urban Design Guidelines to be prepared by the National Capital Authority for a mixed use commercial development on the site.

Any development on the site will include a requirement for the provision of public car parking. The Government anticipates that the car parking requirement would exceed the number of public car parking spaces currently available on the site.

Public service—advertising (Question No 1892)

Mr Seselja asked the Minister for Education and Training, upon notice, on 14 February 2008:

- (1) What promotional activities, publications and advertising in any media have been undertaken by the (a) department, (b) the Minister's Office or (c) any other office or agency on behalf of the Department or Minister's office in the 2007-08 financial year to date;
- (2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency, (b) the Minister's office, (c) another Minister's office or (d) another agency/department;
- (3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department on behalf of the Minister or the department/agency;
- (4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;
- (5) How much has been allocated both within the Minister's office and the department/agency for these activities in the 2007-08 financial year to date.

Mr Barr: The answer to the member's question is as follows:

- (1)&(3) I am not prepared to authorise the use of the considerable resources that would be involved in collating the requested information for all public schools in the ACT.
- (2)&(5) The Media and Communications team within the Department of Education and Training has spent \$30 310 in the year 2007-08, as at 19 February 2008, for local promotion and advertising of public education in the ACT. This is from a financial year allocation of \$100 000. This figure does not include invoices yet to be paid. It also does not include staffing costs and promotional activities undertaken by schools.

- (4) Promotional and advertising activities are aimed at raising awareness of the benefits of public education. Activities are evaluated through such mechanisms as stakeholder response, media coverage, dissemination of materials and attendance.
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**Public service—consulting services
(Question No 1897)**

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 14 February 2008:

- (1) How much was spent on consulting services for your department in the 2007-08 financial year to date;
- (2) Can the Minister provide details of the individual contracts as outlined in part (1) as to (a) who were they awarded to, (b) at what cost, (c) for what purpose and (d) how were they awarded, for example, by tender or with certificate of exemption.

Mr Barr: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question. I note information on the use of consultants is routinely provided in agencies' annual reports.

**Public service—advertising
(Question No 1900)**

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 14 February 2008:

- (1) How much will be spent in the 2007-08 financial year to date on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;
- (2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/ department or Minister's office on behalf of the Minister or the department/agency
- (3) Did the Minister or the Minister's office approve the publication in each case;
- (4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency.

Mr Barr: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

**Public service—focus groups
(Question No 1908)**

Mr Smyth asked the Treasurer, upon notice, on 4 March 2008:

- (1) How many public focus groups were conducted through the your department in the 2007-08 financial year to date;
- (2) When were they held and what was the nature of each focus group;
- (3) What was the cost to conduct these focus groups;
- (4) How much, if anything, were focus group participants paid to attend;
- (5) Where can Members get the details and findings of these publicly funded focus groups.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the above question.

**Public service—advertising
(Question No 1909)**

Mr Smyth asked the Treasurer, upon notice, on 4 March 2008:

- (1) What promotional activities, publications and advertising in any media have been undertaken by the (a) department, (b) the Minister's Office or (c) any other office or agency on behalf of the Department or Minister's office in the 2007-08 financial year to date;
- (2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency, (b) the Minister's office, (c) another Minister's office or (d) another agency/department;
- (3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department on behalf of the Minister or the department/agency;
- (4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;
- (5) How much has been allocated both within the Minister's office and the department/agency for these activities in the 2007-08 financial year to date.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the above question.

**Public service—advertising
(Question No 1911)**

Mr Smyth asked the Treasurer, upon notice, on 4 March 2008:

- (1) How much will be spent in the 2007-08 financial year to date on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;
- (2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/ department or Minister's office on behalf of the Minister or the department/agency;
- (3) Did the Minister or the Minister's office approve the publication in each case;
- (4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the above question.

**Public service—focus groups
(Question No 1912)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 4 March 2008:

- (1) How many public focus groups were conducted through the your department in the 2007-08 financial year to date;
- (2) When were they held and what was the nature of each focus group;
- (3) What was the cost to conduct these focus groups;
- (4) How much, if anything, were focus group participants paid to attend;
- (5) Where can Members get the details and findings of these publicly funded focus groups.

Mr Hargreaves: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

**Public service—consulting services
(Question No 1913)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 4 March 2008:

- (1) How much was spent on consulting services for your department in the 2007-08 financial year to date;
- (2) Can the Minister provide details of the individual contracts as outlined in part (1) as to (a) who were they awarded to, (b) at what cost, (c) for what purpose and (d) how were they awarded, for example, by tender or with certificate of exemption.

Mr Hargreaves: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question. I note information on the use of consultants is routinely provided in agencies' annual reports.

**Public service—advertising
(Question No 1914)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 4 March 2008:

- (1) How much will be spent in the 2007-08 financial year to date on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;
- (2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department or agency, (c) another agency/ department or Minister's office on behalf of the Minister or the department/agency;
- (3) Did the Minister or the Minister's office approve the publication in each case;
- (4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency.

Mr Hargreaves: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

**Public service—advertising
(Question No 1915)**

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 4 March 2008:

- (1) What promotional activities, publications and advertising in any media have been undertaken by the (a) department, (b) the Minister's Office or (c) any other office or agency on behalf of the Department or Minister's office in the 2007-08 financial year to date;
- (2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency, (b) the Minister's office, (c) another Minister's office or (d) another agency/department;
- (3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department on behalf of the Minister or the department/agency;
- (4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;
- (5) How much has been allocated both within the Minister's office and the department/agency for these activities in the 2007-08 financial year to date.

Mr Hargreaves: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

Public service—focus groups (Question No 1916)

Mrs Burke asked the Minister for Health, upon notice, on 4 March 2008:

- (1) How many public focus groups were conducted through the area of the health in the 2007-08 financial year to date;
- (2) When were they held and what was the nature of each focus group;
- (3) What was the cost to conduct these focus groups;
- (4) How much, if anything, were focus group participants paid to attend;
- (5) Where can Members get the details and findings of these publicly funded focus groups.

Ms Gallagher: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Arboretum—wollemi pines (Question No 1917)

Dr Foskey asked the Chief Minister, upon notice, on 4 March 2008:

- (1) What is the rate of survival of Wollemi Pines in the Arboretum;
- (2) Are there strategies to replace those which have failed to survive.

Mr Stanhope: The answer to the member's question is as follows:

- (1) An inspection of the Wollemi Pine at the Arboretum reveals some losses. A total of about 225 trees (26%) of the 853 trees planted have died and some are looking stressed. However, the majority of the trees (571 or about 67% of trees) are healthy and looking well. A similar proportion of the replacement stock held at Yarralumla Nursery has been similarly affected. This would suggest that the planting out techniques and the site conditions have not played a major part for the failed plants.
- (2) The Department intends to replace the losses but only following rigorous analysis and input from a range of tree experts. The Department's consultant horticultural expert, Mr Mark Richardson, is working with Professor Peter Kanowki, at ANU Forestry, and with other members of the tree reference group to provide advice on the appropriate course of action and to further understand the factors impacting on the health of the Wollemi. Given the trees were only recently discovered in the wild, there is not a wealth of empirical data to draw upon and the trial of the Wollemi plantings at the Arboretum will contribute to this knowledge.

**Finance—debt collection review
(Question No 1921)**

Dr Foskey asked the Treasurer, upon notice, on 4 March 2008:

- (1) What is the progress of the Debt Collection Practices and Procedures review which began in 2007;
- (2) Will the findings of this review be released publicly.

Mr Stanhope: The answer to the member's question is as follows:

- (1) The Debt Collection Practices and Procedures Review IDC report is nearing completion. The base level data has been collated, but due to the complexity of this review some further research is required before the IDC can report to me.
- (2) Following consideration of this paper and its recommendations, a decision will be made regarding its public disclosure.

**Social welfare—corporate philanthropy
(Question No 1922)**

Dr Foskey asked the Minister for Disability and Community Services, upon notice, on 4 March 2008:

- (1) What is the progress of the Corporate Philanthropy in the ACT report;
- (2) Will the findings of this review be released publicly.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The Department of Disability, Housing and Community Services has recently received the final report and is in the process of briefing me on the findings.
 - (2) Yes.
-

**Planning—Dunlop
(Question No 1931)**

Mrs Dunne asked the Chief Minister, upon notice, on 4 March 2008:

- (1) What plans are there for the land adjacent to Dunlop and formerly part of the rural lease known as Fassifern (Section 82 Dunlop);
- (2) What plans are there for the buildings on the block.

Mr Stanhope: The answer to the member's question is as follows:

- (1) The Land Development Agency has no plans to develop this site.
 - (2) The Land Development Agency has no plans for buildings on this site as the land is not part of the Dunlop West Estate.
-

**Planning—Dunlop
(Question No 1932)**

Mrs Dunne asked the Minister for Planning, upon notice, on 4 March 2008:

- (1) What plans are there for the land adjacent to Dunlop and formerly part of the rural lease known as Fassifern (Section 82 Dunlop);
- (2) What plans are there for the buildings on the block.

Mr Barr: The answer to the member's question is as follows:

- (1) The ACT Planning and Land Authority is unaware of any current proposals associated with Section 82, however, adjacent to Section 82, the former sewer settlement ponds are currently being filled with clean fill as part of a spoil management strategy.

When the ponds-situated on Block 1 Section 186 Dunlop are filled they will be sown down to a pasture species and fenced from stock until the pasture establishes. The two parcels of land would then be available to be put on the Government's release program for sale as an agriculture lease which could include equestrian purpose on the front 5 hectares.

- (2) The future of the buildings on the block will be determined by decisions about what the land will be used for in the longer term. In the interim, they are being maintained by Property Group and are available for short term occupancy. At present there are no

occupancy applications, possibly because of the limited range of uses and the inability to agist more than one or two horses on the adjacent land due to carrying capacity.

Environment—wild dog control (Question No 1933)

Mrs Dunne asked the Minister for the Environment, Water and Climate Change, upon notice, on 4 March 2008:

- (1) How much (a) was spent in the financial years (i) 2001-02, (ii) 2002-03, (iii) 2003/04, (iv) 2004/05, (v) 2005/06 and (vi) 2006/07 and (b) is proposed to be spent in 2007-08 on the management, containment and eradication of wild dog populations in the ACT;
- (2) What techniques are used to manage wild dog populations.

Mr Stanhope: The answer to the member's question is as follows:

- (1) The ACT Government spent in the order of \$80,000 on management of wild dogs in 2001-02. The wild dog management budget has gradually increased since this time and will be about \$105,000 for 2007-08. This sum covers:
 - employment of a full-time Parks, Conservation and Lands vertebrate pest officer;
 - vehicle lease;
 - hire of an additional contract dog-trapper to cover annual leave and periods of high wild dog activity in the ACT;
 - \$5000 contribution to cooperative wild dog control by NSW National Parks and Wildlife Service and Cooma Rural Lands Protection Board in areas of NSW adjacent to Namadgi National Park;
 - purchase of traps and baits; and
 - program administration.
- (2) Management of wild dogs in the ACT has two principle objectives:
 - to minimise production losses attributed to wild dog attack on sheep along the rural/park interface; and
 - to maintain the important ecosystem function performed by wild dogs as the top order predator within Namadgi National Park.

This is achieved by focusing management of wild dogs in areas of the Park where dogs are most likely to impact on neighbouring stock. Wild dogs are not managed in core central areas of the Park unless an attack on stock can be traced to dogs coming from this area.

The ACT Government uses an integrated pest management approach to wild dog management within the dog control areas of the Park. This includes proactive and reactive trapping, regular ground baiting, opportunistic shooting, electric fencing and the trial of a new poison delivery device known as the M44 ejector. Wild dog management in southern Namadgi is coordinated with NSW land managers through cooperative wild dog programs for the Yaouk and Shannon's Flat regions. ACT landholders are provided with free poison-meat baits when they participate in coordinated baiting of bushland areas on leased land to coincide with on-Park baiting.

**Environment—weed control
(Question No 1934)**

Mrs Dunne asked the Minister for the Environment, Water and Climate Change, upon notice, on 4 March 2008:

- (1) How much (a) was spent in the financial years (i) 2001/02, (ii) 2002/03, (iii) 2003/04, (iv) 2004/05, (v) 2005/06 and (vi) 2006/07 and (b) is proposed to be spent in 2007-08 on the management, containment and eradication of weeds in the ACT;
- (2) What techniques are used to manage weeds in the ACT;
- (3) Does the Minister's department operate under particular protocols to limit the spread of weeds;
- (4) Are their particular programs to alert the community to or to eradicate particular weeds or classes of weeds, for example woody weeds, serrated tussock and African love grass;
- (5) What co-operation or partnerships are there between Environment ACT and landholders, community groups, and contractors to eradicate weeds.

Mr Stanhope: The answer to the member's question is as follows:

- (1) The ACT Government spent the following amounts on weed control:

2001-02	\$1.32m
2002-03	\$0.71m
2003-04	\$1.13m
2004-05	\$2.29m
2005-06	\$1.49m
2006-07	\$1.68m
2007-08	\$1.77m (estimate)

These figures include weed contracts managed by Parks, Conservation and Lands and weed control undertaken by field staff.

- (2) The ACT Government encourages the use of integrated pest management to control weeds in the ACT. Non-herbicide control includes slashing thistles before they set seed, grazing eg using sheep to graze St John's wort rosettes during winter, moving livestock from paddocks before overgrazing occurs, encouraging leaseholders through land management agreements to practice rotational grazing, encouraging vehicle hygiene when vehicles move from weed infested sites to relatively weed free areas, and thorough wash down of Parks and Reserves slashers between reserves.

Herbicide control includes: use of quick-spray units on vehicles for spot and boom spraying, knapsacks and portable quick-spray units for weed control in inaccessible areas, aerial spraying in some of the former forestry areas, and frill stem inject and cut and paint for weed tree control, eg. willows.

- (3) The ACT Weeds Strategy is currently being updated. This complements the Federal Government's strategies for control of weeds of national significance.

Schedule 1 of the *Pest Plants and Animals Act 2005* lists whether a declared pest plant is notifiable, prohibited, must be suppressed or contained. Staff conduct spot checks on plant nurseries to ensure that they are not trading declared pest plants and thus spreading weed species.

Weed control work in high conservation value areas is prioritised annually. The most invasive weed species are targeted first. For example, serrated tussock control in Gungahlin and Jerrabomberra grasslands. In addition, new infestations of invasive weeds are given highest priority to avoid weed free areas becoming degraded.

In addition, Parks, Conservation and Lands have standard operating procedures for vehicle hygiene, herbicide storage and record keeping, and use of weed spraying equipment. New staff are made aware of the ways weed seed can move between areas if vehicles and equipment are not kept clean. Parks Ranger staff also enforce a clean vehicle policy for contractors.

- (4) The *Pest Plants and Animals Act 2005* includes a provision for the preparation of Pest Plant Management Plans. These are prepared to assist land managers meet their weed control obligations. An example is the draft Mexican Feather Grass Pest Plant Management Plan. This is complemented by a weed alert flyer which is being distributed to land managers across Canberra.

Parks, Conservation and Lands staff run information sessions to alert and train staff, Parkcare volunteers and rural leaseholders on eradication of particular weeds. They also provide free brochures such as 'Garden Plants Going Bush'. A new booklet is currently being prepared in conjunction with the plant nursery industry called 'Grow-Me-Instead' to encourage the use of non-invasive garden plants.

Further, Parks, Conservation and Lands run field days (with staff, rural leaseholders, contractors, and neighbouring local and state government staff) to educate on the identification of weed species such as serrated tussock and Chilean needle grass control and inform of best management practices.

- (5) Parks, Conservation and Lands (PCL) have developed strong partnerships with Parkcare and Urban Landcare groups. For example, the Red Hill Parkcare group (Red Hill Regenerators) has worked with the Parks staff to stop the spread of St John's Wort and Chilean needle grass into areas where the nationally endangered native daisy, the Button Wrinklewort, grows.

Contractors undertake most of the weed control work in the ACT. Parks, Conservation and Lands manage these contracts.

In the rural area, Parks Conservation and Lands undertakes roadside weed spraying of invasive weeds to complement weed control activities on neighbouring rural leases. It is often from road edges, which are highly disturbed sites that invasive weeds like African lovegrass can establish and then move into neighbouring land.

Schools—closures (Question No 1936)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 4 March 2008:

To what schools did each of the children transfer for the 2008 school year for all schools closed in 2007, including Cook and Village Creek primary schools and Kambah High School.

Mr Barr: The answer to the member's question is as follows:

Cook Primary School students transferred to the following ACT public schools:

- Macquarie Primary School
- Aranda Primary School
- Weetangera Primary School
- North Ainslie Primary School
- Macgregor Primary School
- Harrison School
- Charnwood-Dunlop School.

Village Creek Primary School students transferred to the following ACT public schools:

- Taylor Primary School
- Wanniasa Hills Primary School
- Urambi Primary School
- Wanniasa School
- Arawang Primary School
- Richardson Primary School
- Garran Primary School
- Miles Franklin Primary School
- Turner Primary School
- Yarralumla Primary School
- Charnwood-Dunlop School
- Stromlo High School (year 6).

Kambah High School students transferred to the following ACT public schools:

- Wanniasa School
- Stromlo High School
- Melrose High School
- Alfred Deakin High School
- Calwell High School.

Schools—closures (Question No 1937)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 4 March 2008:

What transition arrangements were put in place for the children who transferred from one school to another as a result of the 2007 school closures including Cook and Village Creek primary schools and Kambah High School.

Mr Barr: The answer to the member's question is as follows:

Schools that closed in 2007 provided substantial transition support for all students and their families. Transition planning was offered to all students, and the majority of parents took up this offer. A detailed transition plan was completed for each of these students. These plans clearly identified each student's individual social and academic needs. Transition plans were forwarded to the receiving schools before the end of the 2007 school year.

Students also participated in a number of transition visits to each of the receiving schools. During these visits students engaged in a number of activities including school tours, assemblies and classroom visits.

Schools that have received students from closing schools have put in place a number of strategies and programs to support each individual student. Programs have been inclusive of all students including Indigenous students and students from a disadvantaged background. Programs include welcome activities, regular executive meetings with transitioning students, surveys and questionnaires, parent interviews and social skills programs.

Schools—closures (Question No 1938)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 4 March 2008:

- (1) What has happened to (a) the electronic whiteboards, (b) computers, (c) library materials and (d) other portable equipment since the 2007 closures of schools;
- (2) Are their plans for the playground and sporting equipment and shade structures at the school sites;
- (3) For each school that closed in 2007 how much of the equipment outlined in parts (2) and (3) was provided by (a) ACT Government, (b) parent fundraising and (c) Commonwealth Government grants;
- (4) What consultation was conducted with parents and the Commonwealth about the arrangements for equipment and materials purchased as a result of their contributions, after the schools closed.

Mr Barr: The answer to the member's question is as follows:

- (1) All assets from closed schools (issues a, b and d) have, or are being sorted and redistributed to ACT public schools in a process that gives priority to the schools that received enrolments from the closed schools. In the case of library resources (issue c) at Cook Primary School, those entire resources have been relocated to the new Harrison Primary School in accordance with the wishes of the Cook Primary School community. Library resources from other closed schools are being sorted and checked for currency by a qualified librarian for redistribution to ACT public schools in a process that gives priority to the schools that received enrolments from the closed schools.
- (2) All items of sporting equipment have or are being redistributed to ACT public schools in a process that gives priority to the schools that have received enrolments from

closed schools. Shade structures will be offered to ACT public schools in a similar process but playground equipment is unlikely to be offered due to current compliance standards and the cost effectiveness of its relocation and upgrading.

- (3) The Department does not hold records of equipment itemised according to funding source. In general, once purchased for school use, equipment and resources are accessioned by the school and become ACT Department of Education and Training property. The same situation exists for resources purchased with Commonwealth funding.
 - (4) After schools were listed for closure, they were required to undertake a consultative process with their respective P&C groups to identify and dispose of any material belonging to them including equipment and resources. In the case of Commonwealth funded resources, there was no obligation to enter into consultation regarding its future use and the standard disposal process was applied.
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Housing—youth (Question No 1946)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 5 March 2008:

How many young people are currently residing in nursing homes.

Ms Gallagher: The answer to the member's question is as follows:

Currently there are 5 young people residing in nursing homes in the ACT.

Disability services—future directions framework (Question No 1948)

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 5 March 2008:

- (1) Given that the annual reports hearings of 28 November 2007 were advised that an evaluation into the Future Directions Framework for the ACT 2004-2008 would be ready by late 2007, did this occur; if so when; if not, why not;
- (2) When will this review be made public.

Ms Gallagher: The answer to the member's question is as follows:

- (1) The Future Directions Evaluation Team finalised its report in January 2008.
 - (2) The Future Directions Oversight Group received the final evaluation report in January 2008 and is preparing a response to the recommendations. It is expected that the Chief Executive, Disability, Housing and Community Services will release a Report in the near future.
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**Children—autism
(Question No 1949)**

Mrs Burke asked the Minister for Disability and Community Services, upon notice, on 5 March 2008:

- (1) Is it a fact that diagnostic information is not routinely gathered regarding the rate of children with autism, which has continued to increase in the ACT;
- (2) What action has been taken by the Minister since November 2007 to gather such information and when will this information be made available to the public.

Ms Gallagher: The answer to the member's question is as follows:

- (1) As I explained in response to QON 1839, information on clients with autism is collected by Therapy ACT. There is no requirement that people who have been diagnosed through the private system or interstate notify the government that they, or a child for whom they are responsible, has this disorder. Without complete data over a number of years, it is not possible to conclude that the rate of autism has increased in the ACT.
- (2) The same information will continue to be collected by Therapy ACT. Consideration will be given to including the disability type of people receiving a service from Therapy ACT in the annual report for this year.

**Public service—advertising
(Question No 1953)**

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 5 March 2008:

- (1) In relation to promotion activities of the relevant administrative unit under your responsibility, what promotional activities, publications and advertising in any media have been undertaken by (a) the department/agency/administrative unit, (b) the Minister's Office or (c) any other office or agency on behalf of the department/agency/administrative unit or Minister's office in the 2007-08 financial year to date;
- (2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency/administrative unit, (b) the Minister's office, (c) another Minister's office or (d) another agency/department/administrative unit;
- (3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency/administrative unit, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department/administrative unit on behalf of the Minister or the department/agency/administrative unit;
- (4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;

- (5) How much has been allocated both within the Minister's office and the department/agency/administrative unit for these activities in the 2007-08 financial year to date.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

**Public service—focus groups
(Question No 1954)**

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 5 March 2008:

- (1) How many public focus groups were conducted through the relevant administrative unit for Tourism, Sport and Recreation in the 2007-08 financial year to date;
- (2) When were they held and what was the nature of each focus group;
- (3) What was the cost to conduct these focus groups;
- (4) How much, if anything, were focus group participants paid to attend;
- (5) Where can Members get the details and findings of these publicly funded focus groups.

Mr Barr: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

**Public service—focus groups
(Question No 1959)**

Mrs Dunne asked the Minister for the Environment, Water and Climate Change, upon notice, on 5 March 2008:

- (1) How many public focus groups were conducted in the area of your portfolio of the Environment, Water and Climate Change in the 2007-08 financial year to date;
- (2) When were they held and what was the nature of each focus group;
- (3) What was the cost to conduct these focus groups;
- (4) How much, if anything, were focus group participants paid to attend;
- (5) Where can Members get the details and findings of these publicly funded focus groups.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

**Public service—advertising
(Question No 1960)**

Mrs Dunne asked the Minister for the Environment, Water and Climate Change, upon notice, on 5 March 2008:

- (1) In relation to advertisements and promotion in the area of your portfolio of the Environment, Water and Climate Change, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;
- (2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department, agency or administrative units, (c) another agency/ department/administrative unit or Minister's office on behalf of the Minister or the department/agency/administrative unit;
- (3) Did the Minister or the Minister's office approve the publication in each case;
- (4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency/administrative unit.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

**Public service—consulting services
(Question No 1961)**

Mrs Dunne asked the Minister for the Environment, Water and Climate Change, upon notice, on 5 March 2008:

- (1) How much was spent on consulting services for your Environment, Water and Climate Change portfolio in the 2007-08 financial year to date;
- (2) Can the Minister provide details of the individual contracts as outlined in part (1) as to (a) who were they awarded to, (b) at what cost, (c) for what purpose and (d) how were they awarded, for example, by tender or with certificate of exemption.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be

involved in providing the detailed information required to answer this question. I note information on the use of consultants is routinely provided in agencies' annual reports.

**Public service—advertising
(Question No 1962)**

Mrs Dunne asked the Minister for the Environment, Water and Climate Change, upon notice, on 5 March 2008:

- (1) In relation to promotion activities of the relevant department, agency or administrative unit of your portfolio, what promotional activities, publications and advertising in any media have been undertaken by (a) the department/agency/administrative unit, (b) the Minister's Office or (c) any other office or agency on behalf of the department/agency/administrative unit or Minister's office in the 2007-08 financial year to date;
- (2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency/administrative unit, (b) the Minister's office, (c) another Minister's office or (d) another agency/department/administrative unit;
- (3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency/administrative unit, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department/administrative unit on behalf of the Minister or the department/agency/administrative unit;
- (4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;
- (5) How much has been allocated both within the Minister's office and the department/agency/administrative unit for these activities in the 2007-08 financial year to date.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this question.

**Public service—focus groups
(Question No 1963)**

Mrs Dunne asked the Minister for Women, upon notice, on 5 March 2008:

- (1) How many public focus groups were conducted in the area of your portfolio of Women in the 2007-08 financial year to date;
- (2) When were they held and what was the nature of each focus group;
- (3) What was the cost to conduct these focus groups;
- (4) How much, if anything, were focus group participants paid to attend;

(5) Where can Members get the details and findings of these publicly funded focus groups.

Ms Gallagher: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

**Public service—advertising
(Question No 1964)**

Mrs Dunne asked the Minister for Women, upon notice, on 5 March 2008:

- (1) In relation to advertisements and promotion in the area of your portfolio of Women, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;
- (2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department, agency or administrative units, (c) another agency/ department/administrative unit or Minister's office on behalf of the Minister or the department/agency/administrative unit;
- (3) Did the Minister or the Minister's office approve the publication in each case;
- (4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency/administrative unit.

Ms Gallagher: The answer to the member's question is as follows:

- (1) After careful consideration of the questions, and advice provided by my Department, I have determined that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.
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**Public service—consulting services
(Question No 1965)**

Mrs Dunne asked the Minister for Women, upon notice, on 5 March 2008:

- (1) How much was spent on consulting services for your portfolio for Women in the 2007-08 financial year to date;
- (2) Can the Minister provide details of the individual contracts as outlined in part (1) as to (a) who were they awarded to, (b) at what cost, (c) for what purpose and (d) how were they awarded, for example, by tender or with certificate of exemption.

Ms Gallagher: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Information regarding the Office for Women's use of consultants will be available in the Department of Disability, Housing and Community Services 2007-08 annual report. There will also be a table listing all significant contractors and consultants by name.

All new Government contracts executed after 1 October 2007 with a value of \$20,000 and over, and prior to that date with a value of \$50,000 or greater are published on the public register and included on the ACT Government website at:
<http://www.contractsregister.act.gov.au>.

**Public service—advertising
(Question No 1966)**

Mrs Dunne asked the Minister for Women, upon notice, on 5 March 2008:

- (1) In relation to promotion activities of the Minister's portfolio, what promotional activities, publications and advertising in any media have been undertaken by (a) the department/agency/administrative unit, (b) the Minister's Office or (c) any other office or agency on behalf of the department/agency/administrative unit or Minister's office in the 2007-08 financial year to date;
- (2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency/administrative unit, (b) the Minister's office, (c) another Minister's office or (d) another agency/department/administrative unit;
- (3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency/administrative unit, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department/administrative unit on behalf of the Minister or the department/agency/administrative unit;
- (4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;
- (5) How much has been allocated both within the Minister's office and the department/agency/administrative unit for these activities in the 2007-08 financial year to date.

Ms Gallagher: The answer to the member's question is as follows:

- (1) After careful consideration of the questions, and advice provided by my Department, I have determined that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.
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**Public service—advertising
(Question No 1967)**

Mr Stefaniak asked the Minister for the Arts, upon notice, on 5 March 2008:

- (1) In relation to promotion activities of the Minister's portfolio, what promotional activities, publications and advertising in any media have been undertaken by (a) the department/agency/administrative unit, (b) the Minister's Office or (c) any other office or agency on behalf of the department/agency/administrative unit or Minister's office in the 2007-08 financial year to date;
- (2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency/administrative unit, (b) the Minister's office, (c) another Minister's office or (d) another agency/department/administrative unit;
- (3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency/administrative unit, (b) the Minister's Office, (c) another Minister's office or (d) another agency/department/administrative unit on behalf of the Minister or the department/agency/administrative unit;
- (4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;
- (5) How much has been allocated both within the Minister's office and the department/agency/administrative unit for these activities in the 2007-08 financial year to date.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

**Public service—advertising
(Question No 1968)**

Mr Stefaniak asked the Minister for Industrial Relations, upon notice, on 5 March 2008:

- (1) In relation to promotion activities of the Minister's portfolio, what promotional activities, publications and advertising in any media have been undertaken by (a) the department/agency/administrative unit, (b) the Minister's Office or (c) any other office or agency on behalf of the department/agency/administrative unit or Minister's office in the 2007-08 financial year to date;
- (2) What was the total amount spent on such activities as outlined in part (1) and was it costed to (a) the department/agency/administrative unit, (b) the Minister's office, (c) another Minister's office or (d) another agency/department/administrative unit;
- (3) Can the Minister detail the promotional activities, publications and advertising undertaken by (a) the department/agency/administrative unit, (b) the Minister's

Office, (c) another Minister's office or (d) another agency/department/administrative unit on behalf of the Minister or the department/agency/administrative unit;

- (4) What were the promotional activities, publications and advertising meant to achieve, did they achieve their purposes and how was that measured;
- (5) How much has been allocated both within the Minister's office and the department/agency/administrative unit for these activities in the 2007-08 financial year to date.

Mr Barr: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—focus groups (Question No 1969)

Mr Stefaniak asked the Minister for the Arts, upon notice, on 5 March 2008:

- (1) How many public focus groups were conducted through the relevant administrative units pertaining to the Arts in the 2007-08 financial year to date;
- (2) When were they held and what was the nature of each focus group;
- (3) What was the cost to conduct these focus groups;
- (4) How much, if anything, were focus group participants paid to attend;
- (5) Where can Members get the details and findings of these publicly funded focus groups.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Public service—advertising (Question No 1970)

Mr Stefaniak asked the Minister for the Arts, upon notice, on 5 March 2008:

- (1) In relation to advertisements and promotion by the relevant administrative units for the Arts, how much will be spent in the 2007-08 financial year on advertising, promotion, the dissemination of policy information or other information which included the Minister's photograph and/ or a message from the Minister;
- (2) What is the individual breakdown for print media, television, radio and other media such as brochures including direct mail by (a) the Minister's Office, (b) the Minister's department, agency or administrative units, (c) another agency/

department/administrative unit or Minister's office on behalf of the Minister or the department/agency/administrative unit;

- (3) Did the Minister or the Minister's office approve the publication in each case;
- (4) How much has been allocated for these activities in the 2007-08 financial year to date by the (a) Minister's office and (b) department/agency/administrative unit.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the considerable resources that would be involved in providing the detailed information required to answer the Member's question.

Yarralumla brickworks (Question No 1979)

Dr Foskey asked the Minister for Planning, upon notice, on 6 March 2008 (*redirected to the Chief Minister*):

- (1) Is the Minister aware of the many community consultations conducted on the Yarralumla Brickworks and environs over the past decades;
- (2) To what extent will community attitudes be taken into account in the choice of the successful developer;
- (3) How will the Land Development Agency take into account the heritage and recreational values of the area;
- (4) What is the requirement for a proportion of the site to be retained as open space;
- (5) What limitations are to be placed on the (a) height and (b) number of buildings;
- (6) What, if any, impact will the new Territory Plan have on the future development of the site;
- (7) Can the Minister provide a timeframe for consideration of the future of the site;
- (8) Can the Minister detail the processes of community consultation about the site's future.

Mr Stanhope: The answer to the member's question is as follows:

- (1) Yes. *The Yarralumla Brickworks & Environs Planning Review* undertaken by Susan Conroy & Munns Sly Architects for ACTPLA in 2005 provides details of the various consultations and community initiated activities that occurred from when the site was decommissioned in 1976 until 2005. This report is included as Attachment 3 to the Yarralumla Brickworks Request for Expressions of Interest (EOI).
- (2) The community was invited to an information briefing on the tender process and the Land Development Agency will undertake further consultation with the community during Stage Two of the tender process.

- (3) The Evaluation Panel consists of senior officers from the Chief Minister's Department, the Land Development Agency and the ACT Heritage Unit of Territory and Municipal Services. The inclusion of the ACT Heritage Unit on the Evaluation Panel underscores the importance given to the heritage and recreational values of the site and the means by which the recreational and heritage and commercial opportunities may best be integrated to meet the project objectives.
 - (4) The Territory Plan has three specific land uses for the site, Residential, Leisure and Entertainment and Open Space. The final proportion of land to be retained as open space is yet to be determined and respondents will present their proposals for land uses across the site in their EOI submissions which will be considered by the Evaluation Team.
 - (5) The current Territory Plan sets building heights of three storeys for the component of Residential land use and two stories for other uses in areas of Leisure and Accommodation land use.
 - (6) The controls in the new Territory Plan reflect the existing provisions for the site.
 - (7) The closing date for the EOI is 3pm on 11 April 2008. The timeframe for the evaluation of the submissions will depend on their number and complexity. The timeframe for the second stage is dependent on the nature of the responses to the first stage.
 - (8) As detailed above, the community will be engaged during stage 2 of the tender process and the process for that consultation will be detailed once tender submissions have been received.
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