



Debates

WEEKLY HANSARD
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

~~WWW~~ ~~ACT~~ ~~GOV~~ ~~AU~~

www.hansard.act.gov.au

Wednesday, 17 March 2010

Leave of absence.....	937
Radiation Protection (Tanning Units) Amendment Bill 2010.....	937
Health—cancer treatment	940
Domestic animals.....	972
Questions without notice:	
Government—election promises	982
Land—Molonglo Valley.....	984
Business—Sensis business index	986
Public service—staffing	988
Canberra Hospital—obstetric unit review	991
Canberra Hospital—obstetric unit review	994
ACTION bus service—new buses.....	996
Disability services—support packages	999
Sentence Administration Board—decisions	1001
Schools—investment	1002
Allegations against members’ staff.....	1006
ACT Planning and Land Authority—injured workers.....	1006
Suspension of standing and temporary orders	1007
Climate Change, Environment and Water—Standing Committee	1009
Allegations against members’ staff.....	1010
Domestic animals.....	1011
Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2009.....	1017
Suspension of standing and temporary orders	1017
Environment—wood smoke	1030
Racing industry	1042
Adjournment:	
Catholic Schools Week.....	1067
Baha’i community in Iran.....	1068
Racing industry	1069
Adjournment:	
Mr Ivan Slavich	1070
Canberra Refugee Support.....	1070
Catholic Schools Week.....	1070

Wednesday, 17 March 2010

MR SPEAKER (Mr Rattenbury) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Leave of absence

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

That leave of absence be granted to Ms Hunter for this sitting due to ill health.

Radiation Protection (Tanning Units) Amendment Bill 2010

Ms Bresnan, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MS BRESNAN (Brindabella) (10.01): I move:

That this bill be agreed to in principle.

The bill that I am presenting today proposes to regulate the operation of solarium in the ACT.

The biggest users of solarium are young women aged 16 to 35, and often it seems they do not realise the risk at which they are placing themselves.

Contrary to what some people believe, solarium are not safe tanning devices. Research has shown that solarium increase the risk of developing skin cancer, including melanoma. A World Health Organisation study last year placed solarium in the same cancer risk category as tobacco smoking, quite a startling revelation. These findings follow a 2007 Queensland Institute of Medical Research study that found solarium use by people under 35 increases their risk of developing melanoma by 98 per cent.

The risk of solarium use has been recognised around Australia, and I appreciate that there has been an effort by COAG to come up with a nationally consistent response. But, as some of us know too well, on this and many other issues, COAG can be incredibly slow and several years can go by before we see any action. Moreover, where COAG has eventually agreed to something, it can then take years more before the necessary legislation is presented to state and territory parliaments. Recognising this reality, Victoria was the first state to go ahead and regulate solarium use. It introduced urgent legislation in 2007 as an interim measure. More methodical legislation was then introduced in 2008.

The guiding principles on how solarium should be operated are set out in the Australia-New Zealand standard on solarium for cosmetic purposes.

In January last year the standards were updated, and recommended that solarium use be restricted to people over 18 years old and those people not having very pale skin, also

called type 1. Other major features of the updated standards include cutting the UV intensity on sun beds by 40 per cent; banning unsupervised operations; ensuring staff are trained in using equipment and assessing skin photo types; ensuring clients complete a skin assessment and consent form; ensuring protective eyewear is always worn; making no claims of non-cosmetic health benefits or that solarium use is safe; and keeping client records for at least two years.

These standards are voluntary in the ACT, and studies have shown that where the standards are voluntary about 50 per cent of the industry ignores some of the important sections of the guidelines.

As such, voluntary application clearly does not work. So to leave the industry unregulated is not going to do us much good, because we cannot rely on them to implement the rules by themselves. We acknowledge that some operators out there are responsible; however, others cannot resist the urge to profit from high-risk clients. We believe that by banning dangerous behaviour that is conducted in only some locations there will be benefit to those who have chosen to be responsible.

Shortly after the solarium standards were updated in January last year, the New South Wales government introduced regulations that made those guidelines compulsory. The ACT Chief Minister was asked by the media at the time if the ACT government was also committed to introducing solarium regulations. The Chief Minister said that the ACT government was committed to this, but was waiting for the COAG process and that, if that did not bring change soon enough, the ACT would go ahead as New South Wales and Victoria have done.

In August last year the Cancer Council released research which showed that the number of tanning solariums had declined in all capital cities except Canberra. The number had dropped by an average of 32 per cent, with the most dramatic falls in Melbourne, Hobart, Adelaide, Perth and Sydney, but Canberra had seen an increase in solarium listings. Canberra also featured a much higher proportion or ratio of solariums to people than anywhere else in the country. We cannot help but assume that the voluntary self-regulation regime in place in Canberra contributes to this statistic.

Melbourne had the largest drop in solarium numbers, potentially because they have a properly regulated and licensed system in place. When faced with the news that the number of solariums in Canberra was growing, the ACT government was again approached by the media, and the Minister for Health responded to them by saying that the ACT government still supported a national approach to solarium regulations and there were no plans as yet for the ACT government to introduce regulations.

When it became apparent in February this year that the ACT government was still yet to move on solariums, the Greens felt that the ACT had waited long enough, and we announced our intention to introduce legislation. And so today I present to the Assembly the Greens' Radiation Protection (Tanning Units) Amendment Bill 2010.

Similar to the Victorian model, our bill proposes that businesses which operate solariums need to acquire a licence, and I anticipate this to occur through the Office of Regulatory Services. The licence conditions we have prescribed are based on the

Australian standards, and include restricting solarium use to people over 18 and people with skin types other than very fair. The penalties for breaching licence conditions mirror the New South Wales model, an example being that if a person under the age of 18 is permitted to use a solarium, the owner faces penalties of up to \$11,000 and loss of licence.

I note that, when introducing the regulations, Victoria and New South Wales both provided a 12-month phase-in process to ensure that operators had the time they needed to undertake the necessary training process. In New South Wales an online training package was made available to operators through the Australian Radiation Protection and Nuclear Safety Agency.

Given that the ACT is a smaller jurisdiction and we could probably make use of the Australian Radiation Protection and Nuclear Safety Agency program, I have proposed that there be a phase-in process of up to six months, but have ultimately left it to the minister's discretion to make it sooner if this can be applied.

When Victoria introduced this legislation, their regulatory impact statement made a few important predictions that I would like to reflect on.

Firstly, it expected that solarium use would reduce by about 50 per cent and that the reduction in the incidence of solarium-related skin cancer would be significantly more than 50 per cent because of the prohibition on solarium use by particularly vulnerable groups.

Between nine and 12 deaths from melanoma were expected to be prevented over 10 years. The overall benefit of the regulations was estimated at between \$25 million and \$56 million. In comparison, licensing costs were expected to amount to only \$1.25 million. Solarium businesses were expected to incur a loss of revenue of up to \$48 million over 10 years, but this cost must be regarded as a transfer in economic terms, as a loss of revenue would be balanced by increased consumer spending in other areas.

The Victorian regulatory impact statement also considered whether solarium employees should be licensed, as this approach was likely to yield some small additional benefits in terms of improved compliance with the requirements of the regulations. However, the regulatory impact statement found that overall licensing costs would be substantially greater, and result in a small net present value and a significantly smaller benefit-cost ratio than if they chose to just license the solarium owners. It is for these reasons that we have chosen not to license solarium operators but to focus on solarium owners.

We recognise that the Victorian situation is not wholly comparable to that of the ACT. We know our industry is much smaller. However, the anticipated benefits we could achieve here are worthy ones and, given the amount of time the ACT government has been aware of the impact of solarium radiation, we must bring ourselves to ask why the regulations were not adopted some time ago.

When the Victorian government consulted with the local solarium industry about the introduction of regulations, it received the industry's general support. One of the

reasons for their support was that the efforts to increase voluntary compliance with the Australian standard had largely failed. The Victorian government also received feedback from the industry after the implementation of its interim regulations, and the industry again indicated that it remained broadly supportive of the arrangements.

I am writing today to members of the local solaria industry, the Cancer Council and health bodies, seeking their views on the legislation. I look forward to their feedback and do hope I am able to incorporate concerns they may raise. My office has already discussed the proposed legislation with the Cancer Council.

In tabling this bill, I must note that I received a letter from the Minister for Health last Friday afternoon, on the day that it went to the media, or the government went to the media, indicating that the government was still committed to seeing solaria regulated in the ACT and that ACT Health would begin drafting regulations which the minister hoped would come into effect in May. I welcome the minister's commitment to this issue and do hope to work with the government further.

I do, however, take issue with any potential assumption that only the government can undertake policy development of this kind and that, instead of being willing to work with my legislation, which I announced in February, the government believes it now has to come up with its own regulations.

I also take issue with the government undertaking such an approach time and time again. We cannot help but assume that, with such suspicious timing, this government is interested only in trying to get in first on regulating a dangerous industry, an industry which this government promised many times it would regulate. The Greens have, as of today, initiated the necessary consultation with affected groups, including operators. There is now a bill before the Assembly on this issue, and we call upon all parties here in this place to contribute to the task of reducing the very real risk that unsafe practices in the solaria industry present to our community.

Debate (on motion by **Ms Gallagher**) adjourned to the next sitting.

Health—cancer treatment

MR HANSON (Molonglo) (10.13): I move:

That this Assembly:

(1) notes that:

- (a) numerous patients suffering from cancer in Canberra have been forced to travel interstate to receive radiotherapy treatment;
- (b) patients were not advised by ACT Health that they would need to complete their therapy interstate until such time as they tried to access radiotherapy services in the ACT;
- (c) patients were forced to call ACT Health repeatedly seeking information on their treatment before being advised that they would be required to travel interstate;

- (d) there was a breakdown in communications between units within ACT Health and between ACT Health and patients;
 - (e) delays in receiving radiotherapy can have a negative effect on treatment outcomes;
 - (f) the additional stress and anxiety caused by being separated from family and other support networks can potentially exacerbate the side effects of the radiotherapy treatment;
 - (g) the financial burden placed on patients who are required to reside interstate while receiving treatment;
 - (h) there are staff shortages in ACT Health radiotherapy as a result of at least six recent resignations; and
 - (i) despite being alerted to the situation by the media on Friday, 26 February 2010, when interviewed on Tuesday, 2 March 2010 the Minister for Health was unable to explain key aspects of what had gone wrong, nor how many patients were required to travel interstate for treatment;
- (2) calls on the Minister for Health to:
- (a) explain:
 - (i) the cause of the communication breakdowns that occurred within ACT Health and between ACT Health and patients suffering from cancer;
 - (ii) what action she has taken to ensure that the breakdowns in communication have been resolved and will not occur again; and
 - (iii) why at least six radio oncology staff resigned at short notice; and
 - (b) clarify when all patients suffering from cancer in the ACT will be treated in the ACT; and
- (3) condemns the Minister for Health for failing to:
- (a) manage the ACT Health portfolio effectively;
 - (b) ensure that communication procedures in ACT Health are effective; and
 - (c) be transparent and open with the public about critical issues in the performance of her portfolio.

Mr Speaker, today we find ourselves here speaking again on another failure in the ACT health system. It is a sad occurrence and it is something that calls to our attention the broader implications of what is actually happening in health. Today what we are focusing on specifically is a failure in radiotherapy where patients suffering from cancer in Canberra have been forced to travel interstate for that treatment.

I understand that that is affecting 27 people currently. Those people have been told that their choice is either a three-month wait for radiotherapy or to go interstate for six

weeks of treatment. It is a “damned if you do, damned if you don’t” scenario for those people and that in itself is of concern. But of greater concern, I think, is the process that led to these people actually being advised of how that would occur.

This was brought to the attention of the Canberra community by a very brave lady, Vesna Nedic, who was on Triple 6 radio last week. Many of us would have heard that interview. Vesna, in her discussion, said that she felt like a burden. She has not brought this to everyone’s attention because she wants to be brought to the top of the list. Her point is that she brought this to everyone’s attention because it was being kept secret from the Canberra community, that even the minister was unaware of the failures, the breakdown in her own department. So the minister was as surprised as the rest of us were and that requires further explanation.

It seems, sadly, that the only way many of these concerns—I reflect on obstetrics, I reflect on the TB exposure, I reflect on this one—are actually coming to the surface is when brave individuals come forward to the media or to the opposition and say, “This is going wrong.” It is the only way we actually find out what is happening.

Unfortunately, in this case what occurred is that patients were not actually being advised by ACT Health that they would need to have their radiotherapy interstate until such time as they actually tried to access those services in the ACT. So what was happening was that people started their cancer treatment, and you can imagine this is a very stressful time, finished their chemo and went to get their radiotherapy. What were they met with? They were met with a closed door and an inability to find out what was going wrong.

Vesna told Triple 6 that she was advised by the doctors of the critical importance of radiotherapy as a follow-up treatment. But she said that she was then left in the dark by Canberra Hospital before eventually being told she could not have the treatment in Canberra. She said that she had a “week and a half to two weeks to take all this in, to organise myself, prepare my family”. What a terrible situation for a cancer sufferer to be in, Mr Speaker.

Vesna and, I guess, other cancer sufferers tried to contact ACT Health to find out what was going on. But they were actually forced to ring ACT Health repeatedly before they were advised as to what was actually occurring. There was a breakdown in communication. Let me quote again from ABC radio:

That was eight phone calls every day and none of them returned til finally I was having to get very upset at some poor administrative staff to be able to have the call put to their manager who then told me, “Well, we have a staff shortage.”

So what you see there clearly is a breakdown in communication between departments in ACT Health, between ACT Health and patients and clearly between ACT Health and the minister’s office, who was clueless about what was actually going on in her own department. As reported on ABC Online by Vesna:

They knew that everyone needing attention in February and March would be compromised and they didn’t plan for that.

The result of that failure in planning is that such great distress and anxiety are now being placed on cancer sufferers or have been placed on cancer sufferers in the ACT. What is going on? What is this breakdown in communication? This is not the first time I have been in this place talking about breakdowns in communication in ACT Health.

We saw the incident with the first swine flu death in the ACT and the appalling communications there with the family. We saw it with TB, with the breakdown in communications there to the extent that a dead child was sent a bill. We have seen the breakdown in communications in obstetrics where people have tried to make complaints that have been ignored. When they finally did come to light, they were lambasted by the minister. And we have this situation today.

This is a very serious issue because any delay in receiving radiotherapy actually has negative consequences. There is plenty of research, and I have done my own research to assure myself that that is the case. As Ms Nedic said, although the staff have been “nothing but perfect”, the government, and I will say that again: the government—that is you, Ms Gallagher—“should have informed patients about the radiotherapy delays much sooner”. Yes, they should have. If the government knew what was going on, maybe they would have. Or maybe the government did know and was again being secretive. Vesna asks:

What about people ... that can't afford to go out of Canberra for treatment?

Good question. Do they have to compromise? Do they have to sit there and hope that they might get in at the end of May? They either have to stump up the money and go interstate or their treatment is delayed and that has negative outcomes.

The stress and anxiety if they can afford to go interstate can also have negative implications. There is anecdotal evidence that it can affect the treatment. My discussions with the Cancer Council on this issue certainly tell me that it will have negative outcomes on the side effects.

There are side effects from radiotherapy treatment, Mr Speaker. There is also the extra anxiety and stress caused by going interstate and the appalling situation where people were not informed, and then when they tried to get information, that information was not forthcoming. That has added greatly to the stress and anxiety these poor people are suffering. I quote again from Vesna:

I'm very upset that I've been given a week and a half to two weeks to take all this in, to organise myself, prepare my family.

Bosom Buddies have also raised their concerns about this. Sally Saunders from Bosom Buddies, who I have spoken to as well, actually levels criticism at the government, Ms Gallagher. As much as you would like to say that whenever someone levels criticism, this is an attack on ACT public servants, health officials, nurses or doctors, it is not. It is criticism that is coming from me at the government, it is coming from the patients at the government, it is coming from Bosom Buddies at the government and you are the minister, you are the government.

She says that the hospital needs to improve communication with patients. They are told by doctors that they have to have this treatment, or it is strongly recommended, and then they are told by the hospital they need to delay it. What an appalling situation.

The financial burden is real for many people as well. If you are told, "No, you cannot have your treatment here, you have got to go to Sydney," how do you afford that? As Vesna said, she does not know if she can stay at the hospital or if she will have to pay for a serviced apartment or a hotel. She was looking forward to returning to work part time in the public service during her treatment but that is no longer possible from Sydney.

I understand, and the minister may choose to clarify this, that you are provided with \$36 a day for your out-of-pocket expenses. If you can find anywhere to stay in Sydney for \$36 a day, good luck. And that is on the back of Mr Stanhope spending \$600 for a half-day trip to Sydney. What a stark contrast we see there, Mr Speaker.

One of the reasons for this appalling situation that has been put forward by the minister is the resignations of six staff at short notice. I do question why so many staff have resigned so quickly. The minister has said that two were planned, that this is a regular turnover, that this happens all the time. If that is the case, why was this not anticipated? Why did we not know, if this happens all the time, that this is something that is likely to occur? Why is it that so many staff have resigned so quickly and at such short notice from the Canberra Hospital? Why is that?

The minister has failed to explain why that is. Are we not providing the correct remuneration? Is there a bad culture there at the Canberra Hospital? Why is it that people do not want to work there, Ms Gallagher? That is clearly what is occurring. The minister does not seem to know. Maybe she can tell us today what is going on.

Although she has been provided with a briefing by the media that this was the situation on 26 February, when she was interviewed on 2 March the minister was unable to answer some very clear questions. She did not even know how many patients were required to travel interstate for treatment. I think it is inexcusable that she was unaware of this situation prior to being alerted by the media, but the fact that she then did not have a draft of the key facts four or five days after being alerted by the media is inexcusable. She either did not know what was going on or she was being deliberately obtuse.

We will remember the rhetoric from the minister in the sitting week in February. When asked a question she said:

We have got services being offered across our hospitals that have never been offered in this town before. People had to go interstate and leave their families for treatment; we are changing that.

I think any cancer sufferer out there, friends of cancer sufferers or the general community would have believed that that was the case and not that this appalling

situation—this breakdown in communication—was occurring. Cancer sufferers not only could not go to receive their treatment in Canberra but were not being advised of that when they tried to seek information. The information was not forthcoming.

I am calling on the minister to clarify a few things today. I want her to explain, in detail, the cause of the communication breakdown that occurred within ACT Health and between ACT Health officials and patients suffering from cancer. I am calling on her to explain what action she has taken to ensure that those breakdowns in communication have been resolved and will not occur again. I am calling on the minister to explain why at least six radio-oncology staff resigned at short notice. And I am calling on the minister to clarify when all patients suffering from cancer in the ACT will be treated in the ACT.

I am not sure we are going to get those answers today. I would hope so. But we have not seen a great deal of sympathy or empathy coming out of the minister or certainly from Mr Stanhope in recent days. There was great debate in this place during question time about the attitude from Mr Stanhope, about these “stop whingeing” comments. There are some semantics around whether he was actually referring to other people but if you listen to that debate in context, if you listen to what was said, quite clearly he was sending the message, as the Chief Minister, to the people of Canberra, people who are waiting for elective surgery or in emergency departments, “If you are waiting for treatment, you are going to get good treatment in the end; so you can just stop whingeing.” He actually said about the waiting:

At the end of the day, these are perhaps the least relevant of all the indicators of the way that our health system’s operating.

We know that the evidence is that actually waiting for cancer treatment is not a trivial matter. It can have a negative effect on that treatment. He discarded waiting times as unimportant. You think about young Nathan whom we heard about yesterday and about the AMA’s comment about the delays, the wait. They can have serious implications on people’s health. To discard that and say, “Oh, well, people should not whinge about waiting,” or certainly intimate that, as he did, is disgraceful. It shows a complete disregard for people’s conditions and the suffering that they are experiencing, the stress and anxiety in waiting for treatment and, in this case, cancer treatments. He said:

The vast majority of Canberrans’ experience of the care they received in our public hospitals is overwhelmingly positive.

Ask the mothers and the babies who were exposed to TB, minister. Ask the parents who received the bill for TB testing after the baby died. Ask Vesna Nedic; ask the obstetricians who are bullied; ask the mother who was advised to abort a healthy baby; ask the woman who miscarried in the emergency department toilet five days after staff assured her she had already lost a baby; go and ask the mothers and fathers waiting in the emergency department; go and speak to the people in pain waiting on elective surgery lists; go and ask young Lachlan or his mother; go and ask people who cannot find a GP. Go and ask them if they are happy with the way the health system is operating and see what sort of answer you get. See if they should be saying to you, “Oh, sorry, we will stop whingeing.”

You are out of touch in this government. You are arrogant and you are unsympathetic. That is the verdict coming not just from me but from the community. For the reasons I have outlined, the motion condemns the minister for her performance. I think it is quite clear that when you look at this minister's performance she has failed to manage the ACT health portfolio effectively. The list of failures is extensive. She did fail to ensure that the communication procedures in ACT Health are effective. She has even admitted that. She has failed to be transparent and open with the public about critical issues in the performance on her portfolio. It is clear that that is true.

In conclusion, I want to clarify that this is about the government. As Vesna and Bosom Buddies have said, this is about the government. This is not about the staff, and as much as the minister would spin it that I am attacking staff, that is not the case. I have the greatest respect for those staff. And I have the greatest respect for Vesna for coming forward and letting the community know about this appalling situation in the ACT.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.28): This motion is another example of the way that the Liberal opposition do things. This motion is not about healthcare services that are available to the people of the ACT; it is much more about Mr Hanson trying to improve his media profile.

There can be little else more distressing than getting a cancer diagnosis. Being told you have cancer not only affects the person with the diagnosis but also their families and friends. As with any cancer diagnosis, getting access to appropriate services as quickly as possible provides the best chance for beating the disease. This government is committed to providing as many health services as possible for our community. This commitment ensures that almost all Canberrans have access to almost all the health services they need close to families and friends. However, where services are not available, ACT Health refers people interstate to minimise waiting times for care, especially in cases where delays can result in negative health outcomes. Of course, we would prefer that all people in the ACT had access to services in Canberra, but we will always work to find a solution where services are not available to provide them within the appropriate time frames.

Rather than indulge in mud-slinging, let us look at a few numbers relating to cancer incidence and the responsiveness of our radiation therapy service. The incidence of cancer in Australia and around the world is growing. The 2008 ACT Chief Health Officer report states that the incidence of cancer is increasing by about 22 per cent per annum. Activity within the radiation oncology service for the Capital Region Cancer Service over the 2009 calendar year was nearly 14 per cent higher than the previous year, and referrals to radiation therapy continue to grow, with ACT Health reporting a 35 per cent increase in new patient referrals to the service for this financial year compared to the same period in the last financial year.

Despite this considerable and unprecedented increase in provision of services within the radiation oncology service, the trend is for waiting times for care to actually improve. Over a period of unprecedented increases in the provision of services within

this area, waiting times are improving, and this improvement has been significant. Over the first seven months of 2009-10, a total of 92 per cent of all new radiation therapy clients were seen within the recommended national time frames. That is a 19 per cent improvement on the 73 per cent reported for the same period last year. This is a result that should cause us to applaud the service rather than drag the name of our radiation therapy service through the mud.

Let us look at the numbers in more detail. There are four national categories for radiation therapy patients, with benchmark waiting times for each category. Under national benchmarks, urgent patients should have commenced treatment within a 24 to 48-hour standard time frame. Over the first seven months of 2009-10, 97 per cent of all urgent patients were seen within 48 hours. While this is less than the 100 per cent target for urgent patients and the 100 per cent reported last year, it refers to a single patient not meeting the time frame by a single day.

For the next most urgent patients—referred to as semi-urgent patients—ACT Health reported that 96 per cent were seen within the national standard waiting time of four weeks, well up on the 85 per cent reported last year. For non-urgent category A patients, the third category of patients, 86 per cent commenced treatment within the four-week standard time frame compared to the 61 per cent reported for the first seven months of the last financial year. For the final urgent category—the non-urgent category B patients—ACT Health reported that 100 per cent of patients commenced treatment within the six-week standard time frame against a total of 61 per cent last year.

These results demonstrate the commitment of the radiation therapy staff to improve services to the people of the ACT, despite the growing number of services provided. Despite these results, it is not unusual for radiation oncology services to experience periods of high demand and increased waiting times. Other centres around Australia are also currently referring patients to other facilities for treatment. Some of you will remember that the Capital Region Cancer Service used to regularly refer patients interstate at times of high demand. However, the investment made by this government in providing for additional linear accelerators has increased the capacity of the service and means that very few people now need to travel interstate for care.

In 2009, the operational capacity created by having three linear accelerators online and a full complement of radiation therapy staff reduced the need for patients to travel interstate. This increase in staff was a direct result of an 18-month recruitment strategy which was put in place prior to 2009 to support introduction of the third linear accelerator. This is another example of the Capital Region Cancer Service acting in a strategic way to ensure that the radiation therapy service would be able to make the greatest use of the new linear accelerator, and this strategy worked.

From January 2009 until January 2010, radiation oncology did not refer any patients interstate because of waiting list delays; not a single one. This does not include referrals that private specialists may have made directly to interstate services for other reasons outside of the control of the Capital Region Cancer Service. For the 2010 year until the end of February, radiation oncology specialists have referred 12 patients that were scheduled for treatment to an interstate service. This represents approximately three per cent of the patients receiving treatment at the facility.

Again, while we know that some other providers outside of the Capital Region Cancer Service referred some patients to interstate facilities, ACT Health does not have access to that data. We know that there have been further patients transferred during March, and the full month's figure will be made available in early April.

Radiation oncology specialists are prioritising patients based on their diagnoses, treatment needs and social circumstances in considering the clinically appropriate waiting times. Patients assessed by doctors as requiring urgent or semi-urgent treatment are being given priority access to services. Patients who are clinically assessed by medical staff as needing treatment less urgently may either have their treatment in the ACT rescheduled or be offered a referral for treatment at a radiation oncology service elsewhere.

In consultation with their doctors, patients identify a preferred site for referral for treatment. Referral to this site may not always be possible due to limited available treatment spaces or long waiting periods. Patients who go interstate for treatment will be referred back to the Capital Region Cancer Service for follow-up and ongoing care.

We have already acknowledged that there was a breakdown in communications between the radiation oncology service and some patients, particularly when the pressure on the service first occurred. I have said a number of times that this is not good enough, and systems have been put in place to address these inadequacies, and support for staff has also been put in place.

This issue has put stress on the service's existing patient communication processes and revealed some deficiencies. In particular, it has shown that the service needs to better communicate with patients regarding bookings and waiting times. It must also improve management of patient expectations around radiation treatment following chemotherapy. For example, I am advised there may be appropriate clinical reasons why timing between the two treatments would vary, such as how patients respond to chemotherapy or some complications of surgery.

Changes to the service's communication processes have been implemented based on patient feedback throughout this period. Radiation oncology staff from the Capital Region Cancer Service are contacting all patients affected by this current reduction in capacity to discuss their options and ensure they receive the care most appropriate to their individual circumstances. In addition, to support the front-line staff and make sure we are responding in the best way to patients and their families, ACT Health will be conducting training in customer service. Indeed, we have been doing this across the hospital. I am advised that radiation oncology will have the opportunity to access this program as a priority.

I have to stress that all patients with a life-threatening condition that require radiotherapy have been treated through this period. Based on their individual circumstances, patients have been referred to treatment centres in New South Wales, Victoria and Queensland. Some have chosen to travel further because of family or social connections and supports in that state. Their doctors assist in arranging the treatment and provide the new treating doctors with all necessary medical information.

Patients are also provided with information about the ACT interstate patient travel assistance scheme, which provides some support for people who have had to travel to receive services not available in the ACT. It does provide some financial assistance towards travel and accommodation costs, and the level of assistance is comparable with the assistance provided by schemes in other states and territories. Indeed, I think it is probably the third most generous. I am not saying it is generous, but it is up there next to WA and Northern Territory, which have their own reasons around travel for patients. The scheme is available to permanent residents of the ACT where access to inpatient medical treatment and/or specialist treatment is not available.

I can assure members that patients are only referred to sites once their doctors are assured they can be seen in a time frame that meets national clinical benchmarks. I accept that this is not the best outcome. My family has been required to travel interstate for treatment on a number of occasions because services are not provided in the ACT, so I can certainly speak from my own experience. But the thing that I was focusing on both with my parents and, indeed, with my partner was that they were getting access to the healthcare treatment that they required in the time that they required it.

When it is not available in a timely fashion, we always try to get patients into another service as the best alternative. We need to improve the communication around this process; that is clear. But the aims and the outcomes are the best for the patient in the circumstances. While patients who are referred interstate may have to deal with additional social factors, the Capital Region Cancer Service does provide referral to social support services in the ACT and at interstate facilities.

I accept that the need to travel for radiotherapy care does place considerable additional pressure on patients and their loved ones. Where services are not available close to home, we have an alternative. Whilst the Capital Region Cancer Service is working hard to ensure all patients have the most timely access to care as possible during this time, it is also working hard to fill the current vacancies in the radiation therapy service.

A recruitment process to fill the six vacant positions was held as soon as the vacancies were identified. The vacant radiation therapy positions have been filled, and an additional locum radiation therapist has been employed to increase treatment capacity and help the radiation oncology department meet demand. Funding has been provided to enable recruitment of an additional five radiation therapists to meet growing demand, to cover backfill and ensure future vacancies do not impact negatively on service capacity.

All of this shows that the service has responded to the recent capacity issues within the service with the patients' needs front and centre. While we accept that the fact that this has not been communicated as effectively as possible to patients is a major oversight, it is one I have discussed with the department at length and it is being addressed.

This motion, like so many other issues that Mr Hanson brings to this place, continues the disappointing approach to health issues raised by the opposition. There is no

attempt to actually understand the issues. Indeed, Mr Hanson I do not think has listened to a word I have said in the last 10 minutes. There is definitely no attempt at the development of policy, and there is no acknowledgement of when a service is running well. Indeed, if he had listened to the last 10 minutes of my speech and the statistics that have been delivered out of this unit in terms of meeting and improving waiting times—which are all about patients getting access to their treatment—he would have to acknowledge that the investments that have been made by this government, the staff that have been employed by this government, have actually delivered improvements in access to care.

That does not mean that there will not be times when pressure is in place. At those times the clinicians look for the best alternative solution. At times, that will require people to travel interstate. As I said, I have a number of times had to travel interstate for access to health treatment in cancer services for both of my parents, and the issue is that you actually get access to the treatment in the time that you need.

No government will be able to stand here and say that no patient will ever travel interstate for service, because that might not be the best clinical outcome and it might be impossible. Despite all the best efforts and all the investment and all the services here, we are part of a national network of hospitals and health systems that rely on each other to deliver services to all citizens regardless of the jurisdictions they live in.

The government will not be supporting Mr Hanson's motion. Just in closing, I acknowledge that Ms Bresnan is moving an amendment to Mr Hanson's motion, and the government will support the amendment. There are elements of the language in it which I think are unfortunate and patronising, to be honest, but I am happy to support the amendment as I believe a report back to the Assembly along those lines will provide members with additional information.

MS BRESNAN (Brindabella) (10.42): The Greens thank Mr Hanson for bringing on this motion today. I know the opposition may be surprised by my saying that. We agree that this has been an unacceptable situation. We will be making a number of amendments that represent the feedback the Greens have received from consumer organisations. We have consulted with groups in developing the amendments today. In addressing this motion, firstly, I wish to recognise the significant physical and emotional stress a person goes through when they receive treatment for cancer and, of course, what their family and friends must experience in supporting that person through the journey. I have also had personal experience with this and understand what it is that people go through.

The Greens are aware that the government outlays considerable expenditure in providing cancer treatment services locally, and it is only in recent times that the government has been able to come close to providing treatment to almost all patients. There must have been great relief amongst local cancer sufferers when we reached the point where they thought they would no longer have to face the prospect of going to Sydney for treatment. It is obviously recognised that there are some cancers where people do have to travel to receive treatment because of the speciality of the treatment.

The resignation earlier this year of six radiotherapists from the Canberra Hospital radiation oncology unit caused great distress amongst those patients who were trying

to access services and could not. While I understand that two of the resignations were previously known of by ACT Health and that recruitment was well underway to replace them, I have heard different accounts about why the other four radiotherapists tendered their resignation.

From what I have been told, those four radiotherapists were juniors undergoing training and, given other states pay higher salaries to qualified radiotherapists, it is often the case that once a junior radiotherapist finishes their training here they leave Canberra quite quickly in search of a higher salary. So when those four juniors finished their training, they tendered their resignation giving two weeks notice and left for interstate. This should not have been news to ACT Health. This change could have been expected and planned for. If the stories relayed to me have been true, I am quite surprised that the replacement of those juniors had not been planned for or that ACT Health had not sought to provide further incentives to retain those staff.

In approaching this motion, my office has consulted with local consumer representative organisations which have an interest in cancer services. These include Bosom Buddies, the prostate cancer support group, Cancer Voices and the Health Care Consumers Association of the ACT. We have asked them: what would you like to see achieved from this debate before the Assembly today? Their focus was, of course, on constructive outcomes. We have come up with five points that the consumer organisations thought should be pursued. I note, in presenting these points, that each of the organisations had a slightly different perspective on the situation. A common theme was, however—and this is coming from the consumer groups—that none of them sought to blame the minister, but rather they wanted to focus on opening the lines of communication with managerial and front-line staff as they thought that was a key issue in this whole instance.

The first recommendation they provided to us was to investigate if staff at the Canberra Hospital who assist in the front-line provision of cancer services require customer service or reflective practice training. The consumers well recognise that staff working in cancer services face a difficult job, but at the same time the patients do not feel as if they are always respected as people. It is about treating the person and not just the disease.

The second suggestion was to reinstitute the formal consultation meetings that used to occur between managerial and consumer representatives until about a year ago. Those meetings used to occur every month or so, and if they had been used during the staff shortages earlier this year it could have gone a long way to assisting in managing consumer expectations. People are often respectful if you explain to them what is going on, but when they face a brick wall they get very frustrated, so it is important to keep those lines of communication open.

Thirdly, the Canberra Hospital should plan for staff turnover and aim to ensure a staff person will be replaced before they leave a position. Why, for example, had recruitment not been finalised prior to the two retiring staff leaving their positions? And why did HR or managerial staff not plan to better manage their junior radiotherapists and recognise that they would get better money elsewhere as soon as they finished their training? I also asked a question yesterday in question time about

having a risk management plan in place if this situation happens again. I think that is another important thing which should be pursued so that when people need these services, particularly in a very time-critical manner, there is that plan in place if this sort of situation occurs again.

I have been advised that the amount of financial assistance that ACT Health provides to patients who have to travel interstate is minimal. I would appreciate an explanation from the minister on how much this is and whether this can be improved upon. To face five or so weeks of accommodation costs in Sydney must be very hard on patients, especially if they are on low incomes and have families to consider. I note that the minister has provided information on this in her speech. However, I still think it is worthwhile, at the very least, investigating this issue further. This is to particularly consider the financial difficulties that people suffer when they have a debilitating illness as this can have a great impact on a number of areas of their life.

In line with what Mr Hanson requested in his original motion, it would be appreciated if the minister could advise as to when ACT Health expects the shortage in radiotherapy staff to be resolved and when almost all patients suffering from cancer in the ACT will again be able to be treated locally. It may even be helpful if ACT Health was able to liaise with groups such as Bosom Buddies and the prostate cancer support group and advise if there are any patients of their category who are travelling interstate so that the support groups can contact their New South Wales counterparts and get some assistance for those Canberra patients staying in Sydney. I move the amendment circulated in my name to Mr Hanson's motion:

Omit all words after "notes that", substitute:

- “(a) at least 27 patients suffering from cancer in Canberra were forced to travel interstate to receive radiotherapy treatment as a result of six radiotherapists resigning from The Canberra Hospital Radiation Oncology Unit;
- (b) ACT Health employed poor communication in advising patients they would have to travel interstate to access radiotherapy services;
- (c) there was a lack of communications between the Chemotherapy and Radiation Oncology units about patient treatment plans;
- (d) stress can exacerbate the side effects felt by a cancer patient receiving radiotherapy treatment; and
- (e) the financial burden placed on patients who are required to reside interstate while receiving treatment; and

(2) calls on the Minister for Health to:

- (a) investigate if staff at The Canberra Hospital who assist in the frontline provision of cancer services require customer service or reflective practice training;
- (b) reinstitute formal consultation meetings between managerial and consumer representatives;

- (c) direct The Canberra Hospital to plan for staff turnover and aim to ensure a staff person will be replaced before they leave a position;
- (d) investigate if any further financial assistance can be provided to those patients who had to travel interstate to receive radiotherapy treatment;
- (e) advise when the staff shortages will be resolved and almost all patients suffering from cancer in the ACT will again be able to be treated locally; and
- (f) report back to the Assembly by 30 June 2010.”.

MR SESELJA (Molonglo—Leader of the Opposition) (10.50): I thank Mr Hanson for bringing this motion forward today. The approach that we are getting from the Greens, supported by the Labor Party, in seeking to amend this motion reminds me a little bit of majority government. In fact, the last couple of days have been a little bit like majority government. It looks a little bit like a majority government when a motion is brought forward and, instead of perhaps looking to amend part of it, we see a motion from the Greens to completely replace it with their own. We used to experience that between 2004 and 2008. Ordinarily, when a motion was brought forward the government, using its nine numbers, would remove the motion and replace it with a self-congratulatory motion. This does not go quite as far as what we used to see, but it is becoming a familiar pattern—the Greens and the Labor Party ever agreeing on things. It is often about protecting the minister, it seems to me. We heard that a lot in Ms Bresnan’s speech: “Look, don’t criticise the minister. We need to get to the bottom of it.” In the end—

Mrs Dunne: I’m sorry, where does the buck stop?

MR SESELJA: The buck stops with the minister. We have elected representatives, we have members of a government and we have ministers who are there to show leadership and ensure outcomes for the community. In the end, when things go wrong, they are there to take responsibility and are charged with fixing it. Any discussion about failings in our health system which ignores the minister completely misunderstands our system of government. We have ministers for a reason. They are there to represent the community. They are there as the public face of the government. They are there as ultimately those who are charged with getting the outcomes and, indeed, taking responsibility.

That is why, whilst the motion is a very detailed and reasoned motion that goes to some of the serious concerns that have been raised in recent weeks, it also calls for action from the minister. Indeed, it criticises the minister, as it should. It should criticise the minister when she does not show leadership. It should criticise a health minister who has, in a whole range of areas in the management of the health system, shown a lack of leadership.

It seems that, whenever there is a problem, it is the public servants who go out and face the music. It is somehow the public servants’ fault or it is not the minister’s fault in one way or another. Yet we have seen in the health portfolio a minister who is

overseeing a 10-year war that has been occurring in health. We have seen some of the shocking and very disturbing individual cases that have come out from time to time. We saw the case of Lachlan just this week, still waiting for surgery. Those individual cases speak of the human toll of when we do not get it right. They speak of the human toll when there is not leadership at the top, when there is not a minister who is prepared to make the hard decisions to get things done.

Often when we cite these individual cases, the government's response is to say, "That's disturbing and that's sad, but that doesn't reflect where things are at." But we know that if we also look at a lot of the broader measures it does. In the case of Lachlan waiting for a long time, we know that many people in the ACT wait for a long time. In fact, they wait a lot longer than anywhere in the country, it seems. For elective surgery the time they wait is about double the national average.

The individual case speaks to the broader problem. The individual case puts a human face on the broader problem and the lack of management and leadership from this minister in the health system. She has overseen a massive blow-out in waiting lists. We have heard about the toxic culture. We have seen the distraction of the chasing and the disastrous handling of the Calvary deal, which led nowhere but, in the end, distracted a minister from fixing the serious issues in the health system.

The case of Vesna Nedic, which has been touched on by Mr Hanson in his speech, is worth reflecting on because, again, it shows a human face. It is worth just repeating some of the issues that have been raised in relation to Ms Nedic's experience. Ms Nedic told Triple 6 ABC Canberra that her doctors advised her of the critical importance of radiation therapy as a follow-up treatment, but Ms Nedic says she was then left in the dark by Canberra Hospital before eventually being told she could not have the treatment in Canberra:

That was eight phone calls every day and none of them returned until finally I was having to get very upset at some poor administrative staff to be able to have the call put to the manager, who then told me, "We have a staff shortage,"....

I think Ms Nedic has dealt with this issue in coming out and speaking about her experience not just courageously but also compassionately. She refers to the "poor administrative staff". She recognises that the people she is dealing with are not the problem. They are simply dealing with the problem. They are simply the people who have to face those who are forced to go interstate for treatment.

Ms Nedic is not alone. She is one of 24 cancer patients who have to travel interstate for radiation therapy—24 patients who have to travel interstate, with all of the disruption that goes with that, with all of the cost that goes with that. I think Ms Nedic has shown great courage, as I say, but also great compassion. Even in her very difficult personal circumstances she is able to have compassion for some of those with whom she is dealing because she recognises they are not the problem.

The leadership has to come from the top and that is where I think, unfortunately, we are not getting it. Just last week in relation to this review of workplace culture we had a minister who went out there and said, "Well, we're not going to tell you who's

conducting this review. It's a secret. We can't tell you." I have never heard of a review that the government institutes when it says, "We can't tell you who's doing it." I find that extraordinary.

When it was put to the minister on the news, she tried to blame the public servants. She said, "Well, I was briefed that it was better not to name them." He was named and I have not heard a reasonable explanation from the minister as to why you would not name him. We see reviews conducted all the time. Sometimes evidence is taken in camera. Sometimes witnesses are protected and sometimes they can even appear anonymously. There are all sorts of ways of doing things. But I have never heard of a case where the reviewer needs to be kept secret, where the reviewer cannot be revealed. What is it that is so secret? I use this by way of example about leadership. It is about leadership. The minister in that case blamed the public servants. She did not think to say, "Well, I made this decision." Why did you make that decision? Did you think about it or did you simply blindly follow advice—advice which, if it was given, was clearly flawed?

That is what the second part of this motion is about. It is about holding a minister to account and it is about calling on action from the minister. That is what we do in this place. That is why we have this system. It is not so that we can ignore the minister, for good or ill. Ministers are very good and this minister, like others, is very good at taking the credit when there is a good news story. There is no doubt about it. It is the minister up front when there is an announcement about funding or if there is a good news story.

The Greens again say: "Well, we shouldn't hold the minister accountable. We don't want to focus on the minister." We do. We have to focus on the minister because it is by pressuring the minister, holding the minister to account and forcing the minister to show leadership that to date has been lacking that we will hopefully get the better outcomes that the community wants. The community, in the end, simply wants the outcomes. Vesna Nedic wants a situation where she does not have to travel interstate for radiotherapy. That is her bottom line. The best way we get that is by holding a government to account when they fail. This minister consistently blames others. This minister consistently shows that she is struggling with her portfolio, that she is struggling to deal with the serious issues that need to be addressed. That is what this motion calls for. That is why it should be supported. I commend Mr Hanson for bringing it forward and for the significant work that he has done to explain the case for it. (*Time expired.*)

MR SMYTH (Brindabella) (11.00): It is interesting when a minister rises to address a motion such as this but simply refuses to address the substantive. To simply say, "Oh, it is just another Jeremy Hanson motion," is to say, "I cannot answer it." That is the problem with the approach that the minister has taken today. She twists; she turns. She said, "All you ever do is attack the staff." But that again is a minister who cannot answer for her actions, who does not have an answer to that which is laid out in this motion.

The minister says that we know. She quoted some statistics. It is always good to quote statistics in a ministerial speech. Fill up the space; fill up the void that is the absence

of your action by simply putting in numbers. The minister herself said, “We know that cancer services grow at 22 per cent per annum.” We accept that. We hear that. We are sad about that. But the question is this: where is your action, minister, to make sure that that need, which you know is coming, has been addressed? The answer is: it is not there.

Then we have the cover-up. We have the defence run by the Greens. This is becoming a theme now. We saw it yesterday, with Mr Rattenbury running the defence for Mr Corbell. Now we have got Ms Bresnan running the defence for the minister—as Ms Bresnan and Ms Hunter do so often. Indeed, Ms Bresnan makes the case. She actually says, “Yes, we know they resigned. The registrars come for a little while. We know they resign; they move to gain experience elsewhere or they move to a place where they can broaden their expertise or specialise in that which they want to do.” She actually makes the case. She said, “We know this was coming but we did not plan for it.” That is the problem for this minister in the way that she behaves.

There is no long-term plan to make the health system sustainable. Indeed, Ms Bresnan, without making a case for an amendment, starts acting like a member of the majority government: delete everything. Everything that Mr Hanson has in this motion apparently is unacceptable. Everything goes.

Let us go through the motion line by line, because neither the Greens nor the Labor Party have actually addressed the motion. They have no case; they cannot address the motion. You change the game, and that says abject failure—abject failure; walk away from defeat. That is the military maxim: reinforce victory; walk away from defeat. If you had a good case to knock this off, you would go through it line by line and demolish it. But they could not. Neither the government, through the health minister, Ms Gallagher, the would-be Chief Minister, nor Ms Bresnan could go through and demolish this line by line, so they simply deleted it. Why are we not having a debate on what is in the motion? It is because neither the government nor the Greens have an answer.

Let us go through, line by line, what the Greens and the government do not believe is either real or serious. Let us go through it. Mr Hanson says that the Assembly:

(1) notes that:

- (a) numerous patients suffering from cancer in Canberra have been forced to travel interstate to receive radiotherapy treatment ...

That is a true statement. What is wrong with that remaining? Nothing. But we have deleted that. The motion continues:

- (b) patients were not advised by ACT Health that they would need to complete their therapy interstate until such time as they tried to access radiotherapy services in the ACT ...

That is correct. We have got the evidence. We have got the personal accounts from people that back this up. It continues:

- (c) patients were forced to call ACT Health repeatedly seeking information on their treatment before being advised that they would be required to travel interstate ...

That is another statement of fact. Why do we delete statements of fact? Because you are embarrassed by them, you do not wish to acknowledge them or you have no plan to address them. It continues:

- (d) there was a breakdown in communications between units within ACT Health and between ACT Health and patients ...

Again, that is a statement of fact. Why would you want to delete a statement of fact? Neither the Greens nor the Labor Party have addressed any of these. It continues:

- (e) delays in receiving radiotherapy can have a negative effect on treatment outcomes ...

I believe that to be true. It continues:

- (f) the additional stress and anxiety caused by being separated from family and other support networks can potentially exacerbate the side effects of the radiotherapy treatment ...

Again, there is no evidence to the contrary, no evidence that this is not true. The minister did not address it. Ms Bresnan did not address it. Why are we afraid of addressing the facts in the motion?

Let us go to the heart of the motion. This is about looking after people who are in desperate straits, who now have hoisted on them, through the incompetence and the ineptitude of the Minister for Health, a further burden—both financial and emotional and potentially health—by forcing them to travel interstate. Let us address that. No, let us delete it. What is the Greens' approach? What is the government's approach? Just delete it. The motion continues:

- (g) the financial burden placed on patients who are required to reside interstate while receiving treatment ...

What do they get, Mr Hanson? Is it \$36 a day?

Mr Hanson: Supposedly.

MR SMYTH: It is \$36 a day, apparently. I did not hear the minister tell us what the true state of play is. Again, does anybody doubt it? If there is anybody in this place who does, let them stand up and make the statement that they reject the financial burden placed on patients who are required to reside interstate while receiving treatment. But we just delete that: get rid of that; let's not talk about that. The motion continues:

- (h) there are staff shortages in ACT Health radiotherapy as a result of at least six recent resignations ...

That is a statement of fact. Why are we deleting things that we know to be true? Because it is inconvenient. Because it makes the case. Because, as a minister, we do not have an answer. Because “we from the Greens do not have an answer to it because we are here covering up for the minister yet again”. The motion continues:

- (i) despite being alerted to the situation by the media on Friday, 26 February 2010, when interviewed on Tuesday, 2 March ... the Minister ... was unable to explain key aspects of what had gone wrong, nor how many patients were required to travel interstate for treatment ...

Again, it is a statement of fact. Why is it appropriate to remove facts like this from these motions? Because it is a cover-up for the minister, in the case of the Greens, and because, from the minister’s point of view, they just have on the record her ineptitude.

Let me go to part (2), which calls on the minister to do a few things. We ask the minister to:

(a) explain:

- (i) the cause of the communication breakdowns that occurred within ACT Health and between ACT Health and patients suffering from cancer ...

It is not an unreasonable ask. What went wrong? Before you can genuinely fix something, you normally need to find out what went wrong. Minister, if you are doing your job, the first thing you ask is: “What went wrong?” “Okay; let’s rectify that situation. If it is something we can control, let us fix it. If it is beyond our control, let us have a look at how we can ameliorate the impact.” Let me go to (2)(a)(ii). It says:

(ii) what action she—

that is, the health minister—

has taken to ensure that the breakdowns in communication have been resolved and will not occur again ...

I am not sure what is wrong with that. We have got a problem. We are having this debate today. We all know there is a problem. We are asking the minister what she has done. Why would you delete that? Why would you get rid of asking the minister to explain how she is being a minister? It is either covering up for her ineptitude, as the Greens are doing, or, as an inept minister, that you just want it all to go away—as the minister has gone away from this debate. Here we are, having a substantive debate on health, and the minister leaves the room. Let me go back to the motion. Part (2)(a)(iii) asks the minister to explain:

... why at least six radio oncology staff resigned at short notice ...

What analysis have you done? What have you put in place to make sure that this does not happen? Let me go to part (2)(b):

... clarify when all patients suffering from cancer in the ACT will be treated in the ACT ...

That is not unreasonable. Let us get a statement of fact from the minister about what she has put in place so that this does not occur again. I do not see what is unreasonable in that. And when I look at what the Greens are inserting, I do not see anything that asks these questions. The Greens are afraid of asking the government the tough questions. The Greens are afraid, particularly, of asking the health minister the tough questions. You have to ask why.

Let me go to part (3). It says:

(3) condemns the Minister for Health for failing to:

(a) manage the ACT Health portfolio effectively;

What are we doing in this? We are holding the minister to account. The Assembly has the opportunity to put on the record that it is not happy with what the minister is doing. Of course, the Greens appear to be very happy. Let me go back to the motion. It says:

(3) condemns the Minister for Health for failing to ...

(b) ensure that communication procedures in ACT Health are effective ...

You only have to listen to the litany that Mr Hanson put on the record again. We have not learnt from the last time that we had this sort of debate—or the time before that or the time before that—when we had the families of those who had unfortunately died either receiving bills or being asked to come and collect the effects of their loved one. The motion continues:

(c) be transparent and open with the public about critical issues in the performance of her portfolio.

Again, why would you delete that? Why would you delete a call for transparency and openness? Why would the party that said they were going to be third-party insurance be against transparency and openness? It is because that is not as important as the Greens-Labor alliance. That is the problem with the amendments that Ms Bresnan is moving. What it completely does is take away the accountability. (*Time expired.*)

MADAM DEPUTY SPEAKER: Are you going to speak to your amendment, Ms Bresnan?

Ms Bresnan: I was going to speak to my amendment, yes.

Mr Seselja: She can't speak.

MADAM DEPUTY SPEAKER: You have already spoken to the amendment. Mrs Dunne.

Ms Bresnan: No, I did not. I moved my amendment after my speech. I can speak to my amendment.

Mr Seselja: You moved it when you spoke.

MADAM DEPUTY SPEAKER: Can I just clarify, because I was not in the chair at the time.

Mr Hargreaves: On the point of order, I believe that it is Ms Bresnan's prerogative to seek leave of the Assembly to speak again, and if that leave is granted she may do so. I would just like to point that out to Ms Bresnan, through you, Madam Deputy Speaker.

Mr Hanson: Mrs Dunne was already on her feet, though.

MADAM DEPUTY SPEAKER: Actually, Mr Hanson, they both got on their feet at the same time. Ms Bresnan, do you wish to seek leave?

Ms Bresnan: I seek leave to speak to my amendment.

Leave not granted.

Standing orders—suspension

MR HARGREAVES (Brindabella) (11.11): I move:

That so much of the standing and temporary orders be suspended as would prevent Ms Bresnan from again addressing the Assembly.

I am absolutely amazed at the childish antics of those opposite. While they are bringing forward a motion of this type, which is supposed to be of such great import, they sit opposite us giggling amongst themselves like children at a preschool, and they do not have the respect of the Assembly.

Mr Hanson: You can join us, Andrew.

Mr Barr: Sorry?

Mr Hanson: I mean, with the amalgamation with the Greens, there's not going to be room for you, mate.

MADAM DEPUTY SPEAKER: Mr Hanson!

Mr Barr: Your economic credibility is so poor I would not sully myself.

MR HARGREAVES: Minister, if you do not mind, thank you. Now, Madam Deputy Speaker, this chamber is about debating the substance of an issue. There was nothing to lose by allowing Ms Bresnan the opportunity to present her case for the amendment.

Regardless of whether we agree or disagree with the amendment, the record needs to show the reasons behind the moving of that amendment.

Ms Bresnan, in moving the amendment, was actually speaking to the substantive motion and not to her amendment as proposed. I would plead with the Assembly to allow Ms Bresnan the opportunity to explain why it is she wished to remove all of the Liberals' words and substitute her own.

I believe the refusal of people to allow Ms Bresnan leave to address that was petulant. It was not with substantive reason; it was just a fit of pique. I do not believe this chamber is a place for a fit of pique. There was a time when I could rise in this place and, without saying a word, all of those people opposite would shriek and wail and carry on like banshees in a wind, but I had hoped that things had moved on a little bit. I had hoped that this chamber had sort of settled down a little bit. I did not realise that it was, in fact, going to be a playpen for preschoolers to say, "No, you can't have my toy." I seek the Assembly's agreement to allow Ms Bresnan time to put her case.

MS BRESNAN (Brindabella) (11.14): While I thank Mr Hargreaves for his support, I am happy to let this go and not seek leave to speak.

MRS DUNNE (Ginninderra) (11.14): Are we debating the suspension of standing orders?

MADAM DEPUTY SPEAKER: No, Ms Bresnan just said that she is happy to let it go.

MRS DUNNE: What? Well, we've now got a question—

MADAM DEPUTY SPEAKER: We still have to vote on it.

MRS DUNNE: We have a question before us, and I would like to speak on this.

MADAM DEPUTY SPEAKER: So the question is that standing orders be suspended.

MRS DUNNE: Madam Deputy Speaker, I want to speak on it.

MADAM DEPUTY SPEAKER: Ms Bresnan already said—

Mr Seselja: Are we withdrawing the motion or not?

Mr Rattenbury: Come on, Vicki, confect an outrage. You can do it.

MRS DUNNE: I don't need to confect it, actually, because you are a complete disgrace. On the motion, Madam Deputy Speaker, it is a disgrace that we have this motion. We have got a member who is so inept at managing her own amendments that she cannot actually get her act together. She has had a second thought about what it is she wants to say, and when she is not given leave, she does not even have the capacity to run her own suspension of standing orders.

It goes to show just how close and how alive and well this alliance is between the Labor Party and the Greens when Mr Hargreaves moves the suspension of standing orders because the Greens cannot get their act together. What a performance it was, Mr Hargreaves having to do the Greens' work because they do not know how to do it. On top of that, in the middle of it, he could not put aside the differences in the Labor Party long enough to resist slapping his own factional colleague because things are not going as well in the Labor preselection as he might like, and it was on display for everyone in the ACT to see just how fractious the Labor right is in the ACT. We saw it here today, and the thing is that it does actually go to show just where the power lies.

Mr Hargreaves: On a point of order, Madam Deputy Speaker, the question before the house is that standing orders be suspended. Mrs Dunne is wandering off down to wonderland and back. Could you please bring her back to the subject of the motion?

Mr Seselja: On the point of order, Madam Deputy Speaker, Mr Hargreaves in his speech—maybe we could stop the clock.

MADAM DEPUTY SPEAKER: Yes, stop the clock.

Mr Seselja: In his speech, Mr Hargreaves was not only calling the other side all sorts of names and wandering well off topic, but he also had a go at his own colleague. Now Mrs Dunne is responding to that. He was going well beyond the motion, and he was not brought to order. I think Mrs Dunne is entitled to respond to some of what Mr Hargreaves had to say and some of the extraordinary division that was exposed when he had a go at his own colleague, Andrew Barr, in the debate.

MADAM DEPUTY SPEAKER: The point of order is upheld, because I do not think that Mr Hargreaves is the one that brought up that particular subject. Would you continue, Mrs Dunne, but stay on the subject of the actual motion.

MRS DUNNE: The standing orders should not be suspended, because we have a system that is already in place. The member has already spoken; she spoke to her amendment; she moved her amendment and then had second thoughts. We have got Mr Hargreaves, who is trying to flex his muscles and show just how tough he is around the place. Obviously, he is tougher than some people think, because when he did have his little bit to say, Mr Barr shut up like a trap. So I do rather wonder where the power does lie in the Labor Party at the moment.

MADAM DEPUTY SPEAKER: Stick to the subject, Mrs Dunne.

MRS DUNNE: The thing is that standing orders should not be suspended. There is a process in place, and Ms Bresnan has been here long enough to learn it.

Question put:

That so much of the standing and temporary orders be suspended as would prevent Ms Bresnan from again addressing the Assembly.

A division being called and the bells being rung—

Mr Rattenbury: You guys should really ask some long, hard questions. Four of you can bang on about whatever you like for 45 minutes, and you wouldn't let Amanda have a go for another couple of minutes. You've got to ask some questions of yourselves.

Mr Seselja: Why didn't she take her 15?

MADAM DEPUTY SPEAKER: Members!

Mr Seselja: You don't just get to come back because you don't like what was said in the debate.

MADAM DEPUTY SPEAKER: Mr Seselja!

Mr Rattenbury: Because it makes such a difference. You guys are wasting time. I can just stand up here and use Amanda's notes, but you want to toss on for 10 minutes about the procedures.

Mr Seselja: We can go back. We could all seek leave for extra.

MADAM DEPUTY SPEAKER: Mr Seselja and Mr Rattenbury!

Mr Rattenbury: You guys are a joke.

MADAM DEPUTY SPEAKER: While the bells are being rung—

Mr Seselja: You can ask John. We didn't do that. You guys are the ones who suspended—

MADAM DEPUTY SPEAKER: Mr Seselja!

Mr Hargreaves: Warn them!

MADAM DEPUTY SPEAKER: While the bells are being rung you will remain silent, please. The time for the debate is over. You have had the debate.

Mr Seselja: Mr Rattenbury is the one who was stirring it up, so perhaps—

MADAM DEPUTY SPEAKER: I did speak to Mr Rattenbury as well. The trouble is that you were too busy shouting over me. So will you be quiet.

Mr Hanson: He was the one interjecting, Madam Deputy Speaker, but you don't have a go at him.

MADAM DEPUTY SPEAKER: Mr Hanson! Remain silent.

Mr Hanson: You can say what you want. You won't get chipped—

MADAM DEPUTY SPEAKER: Mr Hanson, do you want me to warn you?

The Assembly voted—

Ayes 8

Noes 4

Mr Barr	Ms Le Couteur	Mr Coe
Ms Bresnan	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Mr Hargreaves	Mr Stanhope	Mr Seselja

MADAM DEPUTY SPEAKER: The result of the division is ayes 8 and noes 4; therefore, the question is resolved in the affirmative. Ms Bresnan.

Mrs Dunne: On a point of order, Madam Deputy Speaker, my understanding is that the suspension of standing orders requires an absolute majority—that is, nine votes.

MADAM DEPUTY SPEAKER: That is right.

The Deputy Speaker declared that the motion had not been carried as an absolute majority of members had not voted in its favour as required by standing order 272.

MR RATTENBURY (Molonglo) (11.22): I am seeking the call on the substantive motion, Madam Deputy Speaker.

Mrs Dunne: Actually, I have the call.

MADAM DEPUTY SPEAKER: Mr Rattenbury.

MR RATTENBURY: I think we have just seen a terrible waste of time when it would have been very simple to have simply granted Ms Bresnan leave to speak again. But we can play by the rules as you like, and I will just stand up and deliver Ms Bresnan's comments. The Liberal Party in the process have confected their outrage; they have wasted 10 or 15 minutes of discussion time.

Mr Hanson: What are you doing now?

MADAM DEPUTY SPEAKER: Mr Rattenbury, are you speaking to the—

MR RATTENBURY: I am. I think it is—

Mr Hanson: Stop wasting time, Mr Rattenbury.

MR RATTENBURY: There is the pot calling the kettle black, Mr Hanson. It is disappointing that the Liberals will not be supporting the amendment put forward by Ms Bresnan to Mr Hanson's motion. As Ms Bresnan said a number of times in her speech, and as I understand she told Mr Hanson directly, the Greens have talked to many of the key support groups involved with cancer services in the ACT, one of which we represented and assisted with in individual cases being discussed today.

We spoke to Bosom Buddies, the prostate cancer support group and Cancer Voices, along with the Health Care Consumers Association of the ACT. These are all

absolutely relevant stakeholders in this debate. I would have thought that all parties in this place would want to listen to the people who received the services and the support and get something out of this debate today that was relevant to those people, the people that really are the ones that matter when it comes to this discussion. But that is clearly not what the Liberal Party want. What they want is to bang on; they want to score political points, and the original language of Mr Hanson's motion is absolutely testament to that.

Mr Hanson said he was not sure that he had received the answers to the questions in his motion. That is why Ms Bresnan, when she put forward the amendment she has, asked for a reporting date back to the Assembly, which Mr Hanson apparently does not agree with. He certainly did not bother putting that in his original motion, and I think this underlines the absolutely political nature of his original motion. He asked the minister to explain, but he did not bother putting a deadline in; he did not bother outlining a date on which he expected these answers. It is basic common sense: if you want something, you put a deadline on it. That is why all of our standing orders for questions on notice have deadlines. If you do not put a deadline on it, you do not get it. That is the way it seems to work in politics, which is perhaps not ideal, but that is the way the system goes.

In light of Mr Smyth's comments, it is worth going through Ms Bresnan's amendment line by line because, as per usual with the Liberal Party, it appears they have adopted the lazy approach and have not actually read what is before them. They also do not seem to have listened to Ms Bresnan's speech, because there is a lot of substance in the amendment Ms Bresnan has suggested. She has identified at paragraph (1)(a)—I am going to read it out just because they may listen this time—

Mr Hanson: You're not time-wasting, are you?

MR RATTENBURY: No. It says:

at least 27 patients suffering from cancer in Canberra were forced to travel interstate to receive radiotherapy treatment as a result of six radiotherapists resigning from The Canberra Hospital Radiation Oncology Unit;

That is a statement of fact, and actually rather more substantive than Mr Hanson's "numerous patients". Ms Bresnan has actually done the research. The next point in Ms Bresnan's amendment is that:

ACT Health employed poor communication in advising patients they would have to travel interstate to access radiotherapy services;

That identifies the flaw that I think most of the members in this place share as a concern. Paragraph (1)(c):

there was a lack of communications between the Chemotherapy and Radiation Oncology units about patient treatment plans;

That is a very specific point that identifies the problem in terms of setting up a motion that can then actually see something done about it because the specific point has been identified. The next point is that the Assembly notes that:

stress can exacerbate the side effects felt by a cancer patient receiving radiotherapy treatment;

This is, again, a sentiment I think we all share—that we should be focused on the patients here and acknowledging the stress and suffering that comes about when these systems break down. Finally, Ms Bresnan's amendment notes:

the financial burden placed on patients who are required to reside interstate while receiving treatment;

Again, that is a matter of some discussion today. What we actually see is that Ms Bresnan then calls on the health minister to do a number of specific things—paragraphs (2)(a) to (e)—and then report back to the Assembly by 30 June 2010 on the progress that has been made. These are substantive points that Ms Bresnan is seeking to have delivered. The first one is:

investigate if staff at The Canberra Hospital who assist in the frontline provision of cancer services require customer service or reflective practice training;

Again, that is a very concrete, constructive suggestion. The next is to:

reinstitute formal consultation meetings between managerial and consumer representatives;

This is bringing in the people who actually know; the people who are accessing the services; the advocates on behalf of the patients. It is bringing them into a regular process so that we can actually ensure that these problems do not happen again, so that we can be proactive in seeking to ensure they do not happen again and so that we can create an ongoing dialogue, something that is bound to minimise the problems in the future.

Paragraph (2)(c) is to:

direct The Canberra Hospital to plan for staff turnover and aim to ensure a staff person will be replaced before they leave a position;

Again, that is a very specific and concrete suggestion. Next:

investigate if any further financial assistance can be provided to those patients who had to travel interstate to receive radiotherapy treatment;

That is paragraph (2)(d), concrete as you like. Paragraph (2)(e), Mr Hanson, calls on the health minister to:

advise when the staff shortages will be resolved and almost all patients suffering from cancer in the ACT will again be able to be treated locally;

I think we all acknowledge that there are going to be times when people have to go interstate. It is not ideal, but, as I think the health minister has identified in the last

couple of days under questioning, there are always going to be times when some handful of people may have to travel interstate for specialist services or because of temporary glitches in our system or overcapacity. I think all members in this place would acknowledge the reality and practicality of that observation.

The comments made about Ms Bresnan's amendment are simply lazy. The fact that she has repropounded much of the text is in response to the very political language that is in Mr Hanson's original motion. Good on him for trying, but when we come to passing motions, we need to have motions with real substance in them. Ms Bresnan's amendment has picked up the key essence of Mr Hanson's arguments. I think she actually concurs with him on a number of the concerns with regard to the problems that face services at the Canberra Hospital for cancer patients. She has endeavoured—I think she has done an excellent job—to turn it into a real motion that makes real points and seeks real answers by a real deadline. I congratulate Ms Bresnan on bringing forward a very constructive amendment, and I commend it to the Assembly.

MRS DUNNE (Ginninderra) (11.30): This is an important debate today and I congratulate Mr Hanson on bringing the matter forward because it shows that he does have particular concerns for the smooth and efficient operation of Canberra's health system and that he has got his finger on the pulse when it comes to the problems that confront us. No-one says that it is easy to run a health system. No-one says that there are easy fixes—just press the magic button or ask Mr Rudd and everything will be fine. Health systems are notoriously complex and there are many areas where things can go wrong.

What we see in the ACT health system is a litany of the things that go wrong, which, in many ways, are getting worse under the tutelage of this current minister. And it might be all right for members of support groups and the like to say, "We do not want to blame the minister," because really what they want to see is improved services. With all due regard to the great work that they do—they may see things in a different light—really, what they want is results but they do not see that the person who is responsible, ultimately responsible, for delivering the results sits in that chair over there, and that is the Minister for Health. She is the person who is paid the big salary to ensure that the health service runs as well as it possibly can.

Having said that we know that health services will not be perfect, what we have seen, under the tutelage of this minister, is a breakdown in all sorts of areas—a breakdown in communication, which is exemplified by the case that Mr Hanson brought today in relation to radiation oncology. The answer the minister gave in question time yesterday shows that she does not have a grasp of the situation. We have got a breakdown in the absolutely basic things.

When you are seeking radiation oncology and you actually cannot get your telephone calls answered, when you are under a great deal of stress, when you are being told that you should progress seamlessly from chemotherapy to radiation therapy and if you wait too long that your chemotherapy and your ongoing treatment will be compromised, if you cannot get people to answer the phone and give you an appointment, that is a serious problem because that adds to the stress. And one of the things that we have all been told every time one of us is confronted with cancer,

a member of our family or whatever, is that you need to be able to keep control of your emotions, reduce the stress in your life. But the health system under Katy Gallagher is contributing to that stress. That means that we have a failure of leadership from the person at the top, the person who takes the money and has the kudos of being the Minister for Health.

While community groups say, “We do not want to blame the minister,” when push comes to shove, she is the person responsible and that is why Mr Hanson’s motion puts her fairly and squarely in the game. It is reasonable, when you have the sort of litany that we have seen over the last little while—the failure in communications in oncology; a complete failure of leadership by the minister because of a culture of secrecy when you cannot tell people who a reviewer is and the reviewer is reviewing a toxic workplace where there is a culture of bullying and intimidation—and it is about time that this minister took responsibility.

Individual people in relation to an individual case may not want to blame the minister. But we, the people here collectively, who are paid to ensure that this minister does her job properly, should be taking it very seriously indeed. We are taking it very seriously indeed. These are serious matters and the fact that this Assembly today will not be able to bring itself to condemn the minister for her failings in these areas—for her failing to manage the portfolio efficiently, for failing to ensure that procedures and communications in ACT Health are effective and for failing to be transparent and open—shows that the members of the crossbench do not really care about the future of health in the ACT and bringing health administration front and centre in this place. They want to sort of shove it off and use their words. If we cannot have their words, we cannot have any words at all.

If the members of the crossbench were serious about this when they knew that Mr Hanson was going to move this, why did they not come and negotiate? “I have got a few problems with these words. Can we give a little here and take a little there?” You do not get that. “It is my way or the highway.” And what you actually have is more reinforcement that the Greens-Labor government alliance is alive and well.

What it boils down to is that we cannot criticise these people. We saw it yesterday when Mr Rattenbury could not criticise the minister who had demonstrably lied to this Assembly and we see it again today: the Greens cannot criticise the Minister for Health. They find it particularly hard to criticise the Minister for Health because I think that there is some feeling that the Minister for Health is more sympathetic to them than others and that that would be really difficult to do. They can from time to time bring themselves to criticise Minister Barr because, I suppose, Minister Barr is the person least like the Greens on that side and is probably feeling a little out of it at the moment because, as the Greens-Labor government becomes more and more entrenched, it becomes increasingly uncomfortable for the only eco rat in the village.

But back to the point at hand here. Mr Hanson has brought forward a motion today which is unfortunately part of an ongoing litany of failures that are a real problem for the people of the ACT. It is a real problem for the people of the ACT that their health system is in the state that it is. As Mr Smyth said, the minister is very good at talking about inputs and quoting statistics to gloss over it.

But let us look at the lives of real people—people who are being sent interstate for oncology treatment, with \$36 a day in their pocket; children who are on waiting lists for well over a year for potentially lifesaving surgery; people who turn up with broken limbs at the hospital and who are put on the emergency surgery list and who are prepped for theatre day after day after day. They wake up every morning and are told: “Today you will be going to theatre. Nil by mouth for you today.” Then they do not go to theatre.

I have dealt with cases of elderly people who had broken bones, who were prepped four days in a row, who were on emergency surgery lists and still did not get in. I have had members of my own family, on two occasions, being on the emergency surgery list for in excess of four days, prepped for theatre every day but not going to theatre. And these are the things that happen. These are the real things. Sometimes they are young people and they can cope with it. Sometimes they are not and they are bewildered; they are confused; they are in pain. Sometimes their lives are at risk.

This is why we should support Mr Hanson’s motion, including the condemnation of the minister for her failures in managing the health portfolio effectively—for failing to ensure the communications and procedures in ACT Health are effective and for failing to be transparent and open with the public about critical issues in the performance of her portfolio. I commend Mr Hanson for his motion today and will not be supporting the amendment proposed.

MR HANSON (Molonglo) (11.40): I thank members for their contributions to the debate, obviously some more than others. If I can reflect on the Greens’ contribution to the debate, as my colleagues in the opposition have outlined, what we have seen from both the debate and the amendment put forward by Ms Bresnan is, again, essentially, the Greens running interference for the government. The government did not bother putting amendments to my motion.

What we have seen is that the Greens have got the job, every time the Liberals put in a substantive motion, of saying: “No. We will do the job. Do not worry, Katy; do not worry, Simon; do not worry, Andrew; we will water it down so that it is more palatable for you and then we will all vote for it together.” That seems to be the normal course of business, and we have seen that again today. And there is no question that Ms Bresnan’s amendment would significantly water down what I put before the Assembly. This is a very important motion.

What I have tried to do—and I have spoken with Bosom Buddies; I have spoken with the Cancer Council—is form my own opinion of what is important in this motion. I do not simply listen to what people say and then dictate word by word what they want. I listen to what people say and form my own opinion about what is important in this issue.

What we see from the Greens is another attempt to water down a motion so that it is more palatable for the Greens. I am sure that they are aware of that. They are involved in budget negotiations. They want to make sure that their initiatives are looked at favourably by the Treasurer. They want to make sure that they keep the Speaker’s job.

Obviously there are good reasons why the Greens would look after motions to make sure that they are palatable for the government, because it is in their best interest to do it. But whether it is in the best interest of the community and whether it is in the best interest of cancer sufferers is the broader question.

What we are seeing is, increasingly, the Greens behaving like simply another faction of the Labor Party. The Labor Party seems to have many factions these days, both left and right and then splits through the right, and it certainly gets too confusing for me to quite understand. But certainly the close friendship between the two members of the Labor Party here, Mr Barr and Mr Hargreaves, seems to be somewhat fractured. I do not know what faction you are in, John. We have a faction of one, it would appear. Maybe there are seven factions in the Labor Party.

But what is clear, though, is that, with regard to those members of the Labor Party on the right, the Greens now appear to be closer to Simon Corbell and Katy Gallagher than to Andrew Barr, John Hargreaves and others. So you have got this blurring of this centre left alliance going on in the ACT.

There was the debacle of Ms Bresnan, having moved her amendment and having spoken to her amendment, trying to speak again. I just remind Ms Bresnan that, if you have already spoken to your amendment, just because Mr Smyth says something and you think, "I forgot to say something. I want to respond to that. I am going to seek leave to speak again when I have already spoken to my amendment," you cannot. You should understand the forms of the place. That did not cover you in much glory, did it?

What my motion has, which is completely missed by Ms Bresnan, is condemnation of the minister.

Mrs Dunne: Because we could not bring ourselves to do that.

MR HANSON: They certainly cannot, Mrs Dunne. They are unable to ever say anything that might interfere with their budget negotiations with the Treasurer or Mr Rattenbury does not want to interfere with what might be an eagerly anticipated vote by some on the other side when it comes to the job of Speaker. But across the board we have seen a failure by this government and by this minister in the management of the health portfolio.

You need to look at the elective surgery waiting times, the emergency department waiting times, both of which, in key categories, are the worst in the nation—in some cases, double the national average. You need to look at GP numbers, which are the lowest per capita in Australia; bulk-billing rates, which are the lowest in Australia; the toxic culture and the bullying that we have seen arising at the Canberra Hospital; the failed Calvary deal, the deal that the minister was unable to deliver; the handling of the TB case; and what we see in oncology. So there is no question that she is not up to the job. What we are seeing is a failure in leadership, a failure to actually do her job.

The second point condemning the minister was a failure to ensure that communication procedures in ACT Health are effective. And this is not fantasy. This is fact. And she

has admitted that there was a breakdown in communication, as she did with the TB case where young DJ Franco-Gill, who very sadly was deceased, was sent a bill. She admitted a breakdown in communication there.

There is clearly a breakdown in communication, with doctors trying to put complaints forward about bullying. We see a breakdown in communication about the swine flu death that occurred and a breakdown in communication in oncology. If anyone is left in any doubt that the minister is presiding over a portfolio where breakdowns in communication are prevalent, the evidence is clear.

Finally, in condemning the minister, there is her failure to be transparent and open with the public about critical issues in the performance of her portfolio. We saw it recently with the secret inquiry that is now going to be held, where we are not allowed to know the name of the person conducting the inquiry. She will not tell us what is going to be—

Mrs Dunne: Except that it is on the public record.

MR HANSON: Yes, a bizarre moment. There are some odd things that happen in this place but that has to be at the top of the list, Mrs Dunne. As Mr Seselja said, there has been no plausible explanation given, other than, “My staff told me not to say his name.” Minister, if you are doing your job, if you are a minister, make a decision once in a while. Do not simply be the puppet that turns up to cut the ribbon. We have seen the secret inquiry.

The Calvary secret deal: remember that one? “All our plans are on the table,” other than the \$77 million plan to buy the hospital, other than that one, but that was kept secret and it was only revealed when someone leaked it to the *Canberra Times*. Remember the obstetricians and the terrible way that that whole process—not just the inquiry but the fact that all of the complaints were made—was basically ignored within the department or dismissed? It took the obstetricians to go forward. The bush healing farm: remember that one? It was the subject of a privileges motion because of documents, under freedom of information, which were clearly covered up inappropriately and continual denials about something that was a very simple issue.

The government is continuing to bury itself deeper in the mire in cover-ups, in refusing to release information and in telling untruths which were quite clear and black and white. There was the TB case where I tried to get an investigation of that issue. Once again, actually on that one, the Greens did not support it.

It is quite clear that what we have is a failure in leadership from the Deputy Chief Minister, and she is the woman who is meant to be the next Chief Minister. Based on her performance that we have seen in ACT Health—and Treasury, I may add—who has the confidence that she should be the next Chief Minister? I tell you, most people I speak to in the community are worried sick because they do not like Jon Stanhope—they have got nothing nice to say in terms of his personality—but, when they compare him with Katy Gallagher and her dithering and her inability to get the job done across her portfolio areas, they are seriously worried. And if you speak to your Labor colleagues, they will probably tell you the same, particularly in the right faction. But I tell you out there, across—

Mr Seselja: It depends which part of the right faction you speak to.

MR HANSON: That is right. I am saying, “Speak to your colleagues in the right faction.” I get it from both Liberal and Labor in the community: “Katy Gallagher is not up to the job; she is not up to the job in health; she is not up to the job in Treasury; and she certainly is not going to be able to perform as the next Chief Minister.” So you guys have got some real trouble if you think that this minister who has failed so deplorably in the management of our health system, who is in continual denial, who bullies doctors, who is so secretive, is going to be effective as the next Chief Minister.

One of her best tricks, of course, is that, when I do criticise her and the government, she spins it that I am criticising staff. Let me put on the record again: my criticism is with the minister and with this government and is not with the front-line staff in ACT Health who I think are working under incredibly difficult circumstances, the creation of which is from this government, to do the best that they possibly can. I applaud them and I applaud Vesna again for coming forward and bringing this issue to the community.

Question put:

That **Ms Bresnan’s** amendment be agreed to.

The Assembly voted—

Ayes 8

Noes 4

Mr Barr	Ms Le Couteur	Mr Coe
Ms Bresnan	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Mr Hargreaves	Mr Stanhope	Mr Seselja

Question so resolved in the affirmative.

Amendment agreed to.

Motion, as amended, agreed to.

Domestic animals

MS PORTER (Ginninderra) (11.54): I move:

That this Assembly:

(1) acknowledges:

- (a) the importance of responsible domestic animal ownership; and
- (b) the role of community organisations and peak bodies in enhancing the welfare of domestic animals in the ACT; and

- (2) encourages the ACT government to continue to look at practical ways to improve the welfare of domestic animals in the ACT.

I rise in this place today to speak to this motion, which acknowledges the importance of domestic animal ownership in the ACT and the responsibility that that ownership carries with it. The support that this motion garners today will say much for the progress we have made as a community. Indeed, it says much for the progress made by this civilisation. Czech writer Milan Kundera once wrote:

Mankind's true moral test, its fundamental test (which lies deeply buried from view), consists of its attitude towards those who are at its mercy: animals. And in this respect mankind has suffered a fundamental debacle, a debacle so fundamental that all others stem from it.

Indeed, there have been several disturbing trends in respect of domestic animal welfare in this jurisdiction in recent times. Sadly, there have been several incidents of irresponsible domestic animal ownership. For instance, there have been incidents of unrestrained dogs attacking other companion animals. There has been an increase, particularly last Christmas, of abandoned domestic animals. Increasingly it seems that there is a lack of understanding of the responsibility associated with pet ownership.

This motion does not call on the government for legislative change, although I can say that my government is working hard on areas that will provide legislative boundaries to further protect the welfare of domestic animals in the ACT. We need to develop an understanding that animals are sentient beings. Instead, they are considered as personal property. This is something that merits closer consideration.

Important work has been done and will continue to be done to set the parameters within which owners of companion animals may operate. Domestic Animal Services developed the charter for responsible dog ownership and the charter for responsible cat ownership to assist dog and cat owners to achieve responsible pet ownership goals. These charters are consistent with a requirement of the Animal Welfare Act 1992, Domestic Animals Act 2000, the Code of Practice for Welfare of Dogs in the ACT, the Code of Practice for the Welfare of Cats in the ACT and the Nature Conservation Act 1980. The Animal Welfare Act 1992, of course, is an act which covers all animals: domestic animals, livestock and animals in their natural habitat.

Promoting a more responsible approach to domestic ownership in the ACT is important. This motion is a contribution to the need to cultivate a culture of responsibility in respect of the ownership of domestic animals. In December 2009, the RSPCA circulated a media release that stated that since the beginning of that month they had received over 250 cats and kittens, representing an increase of over 20 per cent over the same period in 2008. I know that members went to a function at the RSPCA, along with me, at that particular time and observed a lot of these animals that had been surrendered just prior to Christmas and over that period.

This problem is by no means a recent phenomenon; nor is it unique to the ACT. But the outcomes of companion animal overpopulation remain clear: each year approximately 200,000 healthy cats and dogs in Australia are killed because there are

insufficient homes for them. Fortunately, the RSPCA in the ACT has a policy which is seeing more and more animals adopted out instead of being euthanased. However, if owners do not appropriately manage their pets' breeding, we often see that unfortunately our community as a whole is left to take up responsibility for the unwanted litters that result.

Responsible pet ownership means ensuring that a preventive healthcare program is in place for your pet. It also means that you ensure that veterinary care is provided when necessary and that you have desexed your pet if you do not have a permit to keep the pet entire.

A dog owner or carer must comply with the requirements of the Domestic Animals Act 2000 by ensuring that the dog is registered by eight weeks of age, is wearing its registration tag and is identified by a microchip. A dog owner is also required to ensure that their pet is desexed by the time it has reached six months of age or a permit has been received in order to keep the dog sexually entire.

A dog owner or carer must also ensure that the animal is confined to the owner's or carer's property when not accompanied by the owner or carer. The dog must also be on leash when walking in a public place, except in the designated off-leash areas where dogs must be under effective control at all times. Under no circumstances should dog owners or carers allow their animals to enter a prohibited area or a prohibited place.

A cat owner or carer must comply with the requirement of the Domestic Animals Act 2000 by ensuring that the cat is identified by microchip implant by the age of 12 weeks and desexed by three months of age unless the owner has applied for a permit to keep the cat sexually entire.

An excerpt from the RSPCA ACT policy on effective care of companion animals states that the RSPCA ACT believes that "every companion animal is given a chance at finding a home". The RSPCA works in a complementary manner with Domestic Animal Services in this regard and I understand that this relationship is continuing to strengthen.

The number of domestic animals received by animal shelters is, in part, due to the fact that people do not understand the level of responsibility that pet ownership entails. Too often I see dogs roaming free when they should be in the proper care of their owner. There was a recent attack in my electorate on a companion animal by a dog that had been allowed to run free. Owners must take responsibility for their domestic animals. In no way should a companion animal threaten the safety or wellbeing of another person or indeed another person's pet.

At this point, I would like to commend the achievements of Domestic Animal Services. DAS has achieved what must be seen as Australia's best results in re-homing dogs. Current rehoming rates at the DAS pound are seeing 96 per cent of all dogs re-homed. That is a statistic that we should all be proud of. I find that an astounding rate of re-homing for a shelter that does euthanase animals.

To me, this figure shows the dedication of the DAS staff in re-homing their dogs. I would like to recognise the efforts of Mr Scott Horan, Registrar of Domestic Animal Services, and his staff and the volunteers that work tirelessly at the pound to ensure that no euthanasia is undertaken lightly. The same can be said of the RSPCA, of course, with their policy of re-homing all suitable domestic animals that are surrendered or abandoned to the RSPCA. This has reduced to an absolute minimum the number of animals that need to be euthanased.

The ACT government has committed to working with the community and pet owners to ensure continued responsible pet ownership in the ACT. An important source of information, including tips and the legislated responsibilities of pet owners, is available on the Department of Territory and Municipal Services website at www.tams.act.gov.au/live/pets.

Last year I again took on the responsibility of pet ownership. I went to the RSPCA with my husband and, after much discussion and consideration of the type of dog that would be appropriate for me and my husband, and indeed my entire family, I chose a beautiful 2½-year-old wolfhound-cross, who goes by the name of Lola. Mr Hargreaves is now singing *Lola*, I note for Hansard.

Fortunately for me, for Lola, and for my family, we have robust policies in place to ensure companion animals are only ever euthanased as a last resort after exhaustive efforts have been made to rehouse animals or sometimes, unfortunately, where very serious or intractable temperamental or health issues exist.

I do not take the decision of pet ownership lightly. I fully acknowledge the level of responsibility I and my husband take on when we have a companion animal. Acquiring a pet should never be the result of a spontaneous or unplanned action. It should be the result of careful planning and a clear understanding of all the legal and other responsibilities involved. It is important to be aware of one's own constraints, one's lifestyle, and the various vulnerabilities and needs of members of one's extended family when choosing to bring an animal home—not the least of which is one's capacity to adequately house the animal and appropriately feed, exercise and groom the animal.

Responsible pet ownership means that owners understand and meet the needs and the habits of their particular pet and provide a lifestyle which satisfies and enriches the pet's life as well as their own. By ensuring that the pet's needs are fully taken into consideration by an owner, we will reduce any instances of nuisance behaviour that might be experienced by neighbours should the pets start to exhibit boredom behaviour such as barking during the day.

As an owner, I can honestly say that I am constantly learning more and more each day about responsible pet ownership, and I am sure everybody that owns a pet does experience this. I already knew, but I am sure there are some people that do not understand, that dogs are particularly vulnerable to heat. Dogs do not have sweat glands and they get rid of their heat by panting. Like humans, they also suffer sun damage to their skin, particularly if they have pale skin on the end of their nose or if they have a patch on their fur that may be exposed to the sun.

These are important things that we need to take into consideration. Particularly, one should not leave a dog in a car. Often we see both children and dogs left in cars, with windows open. People just do not understand that that can be lethal for someone or an animal left in a car. In Australia these are very pertinent issues that responsible pet owners should be aware of and take into consideration.

There are a variety of community organisations and peak bodies who work tirelessly to enhance the welfare of domestic animals in the ACT and I do thank them for their hard work in this area.

Unfortunately, last year was not a good year for domestic animals in the ACT. In 2009 there was an escalation in cruel and violent acts against animals in the ACT, as in other jurisdictions in Australia. Some studies have suggested that there may be a link between acts of cruelty perpetrated by an individual against animals and the likelihood of those people subsequently committing violent acts against human beings. What, indeed, does this escalation say for where we are heading as a community? It is very disturbing indeed.

Whilst disturbing, these incidents remain isolated, fortunately. However, it is clear that we must continue to cultivate an understanding that we have a responsibility to those who are effectively at our mercy. Our response to this challenge will say much for our community.

I believe that the welfare of all domestic animals continues to be an important issue for our community and we need to take steps to ensure that pet owners care for their pets responsibly. This is an important step on the path to better welfare outcomes for animals everywhere.

I believe that the Greens have an amendment to this motion. I do not necessarily disagree with anything in their amendment, if it is what I believe it might be. But this motion before us today is about domestic animals and I believe that we need to focus on that particular matter at the moment, notwithstanding that there is obviously other work to be done. I commend this motion to the Assembly.

MR COE (Ginninderra) (12.08): It is a pleasure to stand here today and speak in favour of Ms Porter's motion on domestic animals and the important role they have in all our lives here in Canberra.

The Canberra Liberals are very much a supporter of families. We support the things that bind families together and that help make living a good family life a little bit more enjoyable and a little bit more connected. Domestic animals—in particular, cats and dogs, but all domestic animals—play a very important role in many Canberra families. They unite us, they give us something to talk about and they give us something to smile about. They also teach us a lot about life. If you are a young child, you grow up with an animal and you see that animal pass away, you learn a lot about life and you value it. And you learn those lessons in ways that otherwise you may find very tricky.

There are a number of organisations in Canberra that are doing a great job with regard to domestic animals—making sure that domestic animals are not abused but also supporting owners as they keep domestic animals. I would like to mention a few of those organisations today and pay tribute for the great work that they do.

RSPCA ACT are one such organisation, which I have spoken about in this place before. I spoke about them just a couple of weeks ago—in fact, on 25 February. I commended Michael Linke for the great work that he is doing. The RSPCA have got a pretty unique business model in that they carry out a number of services off their own bat but they also carry out a number of services on behalf of the government. It does make their business model particularly unique, and it makes funding quite unique as well. They are, of course, underfunded; they always need more money. They look to the private sector and to their own resources to think of interesting and novel ways to make money.

One such way was the RSPCA quiz night held a couple of weeks ago. I know that a number of members of the Greens were at that quiz night. And there were me, Steve Doszpot and Brendan Smyth as part of the Liberal contingent. We had a really great night.

Mr Seselja: That was the winning team, was it not?

MR COE: We were the winning team. The theme of the quiz night was robots. Not being a robot connoisseur myself, I did find it a little bit tricky to add considerable knowledge to our team's knowledge base, but we did have quite a brains trust that we could all turn to. We did win and it was a great night. Gary Humphries did a superb job as MC, the quiz master, and his family helped with some of the administration.

One of the challenges that the RSPCA have is with regard to their location, with regard to their site. Their site is ageing; their facility is really overstretched. Anyone who has been out there knows that it is desperately in need of an upgrade. That is a very expensive operation, but it falls upon us as a parliament to think about how we can better deliver services for domestic animals and wild animals here in the ACT, because in the future that site will not be one that we will necessarily want for the care and protection of animals. We have to work with Michael Linke and the board to make sure that we are delivering animal services in the best way possible and giving the RSPCA all the support that they require.

In acknowledging Michael Linke, I would also like to acknowledge Sue Gage, who is the President of RSPCA ACT. She has got a fantastic team on the board that she leads. As I think I mentioned the other day, those board members include Heidi Pritchard, Paula Shinerock, Kasy Chambers, Michael Cooper, Maureen Hickman, Jill Mail and Lee-Anne Shepherd. In addition to that, Tony Miller served until December 2008 as treasurer.

A couple of weeks ago, I also mentioned a number of sponsors that support the RSPCA. We should be supporting the businesses that support our community, so I encourage people to support them.

Once again I would like to give a plug for the Million Paws Walk that the RSPCA are holding on 16 May. It is going to be a great event. It is one of their key fundraisers for the year. As I think I said a couple of weeks ago, I am going to have to borrow four paws to take part in the Million Paws Walk, but now that Mary Porter, a government member for Ginninderra, has four paws, I am sure she will be able to participate with Lola—the much talked about Lola.

Ms Porter: I will be there.

MR COE: And I hope Lola is too.

Mr Hargreaves: It is only a brief pause though!

MR COE: A brief pause; that is right. Another organisation that I want to mention for doing great work in the promotion of animals and the care of animals is the Royal National Capital Agricultural Society, which runs the Royal Canberra Show. This year the Canberra Show was another great success. I know that each member of the opposition—me, Zed, Brendan, Jeremy, Steve and Vicki—went along to the show. We all had a great time.

A key aspect of the Royal Canberra Show is the display of animals, acknowledging the care and attention that many owners put into raising animals and into looking after them and making sure that the breeds continue as healthy creatures long into the future. Some of the animals that they exhibit and offer prizes for are dogs, cavies, horses, sheep, goats, alpacas and cattle—and, of course, cats, dogs and other domestic animals in addition to other farmyard animals. It is a great organisation and I believe it has been running for about 80 years, with the first show being in 1927.

The officials of the Royal National Capital Agricultural Society are well worth acknowledging in this place, because they do great work. The president is Rod Crompton and the chief executive officer is Geoff Cannock. The section head is Barry Emmett, the chief steward is Robyn Keyver and the ring steward is Kerry Wailes. In charge of performance is Pat Emmett. The registrar is Glynda Bluhm, and the local representative is Joan Young. They were the officials for 2010. They continue to serve and they do a superb job. I thank them for the great event they put on this year.

Another organisation worth recognising for doing a great job in this space is Dogs ACT, the ACT Canine Association. Dogs are probably the most popular of the domestic animals that we have in Canberra—and everywhere. Dogs are largely regarded as one of the more responsive of domestic animals and I know that many of us here in the Assembly take a lot of joy out of them.

It is worth noting that the ACT Canine Association, amongst all the great work they do, promote a code of ethics, which is very important when we are talking about something which is so near and dear to our hearts. The code of ethics includes points such as the following:

- 1 I shall ensure that at all times all dogs under my control are properly housed, fed, watered, exercised and receive proper Veterinary attention if and when required.
- 2 I shall not allow any dogs under my care to roam at large and when away from home ensure they are kept fully leashed, or under effective control at all times.
- 3 I shall breed only for the purpose of improving the standard of the breed and not for the pet market or any other commercial purpose.
- 4 I shall not breed from any bitch kept by me before it is twelve months of age, and thereafter not more than once in each succeeding period of twelve months.

It goes on. They are good, practical points about actions that dog owners and members of the ACT Canine Association can take to ensure that we are taking appropriate care of our domestic animals, in particular our dogs.

The ACT Canine Association have a very busy year of events. It is amazing how many events they have, whether it be agility and jumping trials, obedience trials or general championships. It is quite amazing how many events they have. There must be about 50 or so in 2010 alone, if not more. It is a credit to them. They are an active organisation and one that is very representative of Canberra families.

In addition to the code of ethics that I have just mentioned, it is worth noting that the RSPCA also promote the safe care and protection of animals. Their services include an inspectorate, an animal shelter and a dedicated rescue and rehabilitation release program. They have a veterinary clinic, a dog and puppy training school, a pet supply shop, an advisory service, and a 24-hour emergency support line. These are good, practical, tangible things that pet owners and other concerned Canberrans can refer to for support in looking after domestic animals here in Canberra.

In addition to that, Animal Liberation are always very vocal in the ACT about the care and protection of animals. They have been going for over 30 years now and they continue to be a strong voice in the advocacy for animals here in Canberra.

The last organisation that I want to pay tribute to for the work that they are doing in relation to the care and protection of domestic animals is ACT Rescue and Foster. They rescue dogs from euthanasia and foster them temporarily in private homes for as long as it takes for the organisation to find permanent homes. Amongst their aims are

- Rescuing and rehoming as many unwanted dogs as possible;
- Educating the community about responsible dog companionship;
- Working with local pounds to help achieve, develop and implement “minimum destruction” policies and procedures; and
- Establishing and developing networks of communication for people involved in rescue and rehoming dogs.

There are many organisations that are working in this space. One of the great things about this part of our community is that these organisations have stepped up where there has been a void in government services. The government cannot deliver everything and the government should not seek to deliver everything. There are many instances where private organisations and collectives of individuals can stand up and do a much better job than can the government. It is important that we remember that and it is important that we incorporate into our philosophy and into our working policies in this place that an individual or a volunteer that has a dedication and commitment towards a particular cause is far more likely to be more productive in that space than a government agency is. Where possible, we should be turning to organisations like the RSPCA to provide services on behalf of the community rather than trying to do everything in house as a government.

The RSPCA is a classic example of an organisation which has a cause. It has 500-plus volunteers. They really do have a productivity that the government simply could not match.

I commend the RSPCA and all the other organisations I have mentioned today. I look forward to being involved in the development of better policies and better legislation for and promotion of domestic animals in and around Canberra.

MS LE COUTEUR (Molonglo) (12.22): I would like to thank Ms Porter for introducing this motion today; I know she has a particular interest in the issue and in animal welfare in general.

The motion as presented today reiterates something which we all already agree with. Members will recall that in the last sitting week many of us spoke at length about the importance of responsible pet ownership in the context of the domestic animals amendment bill.

I would like to say that I largely agree with the speeches of both Mr Coe and Ms Porter. We all are in favour of responsible domestic pet ownership; pet ownership can be one of the joys of life. But if we are going to talk about animal welfare, there are some important elements which are missing from this motion. I foreshadow that at the end of my speech I will be moving an amendment which has already been circulated.

What is missing highlights a really important problematical issue with animal welfare legislation—that is, it does not apply to all animals; it applies only to a small fraction of animals. In general, it applies to domestic animals, which are the most visible animals to society. In the scheme of things, these are the animals which tend to have the fewest welfare issues to worry about. An animal that is a domestic pet, a loved part of a family, generally does not have major welfare issues to worry about. It is the other animals that have more issues.

Animal welfare is a very interesting and vexed area. I am pleased that Mr Coe has singled out Animal Liberation as one of the many groups that are concerned about animal welfare. There are a lot of animals—snails, flies, butterflies and fleas as well

as dogs, cats, horses, pigs, birds, canaries, goldfish and crocodiles. We have different emotional views on different animals and different ethical frameworks have different views about them. The Buddhist view of life is that you should not kill any sentient beings. One of the things that I think about is the question of what is sentient. As Mr Coe remarked, there is the animal liberation movement, which has been very much inspired by Peter Singer's books.

Probably one thing that all ethical frameworks agree on is that we should not be cruel to animals. We may disagree as to the amount of protection and where animals fit in the hierarchy, but I think there is universal agreement that there should not be cruelty to any animals, regardless of what sort of animal they are.

But we actually find that animal welfare laws apply in a discriminatory way. Anyone who actually cares about the welfare of animals will see that this creates some very strange and unjust outcomes. For example, if you took an action that would be illegal when applied to a domestic animal and then applied it on behalf of the commercial agricultural sector, it would become permissible. Take birds, for example—chickens in particular. If someone housed their pet birds in cramped conditions and cut their beaks off, that would be prohibited behaviour. Clearly, causing such suffering and trauma to birds should be prohibited and would be rightly punished. But the exact same behaviour is permissible provided that bird is a hen being used for commercial egg production. Of course, to the hen it is irrelevant whether they are de-beaked and caged in someone's backyard or in a factory farm. The suffering is the same. The nation's 13 million battery hens suffer acutely like this every day.

Does it make any difference to the hen in the ACT whether it is owned by Pace Farm and it lives in Parkwood or whether it lives in a purpose-built coop in someone's backyard where it is probably let out every day into a large space where it can eat snails and worms, apart from other things? They are both equally worthy animals, and this is one of the issues that we have in animal welfare legislation.

Because the vast majority of animals are used in agriculture, our animal welfare laws provide very little protection to the bulk of animals. In general, they apply only to a tiny category of animals, and that, as I said, is the group that is least likely to suffer—domestic pets.

This inconsistency reflects the fact that policy makers are willing to let animals be used as commodities and tools for human use, and in fact their welfare matters to them very little. The British political scientist Robert Garner explained this by saying:

... the level of protection afforded to an individual animal depends, not just—if at all—upon its needs and interests, but upon the institutional and legislative structure governing the particular use to which it is being put. To take one example, a rabbit raised for food would be subject to a totally different set of legislative criteria than would one utilized in a laboratory or one existing in the wild or one owned as a pet.

Anyone really interested in animal welfare should see the problems with this approach. It is based on human uses of animals, not on the animals' needs.

This is not just a split between domestic pets and agricultural animals, although that is the largest part of the split. There is a lack of legislation to protect any animal that people wish to use as a tool. Imagine, for example, a dog that is at a dog pound or at the RSPCA. At this moment it will be protected by the animal welfare laws that protect companion animals. These are quite strong laws already. But if that dog is sold or given to a research facility, suddenly it will be protected only by the laws applicable to research animals, and that is, comparatively speaking, a very low standard. It will have become an economic animal, not a companion animal, so our laws no longer care as much about the cruelty it may suffer.

The amendment to this motion that I foreshadowed seeks to recognise the fact that all animals deserve protection, regardless of whether or not they are popular species, highly visible in society, or agricultural, domestic or research animals. It calls on the ACT government to enact equitable animal welfare laws that provide an equally high standard of protection to all animals. This would mean that animal welfare principles could not be compromised by leaving the majority of animals to be subject to cruelty and mistreatment. This would mean that when we agree that certain practices are cruel, they are considered cruel in all circumstances, even those circumstances which are hidden from the public. It would mean that the government has to make its animal welfare laws in a consistent and unbiased way, and make animal welfare the key principle rather than using animals as tools and commodities.

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 pm.

Questions without notice

Government—election promises

MR SESELJA: My question is to the Treasurer. Treasurer, in question time yesterday, you said:

... the decision we took ... was to send the message very clearly to our agencies that the business-as-usual approach will no longer be followed ...

Treasurer, in your budget speech in May 2009, you said:

Agencies will also provide implementation plans on their internal savings strategy well before the commencement of the 2010-11 Budget.

Treasurer, given the projection of tougher fiscal times and years of deficits, why were ACT government agencies still operating in a “business as usual” context, despite your statement in the 2009 budget speech?

MS GALLAGHER: My comments yesterday were that this is in addition to the requests we have made of agencies outlined in the budget speech by me. The “business as usual” that I referred to yesterday was what was delivered in the 2009-10

budget. There has been a substantial change to that environment—that is, the loss of 10 per cent of our GST revenue every year over the forward estimates. That was not seen on budget day and that has changed the situation and resulted in us sending out further information to agencies. Mr Seselja, if you would like the answer, agencies have been providing, and have provided, to the cabinet, throughout the last 12 months, information and advice about efficiencies within agencies. We are asking them to go further.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Yes, Mr Speaker. Treasurer, how many internal savings strategies have been received to date, how many of those include proposals to freeze staff recruitment, and will you table these strategies?

MS GALLAGHER: No, I will not table them; they are cabinet in confidence. In fact, they are budget in confidence. I can tell you that we have received submissions from all agencies, as cabinet requested.

MR SPEAKER: Supplementary question, Mr Smyth?

MR SMYTH: Yes, Mr Speaker. Treasurer, of these savings strategies that you have received to date, what is the value of the savings identified by agencies and departments?

MS GALLAGHER: I am not going to go to the individual savings submissions, and I think the opposition would understand why. We are currently putting together the budget. We have received advice from agencies around efficiencies. I refer the member to the budget papers where we have unallocated savings for the next financial year identified.

That is our target and that is what agencies have been asked to provide advice to government on—how to achieve those unallocated savings—because, surprise, surprise, we did not receive any submissions from anyone inside or outside this place about savings ideas for that unallocated savings task.

The agencies have been providing government with advice along those lines but I am not going to discuss them in this place prior to the tabling of the budget. You will be able to see the decisions the cabinet takes on 4 May.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Treasurer, have the proposed savings proposed by the department actually met the target that you set for savings in the 2009-10 budget?

MS GALLAGHER: We have received submissions from agencies around efficiency within their own areas. That has been directly linked to the unallocated savings target. The cabinet have not taken any decisions on them, but we have set agencies a target. They have provided us with advice, and now it is over to the cabinet to make decisions about whether those ideas from agencies are ones that we will endorse and are prepared to accept.

As you can understand, savings in government are difficult to achieve. They do not come without pain for one part of the community, whether it be internally or externally. It is quite right that, as we are putting together the budget for 2010-11, I do not speculate further on where those savings are coming from.

Land—Molonglo Valley

MS LE COUTEUR: My question is for the Chief Minister and relates to land release in the Molonglo Valley. Chief Minister, I understand that the LDA has decided to develop Wright and Coombs itself rather than release the land englobo to developers. On what basis was this decision made?

MR STANHOPE: I thank Ms Le Couteur for the question. The LDA does develop some land on its own behalf and as the Land Development Agency of the government, and the government does in relation to some other major greenfield sites adopt other methodologies. So there are essentially three development mechanisms currently available—perhaps four.

One is the auctioning of land directly by the LDA of estates or sites that it develops. The second is joint ventures that the LDA enters into, and we see joint ventures most notably recently at Forde, Crace and indeed at Woden east. The third major method of disposition, of course, is release of englobo sites, more essentially and preferably by auction; but there have also been some direct grants.

The government determined, I think three years ago, that it would seek to release about one-third of all greenfield estates by englobo. But at that stage we proposed to move to a situation where about, as a rough rule of thumb, one-third of land would be developed through englobo release, one-third would be through joint ventures and one-third would be developed by the LDA. In fact, over this last year or so, I think almost two-thirds of land has been released englobo.

The decision initially in relation to the next greenfields release, and indeed the first release in Molonglo, which will be Wright and Coombs, was a decision that that is an estate that the LDA, in the first tranche, which is, I believe, 400 blocks, will be developed by the LDA. Really, it is just a continuation of existing policy.

The first release in Molonglo will be 400 blocks. I am advised that that will occur in May or June and it is proposed that that will be handled by the LDA.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: What are the criteria that determine when the LDA will develop the land themselves, as distinct from one of the other methodologies?

MR STANHOPE: I think first and foremost, Ms Le Couteur, over these last two to three years—I am not entirely sure when the policy was first announced or initiated—the government made a commitment that up to one-third of all land would be released englobo. That was a major departure from earlier policy that had persisted for, I think, four or five years prior to that.

As I say, a range of issues were taken into account in relation to the decisions to release over this last 18 months or so a greater proportion of land to the market and that was simply as a result of enormous pent-up demand driven, in large measure, or exacerbated at least, by the government's decision—that is, the pent-up demand was exacerbated by the government's decision—to massively increase the first home buyers grant.

The government and indeed the LDA felt that the most efficient and the most timely way of seeking to deal with that pent-up demand, and most particularly with the enormous spike in first home buyer activity in the ACT, was by fast-tracking some releases and fast-tracking or adding to englobo releases that were already being developed, particularly at Casey and West Macgregor. It was simply about how best to meet continuing strong demand in the housing market in the ACT.

Interestingly, I see just today in the Real Estate Institute of Australia's most recent quarterly report, which was released today, that only two jurisdictions in Australia had an increase in first home starts in this most recent reported quarter and they were the ACT and Western Australia. Indeed, in that quarter the ACT had the strongest housing continuing record in Australia.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. What criteria determine which private developer gets the contract to develop land englobo? Is it just price?

MR STANHOPE: In answering that, it does need to be acknowledged that the two most recent englobo releases were by direct grant—that they were by direct grant or indeed three direct grants to a joint venture partner or arrangement and two developments, those at Casey and west Macgregor, that had initially been the subject of open auction.

In relation to auctions, there are a range of financial criteria, so it is not sufficient to say simply that the decision to sell to a particular developer is based on a winning bid. There are a number of criteria in relation to eligibility to bid in the first place. But putting that to one side and accepting that the government insists on a certain level of assessment of the capacity of the bidder, and there are indeed significant penalties, there is a significant assessment pre-auction in relation to financial capacity. That assessment determines those that are eligible or able to bid in an open auction. But certainly, accepting all those preconditions, where there is an auction, the highest bidder, having satisfied the pre-auction conditions, would be successful in acquiring the land.

Having said that, I do add that the last englobo releases, I believe—and I am sure they were the last englobo releases—of greenfields estates were by direct grant. The government took a decision in that instance that the level of pent-up demand, most particularly driven by first home buyers, justified the decision which the government took on those occasions to direct grant land, greenfields estate, to a couple of existing successful bidders.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Will the LDA be promoting the energy rating of each block as calculated by ACTPLA's residential subdivision development code?

MR STANHOPE: Thank you, Ms Bresnan. I can answer the question broadly. The LDA will, in everything it does, accord with all government decisions and policies in relation to its development activity and any construction activity that it may be involved in. The LDA does, and will continue to, abide by all laws, codes and regulations and seeks, aspires, to represent best practice in construction in the ACT.

Business—Sensis business index

MR SMYTH: My question is to the Treasurer and it relates to government bungles and the Sensis business index, which shows that small and medium business confidence in the ACT government has plummeted to a net negative 21 per cent. Treasurer, why have SMEs lost so much confidence in the ACT government since November? Is it because of the bungled refurbishment of local shops, bungled infrastructure projects, such as the GDE, bungled infrastructure planning, lack of support for businesses at Gungahlin town centre, lack of support for small and medium businesses in Tuggeranong? If it is not for any of these reasons, what are the reasons for their lack of faith in your budget?

MS GALLAGHER: Thank you, Mr Smyth, for the question. I have not actually seen that survey but I will have a look at it and see. But that is certainly not the feedback that I am getting from the business community across Canberra.

Mr Seselja: So Sensis has got it wrong?

MS GALLAGHER: I will have a look at the survey, but what I am telling you is that that is not the feedback that we are getting from the business community across the ACT. In fact, we have had the situation in the last few months where members of industry have asked us to hold back on some of the work that we are pushing out the door because they are so busy.

It also does not reflect in the state final demand figures or, indeed, in the ratings in terms of how we are measuring our economic growth against other jurisdictions across Australia, which would actually say that our economy is performing very well. When our economy is performing very well, business is usually doing very well. So that is not the feedback we have been getting.

We consult very closely with business. Indeed, I am consulting with them as we put the budget together. They would always like more from government. I understand that, just as the community says it does, just as every part of the community wants more from government. But for government it is a balancing act about what we can do

across the whole range of portfolios. We have competing priorities and we seek to meet those priorities, be fair to everyone and create the environment where the business community can flourish.

I think that has certainly been the effort that this government has put in. I will look closely at that survey, but it certainly is not supported by all the economic indicators that have been released over the past 12 months or, indeed, supported by the representations that I am getting from industry.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Treasurer, the index also shows that business confidence is overwhelmingly positive, with a net balance of positive 68. Why is business so positive about the economy yet so negative about your government and your budget?

MS GALLAGHER: I would imagine, in light of the budget situation that the ACT government is in, that there would be some apprehension from business. We have a number of years of difficulty ahead of us in terms of how we recover our budget from the global financial crisis. It is no secret that there are deficits and that we have a savings strategy in place, and I imagine some of that would concern business. But we are doing what we can to support our economy and, by doing that, we are supporting business.

As I said, I think the efforts of this government over the last 12 months have actually been applauded by business and industry in actually supporting them and letting them maintain their employment levels to a point where now the skills shortage is actually the biggest challenge facing businesses across the ACT. That has been directly as a result of the decisions that this government took not to slash and burn our budget but to invest in our economy, support business and support the work that is done in the community sector as we move slowly to recover our budget over a seven-year plan.

I had a meeting with industry, with business groups, on Monday, and they were unanimously supportive of the government's strategy to recover the budget in the longer term and to maintain our investment in this community. I think that is where I will take the advice from—industry leaders telling me what is happening on the ground, analysing our budget plan, giving us feedback on that and giving us feedback about what they would like to see in the next budget. That is the advice I will be taking; not advice from Mr Smyth, who only loves news when it is bad news.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much, Mr Speaker. Isn't it true that successive budgets over the last couple of years have been tough and difficult budgets, yet still we see a forest of cranes across the skyline, still we see a skills shortage, and still we see maximum profits being made across the town? Isn't it a truth that the selection of one or two statistics out of one small survey is not a true indication of the economic health of the territory?

MS GALLAGHER: I thank Mr Hargreaves for the question. What Mr Hargreaves alludes to in his question is absolutely correct. We have been facing unprecedented times in relation to the pressure that our budget is under. Every time we have sought to make tough budget decisions, those opposite have opposed them. They have had their political fun and games with it. But, thankfully, we did take those structural challenges head on in 2006, which has placed us in the position where, in 2008, we were able to implement a budget that actually increased investment in this city, at a time when our budget was under enormous stress. In fact, the ratings agencies have commented on the strength of our balance sheet actually giving us the capacity not to slash and burn but to see out the impacts of the global financial crisis.

We have further challenges on our hands with the results of the Commonwealth Grants Commission review, which has dealt the budget another blow. As we have done in years gone by, we will work carefully and methodically. We will take advice from industry, from the community sector and from our agencies about the best way to proceed. But at this point in time, the seven-year plan remains in place. The savings task is just that little bit harder. But I am very confident that we will be able to deliver a budget that supports business, supports industry, supports the community sector and allows the government to deliver key services to the community, particularly in health, education, disability, child protection—all of those areas that are so essential to our community's wellbeing. That is the challenge that this government is prepared to take head on. It is hard, it is hard work, and it will not be universally applauded, I imagine. But this is the right way of proceeding to ensure that we can maintain services at a time when we are recovering our budget but supporting the economy.

Public service—staffing

MR COE: My question is to the Treasurer. Treasurer, you have made several public statements in relation to the ACT budget deficit. Most prominent in these statements has been your decision to freeze non-essential public service employment. Treasurer, what analysis has been completed with regard to the freeze and what sum will be saved by your freeze?

MR SPEAKER: The end of the question again, Mr Coe?

MS GALLAGHER: I think it was what analysis has been done of the freeze and what sum will be saved because of the freeze. I do believe I asked my office to send down to you a copy of the advice that we provided. I presume that you got that yesterday, Mr Coe. It will be clear from that advice that we have not attached a savings task to that. It is really about not putting staff on that we may not be able to keep on—to actually prevent a bigger issue next year than we need to face. That is the message that has been sent to agencies. We have not allocated—

Mr Smyth interjecting—

MS GALLAGHER: The savings for this year have actually already been met. We actually have already recouped, I think, \$10 million worth of savings. The staffing freeze was never intended to deliver extra savings for this year because, as members

will know, we have a balanced budget for this year; we do not need to seek further savings.

As I said yesterday, it was about sending a message to agencies that business as usual is not the way ahead; that they need to start thinking about staffing resources in their agencies. That is the message that was sent, and I would imagine that that is something that the Liberals would normally have agreed with had they not been wanting to play politics with it. We are taking preventative measures to stop a bigger problem from next year. That is the message we have sent to agencies. That is clear in the advice that has gone to agencies.

We accept that there are a number of recruitment processes underway that will need to continue. We accept that there are essential staffing resources that need to be replaced. But we need chief executives—and not just chief executives but staff below the chief executives—to start thinking and to understand that the budget is under additional pressure because of the decision of the Commonwealth Grants Commission.

It was a sensible, responsible thing to do. It has been accepted without complaint. We did not attach savings to it. We are not seeking that. We have already taken savings this year to our budget and met those savings. The unallocated savings task is next year, and that is what the budget processes are currently working through.

MR SPEAKER: Mr Coe, a supplementary?

MR COE: Thank you, Mr Speaker. What taxes will be raised to deal with the budget problems?

MS GALLAGHER: Mr Coe will have to wait until 4 May to find out, but I can say that the government is looking at all options in relation to revenue and in relation to expenditure, as you do. We do this every year. I think I have that question every year. I think every other Treasurer has had that question in March every year—the Liberal Party trying to get us to rule out tax increases. I will not rule out tax increases; I will not rule out further savings measures; I will not rule out further spending measures either. That is exactly what the budget cabinet is currently working through in a way that seeks to deliver the best budget for this community that we can deliver in the context of the financial situation we are in.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGEAVES: Minister, is it not true that in 1994-95, the then Treasurer—I think it was Mr Humphries—actually introduced a staff freeze to get himself out of a budget hole? Therefore, is the fact that the question is coming from those opposite an admission that they are incompetent in budgetary matters? And is it not true that a freeze is a very real tool for governments to bring their budgets into line?

Mrs Dunne: Mr Speaker, on a point of order, the standing orders about supplementary questions are quite precise about them being precise. On top of that, Mr Humphries was not the Treasurer in 1994-95. In fact, I do not think he was on the treasury bench.

Mr Hargreaves: On the point of order, Mr Speaker, now Senator Humphries—

MR SPEAKER: Order! Mr Hargreaves, it is not necessary.

Mr Hargreaves: No, there was a point of history brought up. I will give her a history lesson. Who was working for Senator Humphries at the time? Vicki was.

MR SPEAKER: Mr Hargreaves, thank you.

Mrs Dunne: No, I wasn't.

Mr Hargreaves: What, you weren't working there? Nothing's changed.

Mrs Dunne: I was in the commonwealth public service, you goose.

MR SPEAKER: Members, enough. Whilst Mrs Dunne is correct about the standing order, it does not actually require accuracy in the question; it simply requires conciseness.

MS GALLAGHER: Mr Hargreaves's point in his supplementary question was around whether or not staffing freezes have been used before. From my understanding, they are used fairly widely when required. That is exactly what we are doing at this point in time. I do not know if you guys have noticed, but the Commonwealth Grants Commission will remove 10 per cent of our GST. Now that is \$85 million next year, and it grows to \$101 million in the outyear. Business as usual cannot continue. Business as usual cannot continue on the current savings strategy that we have in place, and we have further savings that are now required.

Mr Seselja: What have you been doing over the last few years? Have you actually ever looked for savings before, Katy? Is this the first time you've thought of looking for savings?

Mr Smyth: Is that because—

MR SPEAKER: Ms Gallagher, one moment, please. Clerk, stop the clock. Mr Seselja, and Mr Smyth, I have spoken to both of you quite extensively about constantly hectoring questions across the chamber. The next time I will have to warn somebody.

MS GALLAGHER: I look forward to that moment, Mr Speaker. I understand that these are issues that other jurisdictions are considering putting in place, if they are not in place already, particularly those jurisdictions that did not do well in the Commonwealth Grants Commission. I am surprised about the Liberal Party's opposition to the staffing freeze. I cannot for the life of me think why. A staffing freeze is in place for non-essential public servants—that is, people who are not required to be back-filled or have relief staff put in place—as a way of, one, sending a message that business as usual cannot continue and, two, avoiding a bigger problem in the next financial year, which is the year where we have to find savings in the order of

\$25 million to \$30 million. That is going to be a significant challenge for us, and we seek to ameliorate the pain that that may cause. We are working very hard to do that in putting our budget together.

MR SPEAKER: A supplementary, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Treasurer, was the decision to freeze staff based on a recommendation from your \$4½ million fly-in, fly-out razor gang, and how much of that \$4½ million has been spent?

MS GALLAGHER: The thing with Mr Smyth is that he gets absolutely obsessed. It is like a balloon fiesta, isn't it, this one? It is the \$4½ million fund that is being used for the expenditure review committee. Not one cent has been spent yet. Not one cent has been spent of the \$4½ million, but I cannot promise that one cent will not be spent. In fact, it may very well be spent. That has been put in place for the longer term recovery. We have \$25 million to \$30 million to find next year. That task grows to \$80 million the year after and, indeed, about \$140 million the year after that.

Those resources have been put there to help support additional work that will be done to support the longer term savings target. I am very supportive of it. Again, I am surprised that the opposition are opposed to it. It is quite sensible. It is an allocation of funds that is put there. That is the upper limit of that to be used. I do not expect that it will all need to be used. It is currently being taken out of the restructure fund, which was put there, I think, in 2006 precisely to deal with issues like this.

Canberra Hospital—obstetric unit review

MR HANSON: My question is to the Minister for Health and is in relation to the review into bullying and harassment in the obstetrics and gynaecology unit within the Canberra Hospital. Minister, can you advise the Assembly why you have refused to publicly announce details of the review, such as who will be conducting the review, the processes surrounding the review and how individuals can participate in the review?

MS GALLAGHER: I presume you are referring to the public interest disclosure process. I have been involved—

Mr Smyth: What's in the review?

MS GALLAGHER: There are two reviews.

Mr Hanson: No, we want the secret bullying one.

MS GALLAGHER: We know that is the one you are obsessed with, Mr Hanson. The clinical review is just as important, dare I say—

Mr Hanson: And I am obsessed about that, too, minister; don't you worry.

MS GALLAGHER: Oh, are you? Oh, right. Yeah, I really believe that! We have been very clear about the reviewers involved in that, a team of reviewers. But I do not

imagine that Mr Hanson has read the Public Interest Disclosure Act. I have been involved a number of times when the Public Interest Disclosure Act has been used, and I cannot think, in any of those examples, of where the person leading that investigation has been named publicly. There are very strict confidentiality provisions in the Public Interest Disclosure Act, let alone—

Opposition members interjecting—

MR SPEAKER: Folks, you will get a chance to ask supplementaries.

MS GALLAGHER: the fact that the person undertaking that work did not want to be named, for some quite legitimate reasons. I was advised, through legal advice, that a public official should not comment on a public interest disclosure process. However, I did go out—

Mr Hanson: You started it the day before the announcement—

MR SPEAKER: Mr Hanson!

MS GALLAGHER: Mr Hanson, if you could just for a moment listen, I know it is hard for you, but I said the person was external to ACT Health and had particular experience in dealing with workplace matters, particularly in relation to workplace relationships, and I went out with the terms of reference for that review. That is much further than I was advised I should go out, and I did. I stopped short of naming the individual, and that was at the individual's request and because of the fact that I had been given advice not to comment further. I looked at that advice; I went further and released the information around the terms of reference, and now the process should be left to be conducted in accordance with the legislation that all members in this place have supported.

It cannot go one way. We cannot have a process where people say they want to be treated confidentially when they participate; they want protections so that they are not victimised if they participate. So we set up a system. We used the legislation that has been designed specifically to allow for that type of investigation. And then the opposition say that I am not being public enough; I am not releasing enough information. Well, I released more information than I probably should have. I cannot think of any other public interest disclosure process where any minister would come in and say, "By the way, this is the person doing it, these are the terms of reference for it, and here's a website you can go to and see what everybody's saying about it." How ridiculous are you?

There is an investigation under the Public Interest Disclosure Act. This creates the environment for everyone to participate in. It protects everybody who participates in it. It provides natural justice to those who may be complained about. And at the end of it, there will be an outcome. It is at that point that further information will be made public.

Mr Smyth: It is outrageous.

MS GALLAGHER: Mr Hanson, you can keep going on about how outrageous it is—or Mr Smyth; you both say the same thing and you fake outrage. We are operating in accordance with the law. If you do not like the law, change it, Mr Smyth.

MR SPEAKER: Supplementary, Mr Hanson?

MR HANSON: Yes. Minister, can you confirm if the individual conducting the review has conducted such reviews at ACT Health or for the ACT government at large previously, what qualifications the reviewer has, how many reviews they have conducted and whether all of these reviews have led to a successful resolution for the ACT government?

MS GALLAGHER: I understand that the reviewer is an occupational psychologist and they have worked for ACT government in the past. In relation to the other specifics of that question, I will take it on notice and see what I can provide. But to now start besmirching the reputation of that individual—

Mr Seselja: By asking you a question when you hide it?

Mr Hanson: You won't even tell us who it is.

Mr Seselja: By asking you a question?

MS GALLAGHER: So unless I can come back and say that everybody has been happy with what this individual has done in the workplace—that is the question you just asked: have those outcomes been accepted or whatever? Let the guy do the work. Let this health professional do the job that he has been asked to do and that he has—

Mr Hanson: Is he a health professional, minister? Is he?

MS GALLAGHER: If you stopped interjecting, Mr Hanson, you would have heard what I said his qualifications were. I am not going to be repeating it but if you had listened, you would have got your answer. Let him do his work, stop interfering and allow this process to continue.

Mr Hanson: You didn't interfere in the process, did you?

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, can you advise whether—

Ms Gallagher: You are despicable.

MR SPEAKER: Order!

Ms Gallagher: Prove it, Mr Hanson. Go on.

MR SPEAKER: Order! Mrs Dunne has the floor.

Mr Hanson: Prove what—that you did not try to—

MR SPEAKER: Order! The conversation is finished. Ms Gallagher and Mr Hanson, I had to stop this yesterday; I do not want to warn either of you. Mrs Dunne has the floor.

MRS DUNNE: Minister, can you advise whether you consulted stakeholders on the terms of reference for the bullying review? If you did consult, who did you consult and did the stakeholders suggest any changes to the terms of reference?

MS GALLAGHER: I sent the terms of reference out for both reviews. As I have said on a number of occasions, we were not consulting on the public interest disclosure legislation terms of reference because essentially the terms of reference for the review are enshrined in legislation. I made that clear. I had one response back from a Dr Andrew Foote, who said that he wanted included what led to the bullying occurring, why complaints were not investigated if they had been made—along those lines. I looked at the terms of reference of the review and I responded that all of those questions essentially were covered off in the terms of reference, particularly under dot points 2, 3 and 4.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Thank you, Mr Speaker. Minister, will you now table the advice that advised you to keep these matters secret?

MS GALLAGHER: No, I will not.

Mr Hanson: More secrecy?

MS GALLAGHER: There is no secrecy. Everybody knows the person is independent to ACT Health, has experience in this kind of work, is an occupational psychologist, and the terms of reference are public. There is nothing secret.

Canberra Hospital—obstetric unit review

MR DOSZPOT: My question is to the Minister for Health and is in relation to the review into bullying and harassment in the obstetrics and gynaecology unit within the Canberra Hospital. Minister, can you advise the Assembly if the full review will be either tabled in the Assembly or made public as soon as practicable after it is completed?

MS GALLAGHER: I have already said publicly a number of times that whatever can be made public will be made public. There is nothing to hide here. If there are issues that can be made public, findings that can be made public, absolutely they will be made public. What I did say to the media when I was asked this question was that that would depend essentially on the end of the process. I do not know what is going to

happen from here. I cannot be briefed on it. I do not want to be briefed on it. The process needs to be allowed to finish. If lawyers get involved and people take action, that is out of my hands. But if there is information that I can make public around the findings of this I will make them public—and I will make them public as soon as I can.

MR SPEAKER: A supplementary, Mr Doszpot?

MR DOSZPOT: Yes, Mr Speaker. Minister, given the secrecy surrounding the review and the initial dismissal of the allegations by yourself and senior health bureaucrats, what confidence can the community have that the review will indeed get to the heart of the issues in a transparent manner if the review will be conducted in secret and the outcomes will remain secret?

MS GALLAGHER: This process has been chosen because of the repeated representations that we were given about people not wanting to come forward if they could be identified, about fear of recriminations if they participated. Health went to GSO with those issues and said, “What is the best way to proceed in terms of handling this complaint?” The Public Interest Disclosure Act was given as the framework which offered all those protections to people. In fact, it had much stronger protections than anything the Liberal Party was wanting to do. What the Liberal Party wanted to do was set up a court, have some judicial—

Mr Smyth: To have it open and public.

MS GALLAGHER: That really protects individuals, doesn’t it? And then subpoena unwilling witnesses to be trumped out in front of everybody to provide evidence against their will. That is what the Liberal Party were proposing—against their will, in public, under a system that offers them absolutely no protections at all, during or after.

Mr Hanson: That’s wrong. You know that you’re lying. You’re lying again.

MS GALLAGHER: That is what the Liberal Party wanted. They wanted it because they wanted the drama, they wanted the tabloid sensationalism and they wanted to get a doctor. I am not going to allow that.

Members interjecting—

MR SPEAKER: Order! Ms Gallagher, Mr Hargreaves has a point of order. Stop the clock.

Mr Hargreaves: Mr Speaker, I ask Mr Hanson to withdraw the accusation “lying”.

Mr Hanson: I withdraw.

MS GALLAGHER: That is the process that the Liberal Party wanted to put in place. The Public Interest Disclosure Act—and get me if I am wrong on this; go back and have a look—offers witnesses or complainants who may come forward during this process much greater protection. For example, if they are victimised or feel that they

are being intimidated or have recriminations because they participated, the penalty is one year in jail for the person who did that. That is the protection they get. But you cannot have it both ways.

MR SPEAKER: A supplementary question, Mr Hanson?

MR HANSON: Minister, will you outline under what provision of the Public Interest Disclosure Act are the terms of reference for a bullying review prescribed?

MS GALLAGHER: The terms of reference I have provided to everybody, I believe. I think I even wrote to you. The legislation sets out the process for an investigation to be conducted and the protections that are offered to people who participate. The terms of reference have been provided to Mr Hanson, and I would believe that they are broad-ranging enough to deal with all the issues that have been raised so far.

I really think what a mature parliament would now do is allow the process to continue. There is information going out to people in the workplace. Anyone who was contacted ACT Health with an issue is being individually contacted. I hope that this is resolved as soon as possible because it is hurting individuals in the workplace. I want to see that over as soon as possible. So, as soon as this review can be completed, it will be completed. If there are findings that I can table at the end of that, then I will table them, but there is nothing secret about this, other than those individuals who want to participate in it. That creates the process that offers people the protections that they sought. That is what they asked from me: they wanted to be able to participate in a confidential way and in a way that offered them protections. That is what we have provided them with.

ACTION bus service—new buses

MR HARGREAVES: My question is to the Chief Minister in his capacity as Minister for Transport. As the Chief Minister knows, I have an abiding interest in things buses, because I love them.

Mr Coe: Not many other people in Canberra do, John.

MR HARGREAVES: I love them, and one day you will be old enough to get a ticket. You won't have to use your school bus pass.

Mr Coe: Has your gold card arrived yet, John?

MR SPEAKER: Order! Mr Hargreaves, the question, please.

MR HARGREAVES: Chief Minister, how will the steer-tag buses that you launched yesterday help the ACT meet its sustainable transport target?

MR STANHOPE: Thank you, Mr Hargreaves. Indeed, I acknowledge that it was Mr Hargreaves, as Minister for Transport, who brought the \$49.5 million proposal to cabinet for the purchase of additional and replacement buses for the ACTION fleet. Last year I launched the first of the 74 MAN Euro V clean diesel buses that were ordered as part of that process.

Indeed, it was very interesting for me yesterday to view the first of the 26 brand new Scania steer-tag buses that we are purchasing for the ACT fleet. It is a very significant bus and it is a major enhancement to the ACTION bus fleet. Part of the rationale for the purchase of the 100 additional and replacement buses is to ensure that we do comply with the Disability Australia standards in relation to access. We have committed to 55 per cent of the ACTION fleet being so accessible by December 2012, and we are on target to achieve that. All of the new steer-tags will, of course, be fully disability accessible.

They are great buses. For those of you who took the opportunity yesterday to have a look, the offer was there to go for a ride. They meet all of our disability access requirements. They are climate controlled. Each of the steer-tags has five CCTV cameras. There is security for the driver, with a security panel around the driver. These buses meet standards well above Australian standards in relation to emissions. It is very clean technology.

As you would expect for a large bus, they essentially begin the process of replacing our current ageing fleet of articulated buses. They take 101 passengers—essentially 50 standing and 50 seated. It is, as we replace our fleet going forward, important to acknowledge the implications for meeting Disability Australia standards in relation to accessibility. But it is also important in the context of sustainability, making our public transport more attractive and dealing in an associated way with climate change and our emissions.

As I think we all know, about a quarter of all emissions recorded or measured in the ACT are as a result of actual use of non-renewable sources for transport—in other words, oil. A quarter of all our emissions come from that source and we must deal with issues around public transport and our dependence or overdependence on the car.

This is, of course, a major issue for government. I think it is one of the continuing major significant policy issues for this government and for this Assembly to deal with—continuing to make public transport more attractive, increasing the number of Canberrans that choose not to get to work by car from around the current 10 per cent to something far greater than that.

We can only do that by continuing to ramp up our investment in public transport and in other aspects of the alternative transport modes, other than the car, that will drive the change to the targets that we set ourselves in the sustainable transport plan some five or six years ago and which we are making significant progress on. We have improved significantly since 2003-04 from 13 per cent to almost 20 per cent the number of people who get to work other than by car, and that is a very significant improvement.

MR HARGREAVES: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Chief Minister, what other measures has the government taken to achieve its sustainable transport targets?

MR STANHOPE: I thank Mr Hargreaves. In the time since we came to government in 2001, we have invested in excess of \$700 million in transport infrastructure in the ACT. That is in all forms of transport infrastructure, but it is reflective, over this last eight years, of the importance that we place on this issue and its significance—that transport infrastructure represents probably the single greatest area of government investment in the ACT since we came to government.

That investment quickly represents an investment in buses, with an investment in 115 new, far more environmentally friendly, wheelchair accessible buses, including those that I have just spoken about. It includes, for instance, the million dollars which were provided in last year's budget for a trial of a Redex route, a new, frequent service which is very much in line with our strategic public transport network plan. Indeed, it is pleasing that a couple of weeks ago Redex had its highest single day boardings, of 2,559 in the day. It is a sign of just how popular Redex is.

We have invested \$3 million in community transport initiatives, most particularly in the community on-demand buses that have been provided to community services. We have instituted free travel for over 75-year-old Canberra residents through the ACTION gold card. We are in the process, hopefully later this year, of taking delivery of a new ticketing system which is costing \$8 million. We are rolling park and ride out progressively. And we have invested significantly in alternative modes, most particularly on-road and off-road cyclepaths. Just the Cotter Road, Adelaide Avenue and Stromlo park cycle lane improvements cost \$4½ million.

MR SPEAKER: Supplementary question, Ms Porter?

MS PORTER: What measures will the government take in the future to achieve its sustainable transport targets, minister?

MR STANHOPE: I thank Ms Porter for the question. Indeed, the government, as members would be aware, has been working for much of the term of this Assembly—indeed, I think the entire term of this Assembly—on a new sustainable plan for Canberra. Indeed, we will almost certainly pilot transport for Canberra when it comes to release, which we hope now will be in May.

We will be releasing in May a whole new blueprint for investment in transport—public transport and all aspects of transport—consistent with the detail of the planning which has been consulted on in fine detail for much of the last year, in relation to which we engaged internationally acknowledged and acclaimed experts through, most particularly, Jarrett Walker and his consultancy company, McCormick Rankin Cagney. I will not go into the detail of that now, other than to say that public transport or mode of shift, in all of its aspects, does represent significant challenges for government. It is reflected in the way in which the issue has been dealt with I think since perhaps the establishment of the territory—not just self-government but the establishment of the territory—in relation to the challenges that are reflected in the way in which this town has grown, the way in which it has formed.

We do have some significant challenges in finding the resources to invest at the level that we know we will need to invest to achieve significant change in community

behaviour and culture in relation to public transport. That will be reflected through the plan, and the great challenge for this government is to find the resources in this budget, the current budget environment, to seriously begin the process of paying for the massive investment in infrastructure, most particularly in public transport and other forms of transport that will be required.

MR SPEAKER: Mr Coe?

MR COE: Thank you, Mr Speaker. Minister, are you happy with the state of the order with regard to the 74 Euro 4 compliant buses and the 26 Euro 5 compliant buses that were ordered?

MR STANHOPE: I am sorry, Mr Coe. I just did not catch that.

MR COE: Are you satisfied with the state of the order and the state of delivery of the 74 Euro 4 compliant buses and the 26 Euro 5 compliant buses?

MR STANHOPE: I am not sure I understand your question fully, but yes, I am. I have no advice to the contrary, but in the context of the plans for the delivery of the 100 buses, it is a plan that is funded over the term of this particular Assembly. As far as I am concerned, the order, and the receipt, is essentially satisfactory. I have not had presented to me any advice that would have me think otherwise.

Disability services—support packages

MS BRESNAN: My question is for the minister for disability and is about the transition of people with a disability from hospital to the community. Minister, around this time last year, we were advised that there were eight people with a disability who, despite being medically cleared for discharge, were being kept in hospital because they could not access individual support packages to assist them in their return to the community. Minister, can you please advise the Assembly how many people with a disability are currently in the same situation and cannot return to the community because of a lack of suitable support packages, and what is the government doing to resolve this matter?

MS BURCH: I thank Ms Bresnan for her question. It is, for the people involved, a frustrating time to be in hospital, should they choose to live out in the community. We identified eight such people and, to date, we have moved five who have transitioned to the community. This is something that does take time. It is to ensure that these people are safe and have the accommodation, the physical resources and also the support services that are necessary to keep them at home and safe and well.

I understand that a sixth person is about to be transitioned out. We have provided a purpose-refurbished unit for a sixth person who is looking to be transitioned out of care in the near future. DHCS continues to work with all people who are seeking to transition out of hospital. But, as I said, it is a complicated process and something that needs to take time to ensure that all the support services are in place.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Is there a time frame for the remaining three people whom you have mentioned, and since last year have any additional people been in the same position in terms of looking to transition from hospital to the home?

MS BURCH: The time frame for the sixth is that we hope to have that person transitioned out into her accommodation of May last year. Ms Bresnan, there is no designated time frame because it is around working on a case-by-case basis with these clients and their families to ensure that we have systems in place. It is broader than just building accommodation. It is around making sure that their health and wellbeing can be catered for, whether they move into individual houses or whether they move into group houses. As I have said, that is something that is not taken easily or lightly, but we continue to work with individuals who seek to transition to the community.

MS LE COUTEUR: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: What are the ACT government's latest predictions on the unmet need for individual support package funding?

MS BURCH: We work through families and communities to address need in the community. Once we have increased, we have increased significantly. I think our respite hours have increased by 98 per cent. There is a 30 per cent increase in residential hours in overnight respite. Disability spends \$58 million annually on a range of disability support services. We work with families to meet need. It is a juggling act. We have an increased resource, but it is a limited, finite, resource. There is no firm science around how we meet demand. We know what we know, but there could be people out there that we are not aware of that could also choose to access services. We continue to work with those clients that we have on a needs basis and we work with families to ensure that we are able to allocate the resources.

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: A supplementary. Minister, isn't the exit strategy for people in these circumstances a clinical decision based on a collaborative effort between the patient, the clinical staff and support staff, and thus the timing is dependent on these deliberations?

Mr Hanson: No, it was based on money, wasn't it, minister?

MR SPEAKER: I call Minister Burch. You will have your chance in a moment, Mr Hanson.

MS BURCH: It is absolutely about making sure that we have accommodation that suits their physical needs and their requirements and that we have resource support services that meet their needs. This is not something—we will not be discharging or transitioning people out of hospital to put them at risk in any way, shape or form.

Some of these clients require 24/7 care, some of them have complex physical and medical needs, and we have to make sure that that is accommodated. I am not going to compromise safety just in a rush to transition people out of hospital.

Sentence Administration Board—decisions

MRS DUNNE: My question is to the Attorney-General. In the JACS committee hearings on the annual reports held on 25 November last year, you said, in response to questions that I asked about the decisions of the Sentence Administration Board:

... the board now has in place robust arrangements. They have sought the advice of the Government Solicitor in relation to the conduct of their hearings, to ensure that these matters do not reoccur.

It is clear now, Mr Speaker, that these problems are continuing. According to the *Canberra Times* this week—

Mr Stanhope: This is a preamble, Mr Speaker.

MR SPEAKER: Mrs Dunne—

MRS DUNNE: I am entitled to a preamble in the first question.

Members interjecting—

MR SPEAKER: Order! Mrs Dunne has the call.

Mr Hargreaves interjecting—

MR SPEAKER: Order, Mr Hargreaves! Mrs Dunne.

MRS DUNNE: My questions are in order and I am entitled to a preamble. According to the *Canberra Times* this week, a recent case is “the latest in a series of board decisions to be challenged successfully in court resulting in hundreds of thousands of dollars in legal costs and compensation”. Attorney, what advice did the board seek and receive from the Government Solicitor? Has the board followed that advice and will you table that advice before the Assembly rises today?

MR CORBELL: It is not the government’s practice to table legal advice provided to government agencies. That would be the same position in relation to this matter. In relation to the advice that is provided to the board, I am aware that the board has sought detailed advice in relation to the conduct of its proceedings to ensure that procedural fairness and a range of other considerations are given proper consideration. I am confident that that remains the case.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Attorney, how much has been spent in legal costs and compensation by the ACT in relation to successful challenges to the Sentence Administration Board’s decisions?

MR CORBELL: I will take the question on notice, Mr Speaker.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. Attorney, what are the qualification eligibility requirements for members of the board and do all members of the board, both current and those whose terms recently expired, meet those requirements in full? If no, why did you appoint them to the board?

MR CORBELL: All of the members, both previous and current, have absolutely met the obligations and the qualification requirements that are set out in the relevant legislation. There are judicial and non-judicial members of the board. Judicial members are required to have legal qualifications and a certain amount of legal experience. Non-judicial members are not required to have that experience. I am confident that all appointments have been made in accordance with the relevant legislation.

MR SESELJA: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Attorney, why have you allowed vacancies on the Sentence Administration Board to remain unfilled? Why did you not ensure that replacement board members were in place when the outgoing members' terms expired?

MR CORBELL: The government and I as the responsible minister have been giving appropriate consideration to options for the replacement and the filling of vacancies that have occurred as a result of members' terms coming to their conclusion. At no time has this compromised the activities of the board. The board has had the necessary quorum and the necessary qualified members to continue to undertake its roles under the relevant legislation.

Schools—investment

MS PORTER: Can the minister please inform the Assembly of the work happening in our schools as a result of the building the education revolution projects?

MR BARR: I thank Ms Porter for the question and for her ongoing interest in the education portfolio.

Mrs Dunne: On a point of order, Mr Speaker, could I seek your guidance? The building the education revolution program is a federal government program. I am just wondering the terms under which Mr Barr or anybody else—

MR BARR: It is delivered by the ACT government in ACT schools.

Mrs Dunne: Let me ask the question, and you can come back. I am wondering what are the terms under which Mr Barr or any other member of the government might be able to answer on behalf of a federal government program.

MR SPEAKER: On the point of order, Mr Barr?

MR BARR: Mr Speaker, the building the education revolution program is being delivered in ACT public schools by the ACT government. If Mrs Dunne had paid any attention, she would have seen in last year's budget papers the allocation from the commonwealth.

MR SPEAKER: Thank you, Mr Barr. Mrs Dunne, there is no point of order. Because of delivery by the ACT government, I think Mr Barr can answer the question.

MR BARR: Thank you, Mr Speaker. I do note just how desperate Mrs Dunne is not to hear about what is going on in ACT schools. The building the education revolution initiative is an Australian government funded initiative, which is being delivered in partnership with the ACT government, the Catholic Education Office and independent schools through the Block Grant Authority. This program is seeing an unprecedented level of investment in ACT schools.

To give you some information, ACT public schools are receiving \$152.9 million in funding made up of \$12.7 million as part of the national school pride program and \$140.2 million for the primary schools of the 21st century program. For the primary schools of the 21st century program element of the building the education revolution, 38 Catholic and independent schools in the ACT are receiving \$85 million in federal government funding for 62 separate programs. Under the national school pride component, 44 Catholic and independent schools in the ACT are receiving \$6.8 million in federal government funding. So 152 projects of varying scale are occurring across 82 separate ACT public school sites.

This is a huge investment in our schools and a huge undertaking for the schools and for the department. Under the national school pride program, we have 84 projects in our public schools. These include, to name but a few, the conversion of a hall into a new library for Garran primary school, the refurbishment of Curtin primary school's library, internal painting at Amaroo school, upgrading the front entries for Fadden and Mawson primary schools, new playground play structures for many schools across the ACT; and new ICT investment by way of interactive whiteboards for Campbell and Gordon primary schools.

Mr Speaker, I can advise that 83 public schools national school pride projects have been completed in the ACT. When the final project at the O'Connor cooperative school is completed later this month, it is likely that the ACT will be the first jurisdiction in Australia to complete all of our projects under this program. The ACT is also well advanced on its 68 primary schools for the 21st century projects in public schools. These are larger projects, such as constructing or refurbishing school halls, libraries and teaching and learning areas. I can advise that the ACT is well ahead of other jurisdictions in beginning and completing these projects.

At the start of this year, 82 per cent of projects in ACT public schools had commenced construction compared to the national average of 50 per cent, and 4.6 per cent of ACT public school projects had already been completed compared to two per

cent nationally. This strong result in the ACT was confirmed by Access Economics in its quarterly business outlook published in January 2010, where they said in relation to the ACT:

Even the Federal-inspired school stimulus plan seems to have been rolled out earlier and more completely than elsewhere.

So as of 15 March this year, 62 P21 projects had commenced construction. The final six P21 projects will commence in April of this year and in May, and the projects are on track and will be completed on schedule by December 2010. Six P21 projects are already complete, including projects at Isabella Plains, Lyons, Narrabundah, Southern Cross and Stromlo high, and classroom refurbishment at the Cranleigh school.

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: Thank you, Mr Speaker. Minister, can you inform the Assembly of works that are being carried out in Belconnen schools.

MR BARR: I think Ms Porter for the supplementary. As Ms Porter would be aware, across Belconnen and in the electorate of Ginninderra—we had the opportunity this morning to enjoy breakfast at St Michael's in Kaleen. Their particular refurbishments include extending and refurbishing their library and refurbishment of a number of classroom areas. At Lake Ginninderra college, there are new staging and seating areas under construction. As I mentioned earlier, Southern Cross early childhood school has new parking, new front entry facilities and the refurbishment of their assembly hall. St Vincent's in Aranda is having its hall and library refurbished. Kaleen high school is receiving an upgrade to its music room. The Malkara school is receiving classroom upgrades. St Thomas Aquinas in Charnwood is having its library and classrooms refurbished. St John Apostle in Florey is having its library refurbished. Hawker primary school, very close to where the member lives, has a new classroom space. Florey primary school has classroom upgrades.

Belconnen high school, new classrooms. Aranda primary school, a new sports area and new shade structures. St Monica's at Evatt, construction of a new school hall. Macquarie primary school, new shade structures. Macgregor primary school, new shade structures and softball surfaces and a new library. Giralang primary school, an upgrade of their front entry area. Fraser primary, a new all-weather sports court. Charnwood-Dunlop primary, a front entry upgrade, new classrooms, a covered outdoor learning area and storage facilities. Evatt primary, a new shade structure. Kaleen primary, an upgrade to the ESL classroom. Latham primary, a new shade structure. Melba Copland school, a new outdoor learning area. The Cranleigh school, a front entry upgrade. Hawker college, the same. Mount Rogers primary school, a new outdoor sports area and classroom upgrade. Kingsford Smith school, new shade structures and hall upgrades. Maribyrnong primary school, the front entry upgrade. And Miles Franklin school—new interactive whiteboards and a new library.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you very much, Mr Speaker. On behalf of Ms Burch and I, being members for Brindabella, I would like to know whether the minister can inform the Assembly of works in the Tuggeranong schools.

MR BARR: I thank Mr Hargreaves for the question and for his interest in schools in Tuggeranong. In Tuggeranong, I can advise that at Caroline Chisholm senior campus there is a new technology classroom. Lanyon high school, classroom refurbishments. Isabella Plains early childhood school, new shade structures and a refurbishment of the hall that the member for Canberra, Annette Ellis, and I opened only last week. The Holy Family parish primary school in Gowrie, one familiar to Mr Smyth, has seen the construction of an early learning centre. Erindale college is receiving classroom refurbishments. Taylor primary school, an upgrade to the front entrance and foyer, hall and classroom refurbishments. St Clare of Assisi, extension and refurbishment of its library. Calwell primary school, new shade structures. Richardson primary school, new shade structures. Fadden primary school, front entry upgrades. Gilmore primary school, new shade structures, a new assembly area and refurbished classrooms and library.

St Thomas the Apostle in Kambah, refurbishment of classrooms. Bonython primary, front entry upgrade, new building and library refurbishments. Lake Tuggeranong college, front entry upgrade and new shade structures. Gowrie and Charles Conder primary schools, also new shade structures. Calwell high school, gymnasium upgrades and a covered outdoor learning area. Calwell primary, refurbishment of the hall, classrooms and library. Monash primary school, new shade structures. Wanniasa Hills primary school, front entry upgrade and a new multipurpose building. Wanniasa school, classroom upgrades and new outdoor learning areas. Gordon primary school, new outdoor learning areas, library, hall and classroom refurbishments. And a new environment centre for Theodore primary school.

Mr Speaker, we are seeing a comprehensive investment in every school in the territory—investment in much-needed facilities. I would like to take this opportunity to thank the staff of the Department of Education and Training, the Catholic Education Office and the Association of Independent Schools for demonstrating their capacity to deliver these projects and showing the ACT leading the nation in this area.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Yes, Mr Speaker. Minister, will you guarantee that works being conducted in the ACT under the building the education revolution have not been completed or will not be completed at grossly inflated prices, as is the case in a significant number of cases elsewhere in Australia?

MR BARR: Given the slur that Mr Hanson has just cast over the entire building and construction industry in the ACT, I will take this *Hansard* to everyone in that industry. He has suggested that they are ripping off the people of the ACT. Mr Hanson has suggested that they are ripping off the people of the ACT and have sought to take advantage of an important commonwealth program that is being delivered across all ACT schools. Mr Hanson ought to be ashamed of himself.

Mr Hanson: Mr Speaker, on a point of order—

MR SPEAKER: Yes, Mr Hanson. Stop the clock.

Mr Hanson: Specifically, I was asking for a guarantee that this would not be the case. My question was not an allegation. I ask the minister to come to the point and guarantee that, as I asked, the works being conducted will not be done at inflated prices.

MR SPEAKER: Minister, let us focus on the question, thank you.

MR BARR: Thank you, Mr Speaker. I note the sensitivity of Mr Hanson on this issue. Before he gets up and reads the trashy questions that are fed to him by the guttersnipes on the Liberal Party staffers bench, he ought to be aware of the insinuations that he is casting here.

Members interjecting—

MR SPEAKER: Order, Mr Barr! Minister, resume your seat, thank you. The minister has finished his answer.

Mr Barr: I have not actually, Mr Speaker.

MR SPEAKER: I have directed you to resume your seat, Mr Barr, because you are clearly not going to answer the question.

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

Allegations against members' staff

MRS DUNNE (Ginninderra): Mr Speaker, I would like you to review the *Hansard* and come back into this place with a ruling or an opinion on whether it is appropriate for a minister or any other member in this place to attack political staff in this place, people who do not have the capacity to respond. If the minister wants to attack Mr Hanson or me or anyone else, that is fair game; but our staff are not. We do not do it—and he should not.

MR SPEAKER: Yes, Mrs Dunne, I will review the *Hansard* and consider that.

ACT Planning and Land Authority—injured workers Statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing). I seek leave to make a statement.

Leave not granted.

Suspension of standing and temporary orders

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

That so much of the standing and temporary orders be suspended as would prevent Mr Barr from making a statement.

MRS DUNNE (Ginninderra) (3.16): Mr Speaker, the Liberal opposition have taken the view that the minister will not be given leave until he withdraws the slur made against our staff. If Mr Barr wants to withdraw that slur, we will give him leave. It is quite simple.

Mr Hargreaves: I raise a point of order, Mr Speaker. This is not addressing—

MR SPEAKER: Mr Hargreaves, firstly, my apologies—

Mr Hargreaves: and I did move the motion, Mr Speaker—

MR SPEAKER: Yes, I was about to say—

Mr Hargreaves: so thank you very much.

MR SPEAKER: My apologies, Mr Hargreaves, for not giving you the call.

Mr Hargreaves: It is not a problem. I am not at all offended, Mr Speaker.

MR SPEAKER: Would you like the floor now?

MR HARGREAVES (Brindabella) (3.16): Thank you very much. Unlike those opposite, I am not so prickly.

I moved the suspension of standing orders because it is customary in this place where an event has happened in the past and clarification is to be given to the members of this Assembly that we give whichever member leave to make that further explanation to further clarify an issue which has preceded. If we do not do that, those opposite will usually say, “Well, you misled the Assembly.”

You cannot have it both ways. In fact, after the minister had delivered his particular statement, I was going to rise in this chamber and seek leave to make a statement concerning an explanation that I made and a motion that I made only yesterday which would provide the reasons behind that. I do not believe, in fact, that this process should be allowed to go forward and I believe that the minister should be allowed to expand on something which happened yesterday or at any other time previously.

Question put:

That so much of the standing and temporary orders be suspended as would prevent Mr Barr from making a statement.

The Assembly voted—

Ayes 9

Noes 5

Mr Barr	Mr Hargreaves	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Ms Burch	Ms Porter	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher		Mr Smyth

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

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing): On the 15th of this month, at my regular meeting with senior management of the ACT Planning and Land Authority, I was advised by the Director of Construction Services that on the previous Monday, 8 March, an electric shock incident had been reported to the ACT Planning and Land Authority's on-call electrical inspector.

The director advised that the individual who received the electric shock was believed to be a person authorised by the commonwealth government to undertake an inspection of the insulation installation under the commonwealth government's now defunct home insulation program.

At that time, I asked for written advice to allow me to inform the Legislative Assembly of the incident. I have now received that advice. So, with respect to the incident, I am advised that at approximately 1320 hours the on-call electrical inspector was advised by ActewAGL that a person inspecting thermal insulation at a residential premises had received an electric shock. The on-call inspector arrived on site at about 1350 hours. Also in attendance at the home were an officer from the ACT Office of Regulatory Services and an on-call officer from ActewAGL.

By this time, the person who received the electric shock had been conveyed to hospital. The home owner was then interviewed by officers from ACTPLA and ORS WorkCover. The ActewAGL officer disconnected the house from supply and the house was tested for faults in the circuits, in accordance with the Australian standard. With the house de-energised, the roof space was then inspected. No cable fault or equipment fault could be found. Power was placed back on the premises and live testing was conducted by the electrical inspector.

The electrical inspector identified voltage tracking from an electrical device in the roof space through wet ceiling and timbers in the roof space. The weather conditions at the time were clear, but rain had been experienced in the days prior to the electric shock. It was clear to the electrical inspector that rain had entered the roof space. The electrical inspector provided the homeowner with a number of recommendations regarding the installation. The electrical inspector also advised that no person should be allowed to re-enter the roof space until a person with electrical qualifications had certified the installation as being safe.

I am advised that the OH&S elements of the investigation into the shock event are ongoing and I have also asked the ACT Planning and Land Authority to provide me

with further advice on whether the ACT government should consider any further response.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services), by leave: Further to the incident that Mr Barr has just outlined, I rise to provide some further details in relation to activities by my portfolio.

At around 5.30 pm yesterday, Tuesday, 16 March, my office was informed by the Office of Regulatory Services that they were investigating an incident whereby an insulation inspector received an electric shock during inspection of insulation at a house in Scullin. I have since been briefed on the matter and I am advised that at approximately 1.25 pm on 8 March 2010 the Office of Regulatory Services, ORS WorkCover, received a report of a person electrocuted at a residence. ORS attended on the basis that a person had sustained a workplace injury.

At about 2.10 pm on the same day, that is 8 March 2010, an ORS inspector attended the premises. Also in attendance were officers from ActewAGL and the ACT Planning and Land Authority. I am advised that on arrival at the address the ORS inspector spoke with the homeowner, who described that the inspector had gone into the ceiling space and that a short time later he came down, he was stumbling, could not walk or talk properly and asked that an ambulance be called for him.

I am informed that ACTPLA has conducted an inspection of the house to determine the cause of the electric shock. I am informed that the employer of the injured worker has been engaged, on behalf of the Australian government, to undertake insulation safety inspections.

I am advised that, under the Australian government scheme, the home had had fibreglass batts installed—not foil insulation. I am informed that the person injured is a resident of New South Wales and has not yet been formally interviewed by the Office of Regulatory Services. It is expected that the injured person will be interviewed within the next week, subject to availability of the injured person.

I am informed that ACTPLA are still trying to determine the cause of the incident. Depending on the cause of the problem, the Office of Regulatory Services inspector may give direction to the worker, or contractor, to ensure that workers abide by safe systems of work. I expect to be provided with a further briefing on this matter by the Office of Regulatory Services, following them being able to interview the injured worker.

Climate Change, Environment and Water—Standing Committee

Statement by chair

MR HARGREAVES (Brindabella) (3:25): I seek leave to make a statement regarding the extension of the reporting date of the inquiry by the Standing Committee on Climate Change, Environment and Water into ACT greenhouse gas emission reduction targets, on behalf of the chair, Ms Hunter.

Leave granted.

MR HARGREAVES: I thank members very much. I make this statement, as I said, on behalf of the committee chair, Ms Hunter, who is unwell, and we wish her a speedy recovery.

Yesterday the Assembly agreed that the committee's report on greenhouse gas emission reduction targets would be presented by the last sitting in August 2010. As members will recall, the committee tabled an interim report for the inquiry on 15 September 2009. We had intended to table our final report this month but we sought the approval of the Assembly for a later tabling date as the completion of our inquiry has been impeded by a range of factors.

The future of the proposed carbon pollution reduction scheme is still unclear, with the legislation package being negotiated with a view to passage through the Senate yet again. The legislation may impact on our recommendations. Secondly, our interim report made a range of recommendations relating to the need to assess the costs and benefits of climate change strategies, and we have sought advice from the Independent Competition and Regulatory Commission, but we are yet to receive that.

I am sure that members agree that this extension of the tabling date of our greenhouse gas emission target inquiry report is a prudent and precautionary response to changing circumstances.

Allegations against members' staff

MRS DUNNE (Ginninderra) (3:27): Mr Speaker, I seek leave to move a motion requiring the minister for education to withdraw the remark "guttersnipes" and other remarks in relation to Liberal opposition staff.

MR SPEAKER: Mrs Dunne, I am just going to take some advice on this one. We had a conversation about this earlier in which I agreed to review the tapes.

MRS DUNNE: Yes, I know. But there were remarks made and I think that it is appropriate that they are withdrawn sooner rather than later. The minister knows he made them and, seeing that the minister was given an opportunity to withdraw and he has not, I seek leave to move a motion requiring him to withdraw.

MR SPEAKER: One moment, Mrs Dunne.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (3:27): Mr Speaker, rather than put the Assembly through a motion, I withdraw those comments if that would prevent a motion from being moved.

Mr Smyth: And apologise.

MR BARR: Yes, I withdraw those comments.

MR SPEAKER: Thank you, Mr Barr.

Domestic animals

Debate resumed.

MS LE COUTEUR (Molonglo) (3:28): I also want to talk about a second important issue, specifically domestic animals. Earlier I said that cats, dogs and other pets are not generally used as commodities and this was to distinguish them from agricultural animals, whose categorisation as a commodity means they are not protected by decent welfare standards. In fact, animal welfare laws are not adequate to protect cats and dogs and other pets from being treated as a commodity, as happens in pet stores. Pet stores are part of a profit-making industry focused on creating a demand for animals and benefiting from impulse buying of young animals.

What are the conditions of animals kept in these stores? How often are they exercised? Are they free to socialise? How long are they kept before being euthanased and how is this euthanasia undertaken? The Pet Industry Association of Australia has a national code of practice for animals in pet shops, but it is merely voluntary, which is not satisfactory. Just as we have seen with Pace Farm here in the ACT, having a voluntary code does not necessarily make an industry comply.

One area of particular concern is that there is nothing to prevent pet stores acquiring their stocks from intensive puppy-breeding facilities. These are usually called puppy farms. The term “puppy farm” sounds quite nice, but in fact the dogs are often bred in horrible conditions, solely for the purposes of sale and with little or no consideration given to their welfare. They are basically factory farms for dogs. These intensive breeding facilities appear to be relatively widespread. Taking legal action against them has proved to be fairly difficult due to weak regulations. The weak regulations are non-existent when it comes to stopping pet stores selling animals that came from these inhumane places. It is yet another sad situation where animals’ welfare is completely compromised for profit.

The ACT needs regulations that introduce mandatory and enforceable codes of practice for pet shops. This is a problem which has already been addressed with legislation in a number of European countries. In Australia, the RSPCA already promotes a code of practice for the sale of companion animals, but codes such as these need to be made mandatory. The Greens are calling for this now—it has been part of our policy for some time—and we are happy to act on this if the government does not in fact do so. These mandatory standards should include specific requirements in relation to stopping puppy farming, or intensive puppy-breeding facilities. As an example, the animals being sold from pet stores should only have been supplied from legitimate, registered breeders or suppliers.

I believe the government should, in fact, consider going further than this in its regulation of the pet industry. This is in recognition of the fact that impulse buying, promoted by pet stores, is a large problem leading to improper care and abandonment of thousands of animals each year. Last year, for example, in the ACT alone, the

RSPCA took in 1,215 dogs, another 413 puppies, almost 1,200 kittens and another 1,000 cats. As I think Ms Porter noted, they are succeeding in re-homing 96 per cent of these animals, which is great, but it would be better not to have the problem in the first place.

We would look at the government taking action to restrict opportunities for impulse buying of pets. This could mean restricting the sale of animals like dogs and cats to registered breeders, from animal pounds or vets, and requiring the provision of specific information about the dedicated, ongoing care that animals will require. It is only recently that pet stores have become the major suppliers of domestic pets to the public, and they have started to grow into a profit-making industry.

But why does anyone need to buy a puppy or a kitten from the window of a pet store in a shopping mall? This just, unfortunately, encourages impulse buying which leads to the problems that the RSPCA have every year, which Ms Porter alluded to. The Greens are also looking into legislation to address this problem, which could improve the welfare of millions of animals throughout Australia each year by reducing the opportunist impulse purchase of animals.

Lastly, I want to briefly mention the issue of desexing. Unwanted litters are another problem which causes animals to be abandoned, mistreated and to suffer. Selling animals through the internet or newspaper classifieds is a problem which leads to the oversupply of un-desexed animals. The RSPCA's research shows that in 2009 the *Canberra Times* classified advertising offered over 5,000 companion animals for sale. Of these, 93 per cent were un-desexed and 75 per cent did not have a microchip. Currently in pet shops only a very small percentage of puppies and kittens offered for sale are desexed. We should look into addressing this issue. The possible solutions could be requiring animals to be desexed when sold or ensuring better compliance with the legislation which currently requires owners to desex their pets after six months.

On the issue of advertising, I should mention that regulating the pet industry is also likely to involve regulating the way animals can be advertised for sale, to prevent the business simply escaping out of pet shops and into the classifieds or the internet. I would like to thank Ms Porter again for introducing this motion. If she or other members of the government or, in fact, other members of the opposition would like to work with the Greens on the issues that I have raised, I would be very happy to do so. I move the amendment circulated in my name:

Omit paragraph (2), substitute:

“(c) that all animals deserve protection, regardless of species or whether they are agricultural, domestic or research animals;

- (2) encourages the ACT Government to continue to look at practical ways to improve the welfare of domestic animals in the ACT; and
- (3) calls on the ACT Government to enact equitable animal welfare laws that provide an equally high standard of protection to all animals.”.

MR HARGREAVES (Brindabella) (3.34): The government appreciates the comments of other members in relation to the safeguard of the welfare of all animals. However, we do not support the amendment that has been put forward to the motion. Ms Porter has demonstrated in her motion that its focus is on responsible pet ownership, but it is about domestic animals. We support the welfare of all animals, and it is acknowledged that there is important work to be done at all levels. The government is pleased to note in this regard that the Assembly will soon debate a government bill that will allow for the introduction of mandatory codes of practice for the welfare of animals. Yes, Ms Le Couteur, we are advised that the protection of all animals is provided under the Animal Welfare Act.

Encouraging responsible pet ownership is, I believe, a profoundly important element in ensuring the welfare of animals. To ensure that animals have access to a reasonable standard of welfare it is necessary to define the minimum standards for the care of an animal, as well as general protections. Work is ongoing in this area. These specific elements are included in codes of practice for animal welfare. For Ms Le Couteur's information, I can clarify that the work completed so far is extensive. The following codes of practice for animal welfare already exist in the ACT, and I am sure all members will want to know this—almost all members; there is only Mr Doszpot left in the chamber. I appreciate your attendance, Mr Doszpot. Thank you very much. You are a fine example to your colleagues.

Mr Doszpot: My pleasure, Mr Hargreaves. I would always do this for you; you know that.

MR HARGREAVES: You are a fine, upstanding example to your colleagues.

Mr Doszpot: I am.

MR HARGREAVES: In their absence I condemn them. The codes of practice relate to amphibians in captivity, animal boarding establishments, companion animals in pounds and shelters, animals used in films, captive bird welfare, cattle welfare, care and use of animals for scientific purposes, cat welfare—I am sure my cat Andy will be pleased to know about that one; Andy will not be happy about care and use of animals for scientific purposes—dog welfare and farmed deer welfare. You did not know about that, Mr Speaker. You did not know that there is a code of practice being developed for ferret welfare, Mr Coe. Welcome back. I am sure you will be interested in this one—Mr Coe has been waiting for this—there is even one on goat welfare. Now there is one on goat welfare, Mr Coe, there is not a goat in Canberra that needs to worry about you at all. There is one on greyhound welfare, horse welfare, commercial horse-riding establishments, humane control of the fox—not the silver fox of London Circuit, I might say—

Mr Coe: What about the rodents, John?

MR HARGREAVES: There is one on kangaroo control.

Mr Coe: What about rodents?

MR HARGREAVES: No, we got rid of him at the last federal election, Mr Coe. The codes relate to pet-breeding establishments, pet shops, domestic poultry welfare, rabbit welfare, rats and mice welfare, animals at sale yards, sheep welfare, short-term display of animals, trapping, wildlife, the injured and sick, and orphaned—he says to an empty crossbench.

To remain focused on these practical issues, though, I do not agree with Ms Le Couteur's suggested amendment, because you can see by all of that that there is an immense amount of work going on. I might remind the chamber of legislation that I introduced when I was minister about dog and cat welfare. We insisted on the microchipping of kittens and dogs. We removed tail docking from the ACT. We insisted on the compulsory desexing of cats and a range of issues which were primarily around animal welfare. That might sound like they were trying to do things to the animals. They were not; it was all about animal welfare. I know that your eyes are starting to water, Mr Coe, but just try and control it.

One of the issues that we have with Ms Le Couteur's amendment is that it actually changes the tenor of the motion. The motion Ms Porter brings forward is all about domestic animal welfare—pets. It is not about all animals. We are doing an enormous amount of work with all animals. In fact, we are going to bring back something a little later on and I would urge patience on the part of the chamber. See you later, Mr Doszpot; thanks for coming. I think that Ms Le Couteur is going to be ecstatic when she sees this legislation. She will be beside herself. She will talk to herself—that is how much she will be beside herself. It will be such a massive and brilliant piece of legislation that she will stand in Civic Square and congratulate the government. I will be in the audience.

Mr Coe: They do that already.

MR HARGREAVES: I know they do, Mr Coe. Thank you very much for that. We cannot agree with the amendment because of two things. One is that it widens it too much for the moment and the other is the timing. We do not disagree on what Ms Le Couteur is trying to put forward. We disagree only with the timing. We would prefer to talk about the wider animal welfare issue at a later stage when this other work on codes of practice has been completed.

I do not want Ms Le Couteur to think that she is unloved. I do not want her to think that we are deliberately going our way and crossing the road and insulting her, because the lights are red—we would not do that. We want her to know that we are in the same chook cage. We are, in fact, on exactly the same path to protect all animals, but we just cannot agree with her amendment at the moment. We could ask her indulgence, in fact, to walk this road with us rather than fight us along the way. It is silly because we all have the same commitment. I know that Mr Coe has a world reputation for animal welfare and that he loves, sometimes a little bit too intimately, many animals in the territory. He was at the dog show. He came fourth in one of their races, Mr Speaker. You did not know that because he is too shy to tell everybody.

I commend Ms Porter's motion to the Assembly on behalf of my cat Andy with whom I had a consultation process, you might like to know, Mr Coe, because our

consultation processes are wide. He is as much of a stakeholder as Mr Coe, and he has the same voting power in Brindabella as Mr Coe does. Mr Speaker, I welcome the contribution of members. I apologise, Ms Le Couteur, that we cannot support your amendment at this time, but we look forward to your support and, of course, to your accolades in Civic Square when we bring this legislation forward. Mr Speaker, with that I would like to say: everybody get behind Mary Porter.

MR COE (Ginninderra) (3.42): That is a very tough gig to follow up on, I must admit. There are so many analogies you could draw here, so many metaphors. There were so many breeds of dog that came to mind when I listened to Mr Hargreaves's speech and watched him on the backbenches of government. But what we are here to discuss is the amendment that Ms Le Couteur has brought forward. We will not be supporting it. Whilst in part we agree with what Ms Le Couteur is saying, firstly, it broadens the motion significantly, almost to a point where it actually waters it down. When you broaden something so much, you run the risk of devaluing it so it does not actually have the penetration that you might hope it would.

Ms Porter's motion is clearly about domestic animals and only domestic animals, and that is the focus of our discussion today. I think by talking about all animals deserving protection, regardless of species or whether they are agricultural, domestic or research animals, it is broadening the motion beyond what I would think would be the intention, certainly beyond my interpretation, of her motion.

It makes me think of *Animal Farm*—all animals are created equal but some are more equal than others. Of course, you could take the *Animal Farm* analogy to other places as well. I am sure Napoleon and Snowball could be likened to Andrew Barr and Katy Gallagher going for the leadership and the trouble in paradise which is brewing at the moment to the slight alterations that were made to the seven rules in *Animal Farm*. But I will not extend that any further than we have to.

I think we are broadening it too much if we accept the amendment. In particular, do all animals deserve protection? What does that mean? Does that mean that we are not allowed to go and cull kangaroos? Does it mean that we cannot go and get rid of stray dogs if they are a danger to native wildlife? Does it mean that we cannot try and reduce the feral rabbit population? What does it actually mean? I think all of these questions would, in fact, dilute the intention of Ms Porter's motion.

What is next? Do we include animals in the Human Rights Act? Perhaps animals should be included so that they get all the same freedoms that we enjoy as people. Who knows? There are many extrapolations that I think we could take on. It is for that reason that the opposition will not be supporting the amendment and it will be supporting the original motion as moved by Ms Porter.

Amendment negatived.

MS PORTER (Ginninderra) (3.45): I appreciate the comments from other members in relation to the safeguard of the welfare of domestic animals. Obviously, as we have discussed, the government has not supported Ms Le Couteur's amendment for the reasons that were outlined by Mr Hargreaves and also by Mr Coe in that it does

broaden this. That is not to say that we do not take seriously the matters that Ms Le Couteur brought before us and discussed in her speech in support of her amendment, because obviously the welfare of all animals is important.

Mr Coe spoke about the importance of animals to our health. They are important to our health. One's physical wellbeing is improved. If you get a dog, it forces you to get out every day and walk. It is also very calming, usually, unless your animal happens to be not well. It is also very calming to have a domestic animal at home. The importance of human-animal bonding is undeniable. Studies show that companion animals are beneficial to humans psychologically, socially and even physically. Research from the Baker Medical Research Institute in Victoria has estimated that pet ownership saves Australia up to \$2.2 billion a year in health care, which is a stunning statistic, I think you would agree. Many nursing homes and indeed some health facilities have dogs as part of their programs. Some also have cats. More and more animals are being used to assist people at home. We already know how well they are utilised in assisting people with visual impairment, but they are also helping people with disabilities.

Mr Coe spent quite a bit of time in his speech talking about the RSPCA. I agree with him about the importance of their work. I commend them, Domestic Animal Services and all the other services that work to protect and care for animals—for instance, those that foster and rescue animals from time to time. I also commend the work of the many volunteers that are involved in those exercises at the RSPCA, Domestic Animal Services and the other services that I mentioned. The government continues to have discussions with the RSPCA. Mr Coe talked about their need for appropriate and new facilities. The government is acutely aware of this need and we are continuing to have those discussions with the RSPCA.

The motion, as I have demonstrated and as has been discussed by members, is in essence focused on the issue of responsible pet ownership. It would not do justice to animal welfare if all that was brought forward was the motion today. As Mr Hargreaves said, watch this space: we have more to bring before you. That is why we did not support the amendment of Ms Le Couteur at the time.

I agree that if we are serious about change we need to do more work. This is separate work that needs to be done. With respect to policy, however, we need to take small steps at a time and address the issues one tranche at a time. Of course, I support the welfare of all animals. I acknowledge there is important work to be done at all levels. I am pleased to note in this regard that the Assembly will soon debate a government bill that will allow for the introduction of mandatory codes of practice for the welfare of animals. Yes, Ms Le Couteur, I am advised that protection of all animals is included in the Animal Welfare Act.

Encouraging responsible pet ownership is, I believe, a profoundly important element in ensuring the welfare of animals. To ensure that animals have access to reasonable standards of welfare, it is necessary to define the minimum standards for the care of an animal as well as general protection, and work is going on in this area. These specific elements are included in the codes of practice for animal welfare. Mr Hargreaves has already read out to us the long list of codes for animal welfare that

are already in existence in the ACT. I recommend that members acquaint themselves with those. I thank members for their participation in this debate and I commend the motion to the Assembly.

Motion agreed to.

Road Transport (Alcohol and Drugs) (Random Drug Testing) Amendment Bill 2009

Debate resumed from 9 December 2009, on motion by **Mr Hanson**:

That this bill be agreed to in principle.

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

That debate be adjourned.

Suspension of standing and temporary orders

MR HANSON (Molonglo) (3.51): I move:

That so much of the standing and temporary orders be suspended as would prevent debate on the motion to adjourn debate being debated.

Mr Rattenbury: On a point of order, Madam Assistant Speaker, I think we have to take Mr Hargreaves's motion first; then Mr Hanson has to seek a suspension.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Excuse me for a minute, members. The Clerk needs to advise me as to which way we go next. Mr Hanson, I am advised that your motion to suspend standing orders is the one that we should be debating now.

Mr Corbell: On a point of order, I have not quite followed, Madam Assistant Speaker. Mr Hargreaves has moved to have the debate adjourned. Have you put the question in relation to that?

MADAM ASSISTANT SPEAKER: No. My advice from the Clerk is that the only time really that the suspension of standing orders makes sense is before the vote has actually happened.

Mr Corbell: I see. Thank you, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Therefore it goes first; otherwise it just does not make sense.

MR HANSON: I think it is important that we at least debate why we are not going to be debating this bill that is on the table today. I do understand that the Greens and Labor will be adjourning the bill and that it is a fait accompli. But I think it is important to have this debate. It is out there in the community. People were expecting

this to be debated today and, for it to be adjourned, I think it is reasonable that we explain to the community why it is being delayed. I think it is reasonable for the Greens to put forward their position or the government to put forward their position as to why they do not want debate on what is very important legislation. It has been on the table since December.

Likewise, I would like to reiterate the points as to why it is important that we bring forward this legislation for debate today. The point is that this is legislation that was tabled in December. This is legislation that is essentially the same as what was brought forward by the Liberal Party in 2005. It is very similar to and, in fact, draws on the Victorian legislation that was put to the Victorian parliament in 2003.

We have had extensive consultation on this legislation. Indeed, in around 2007 or 2008 there was a forum sponsored by the ACT government and conducted by the University of Canberra. The government received many submissions to that from peak bodies such as the NRMA, Drug Law Reform Foundation, Civil Liberties Australia, AFPA and so on. All those submissions are there about random drug testing and whether we should be supporting it or not. Indeed, the government released a discussion paper that went through this issue in some detail. This formed part of the election debate in 2008.

We had ample opportunity for the government to look at this legislation since December last year. Indeed, I wrote to Jon Stanhope asking whether he had any further questions and saying I would support any amendments that I could see would add value to the bill. And I had a meeting with the Greens and said likewise, that I welcomed any debate that they had, any contribution that they had to make this bill better. And the Greens actually asked me—

MADAM ASSISTANT SPEAKER: Excuse me, Mr Hanson, can you debate the merits of the suspension of standing orders rather than—

MR HANSON: Yes, I am. I am getting to that. I am explaining—

MADAM ASSISTANT SPEAKER: Otherwise we are going to have the debate without having—

MR HANSON: Indeed. My point is: this is why we need to suspend, because there are very substantive issues on the table in terms of why this is being adjourned. And the arguments that are going to be put forward need to be heard, and that is my point. I want to hear what the Greens have got to say. The community wants to. The community wants to hear why Labor wants to adjourn this bill and the community want to hear why we want this bill debated today. And that is my point.

In outlining some of my case, I just outline to you, Madam Assistant Speaker, that I do have a substantive case, that there are things to be said and there are points that need to be put on the table so that the community can hear why it is today that this road safety legislation that can save lives, which has been debated in this community for years and which was debated here five years ago, needs further time. I simply do not understand it. I think it is important that the Greens, Labor and the opposition have an opportunity to put their case on the table.

We know that there are criticisms that have been levelled at the specific legislation by Labor. I believe that the criticisms that have been levelled are erroneous; they are misleading; they are disingenuous. I want to make sure that the Labor Party articulates what they are, because at the moment there is confusion that has been basically propagated through the media by the Labor Party about the bill and they need to clarify on the record what their objections are. Are they substantive or are they spurious? What is it that they have got a problem with?

There is no excuse, in my view, for the delay of this legislation. I would welcome the debate to find out from the Greens and from the Labor Party why it is that they feel it is so necessary to delay this. And I think that is an important debate to have. We cannot simply adjourn today this bill, which deals with road safety, which deals with people's lives, without an adequate explanation in this chamber as to why it is being delayed.

MS BRESNAN (Brindabella) (3:58): Mr Hanson knows full well why we are adjourning this today.

Mr Hanson: Why?

MS BRESNAN: Because we have had a number of conversations. We did actually speak to the Liberal Party yesterday and put the offer to them.

Mr Hanson: I am confused.

MS BRESNAN: Madam Assistant Speaker, can I please speak? And I did put the offer to them. I said yes, we would agree to agree to their bill in principle but then we would adjourn debate. We did give them an undertaking that we would be happy to come back and debate that in May. Mr Hanson actually refused that. I did ask him to go away and please put it to his party. He did say he had gone to do that and then came back and again said that he refused the offer. So we did actually put that offer there.

Yes, there have been these processes which have gone before in the Assembly. We know it has been there before and yes, it has been on the table. We acknowledge all of that but we do think—

Mr Hanson: Let us agree in principle?

MS BRESNAN: We put that offer to you, Jeremy, and you refused.

Mr Hanson: Do it. You can do it now.

MS BRESNAN: You refused that. It is too late, Jeremy. We put that on the table.

Mr Seselja: That is how you make policy.

MS BRESNAN: We do not actually go back on our word, unlike you.

Mr Coe: You never go back on your word?

MADAM ASSISTANT SPEAKER: Members of the opposition, please be quiet so that we can hear Ms Bresnan.

MS BRESNAN: Thank you. We did put that offer and they refused. We did not believe they were going to support adjourning it, which we thought was important, so that is why we are virtually forced into a situation to agree with the government on this. And Jeremy knows perfectly well what happened yesterday. I do not think he can come in here and argue like he has been hurt in some way, given that he actually refused the offer we put to him.

Mr Hanson: You demanded of me that I adjourn the detail stage and I said no. It does not stop you voting for it.

MS BRESNAN: There were no demands put on you, Jeremy. I put an offer to you. We tried to work with you cooperatively on this and you refused. You know what happened. We know what happened. Really it is a fairly disingenuous argument for you to come in here now and put up some argument that you did not know this was going to happen. I have to say that we do think it is important to go down that path again.

Again, I think we all know, when legislation is put on the table, even though there has been a process, people do need to be actively engaged, to actually be involved in a consultation process. I have to say Jeremy said he did; he had consulted the AFPA and the NRMA. I do not think they actually represent all the community groups and all the groups that will be interested in this and I do think it is important to be actively engaged with them.

Again, I would say to Jeremy that we said, "Delay it for a month and then we will come back and debate it." We were happy to do that. He refused that. You really only have yourself to blame on this. Again, I would say: "This is your bill. Go and do the work on this one and stop being lazy."

MR HARGREAVES (Brindabella) (4.01): Madam Assistant Speaker, I seek your guidance. Is the debate on this particular motion limited to 15 minutes?

MADAM ASSISTANT SPEAKER: Yes.

MR HARGREAVES: It is, fine. Thank you very much.

Mr Seselja: Does that mean you are going to take your whole five minutes?

MR HARGREAVES: I congratulate the Leader of the Opposition on his clairvoyance and I am really glad to see that he is in fact starting to read tea leaves instead of coffee grounds because he is just murky otherwise.

The reason why we ought to adjourn this matter is that the government actually is in the middle of a consultation process with stakeholders and we are in the process of doing an exposure draft to engage the community and stakeholders.

Mr Hanson: What was the forum—

MR HARGREAVES: When I was sitting in Mr Hanson's seat, Ted Quinlan sat in the seat occupied by the very reverend Brendan Smyth. In fact what Mr Quinlan used to do was start his argument again if the interjections came too quickly. I will do that; I will start again.

Mr Seselja: On a point of order, relevance, Madam Assistant Speaker.

MR HARGREAVES: Do not stop the clock either, thanks.

MADAM ASSISTANT SPEAKER: Mr Hargreaves, if we could talk about suspension of standing orders.

MR HARGREAVES: Yes, we will. I will start all over again. Because of the vehemence of those opposite, I have lost my train of thought. You know how hard it is, Madam Assistant Speaker, to get your train of thought back again.

The government in fact is in the middle of a consultation process with stakeholders and is in the middle of a process of doing an exposure draft to engage the community and the stakeholders. What we are not trying to do is rush something into this Assembly and have it dealt with without talking to the stakeholders properly.

Mr Hanson: What, after three years?

MR HARGREAVES: Here we go again. The government is in the middle of a consultation process with stakeholders and is in the process of doing an exposure draft to engage the community and stakeholders.

Mr Hanson: Show it to us.

MR HARGREAVES: Do you want me to start again?

Mr Seselja: Yes, I would love you to start again.

MR HARGREAVES: Okay, I will do it again, for Mr Seselja's benefit. The government is in the middle of a consultation process with stakeholders and is in the process of doing an exposure draft to engage the community and stakeholders, because we do not want to do it without talking to people. That is what they would like to do.

We would be happy to debate this bill and the result of these consultations when they are complete. The government is in the process of receiving expert advice on the processes and the equipment to do with roadside drug testing, not to mention the costs, and would prefer that the debate be an informed one and not one based on political point scoring, which is what is happening. There is just a headlong rush to get some legislation in here.

Michael Moore used to have a vehicle for this and we used to accuse him of leading the legislation race. It was a headlong rush to get his legislation into the process. It did not matter whether it made any sense or not, and most times it did not make any sense. And these guys are doing it again. They are just saying, "Let's see whether we can get it in before the government does." What if it is bad law? And the Greens keep telling us the best way to figure out whether it is bad law or not is to ask the people that are affected by it. And that is what we are doing.

We also want to have expert advice on the sort of equipment we would have to use at the roadside. We would also like to know about the costs so that we can put the costs in front of the members in this chamber. We cannot do that today because the information has not been received just yet.

I think this is a reasonable approach to take, not that we do not want to debate the bill, Mr Hanson's bill. What we want to do is put the two together in a cognate debate. If you like, we can separate them. This is an offer, an offer too good to refuse. It is an offer too good to refuse. If you are too afraid to have your bill matched up against the other one, if it is a matter of fear that I see in your eyes, that is the way it goes. I would ask members to support the government and the Greens' position with respect to this suspension of standing orders.

MR SESELJA (Molonglo—Leader of the Opposition) (4.05): This is about two things. We have got the government wanting to take the credit for something that they have opposed for years. Something that they actually voted against, they want to now take credit for. It is so transparent and it is so typical of a government that is tired and out of ideas; they do not have any ideas of their own. So what they are going to do is again copy what is being put forward by the opposition.

For the Greens, this is about their not being comfortable with the concept of RDT; this is about their opposing the policy and looking for any opportunity to stall this. Why would you not want to have your debate? Why would you not want to put your views on the table? Why would you not want to put your views on the table about what you think about RDT today? You had the opportunity. It is listed on the daily program. You could have come and told us what you think about RDT. Do you support it or not? Instead, you would not even allow a debate to take place, not even allow an in-principle debate to take place, where we could hear from you what your view is on RDT.

Our view is clear. We believe it is an essential part of the tools that we need to give police to deal with road safety in the ACT. We have been consistent on this. We believe that people driving under the influence of drugs should not be able to do so and, wherever we can, the police should be empowered to try to stop that. Just as we believe that people driving under the influence of alcohol, people who have had too much alcohol to drink, should not be on our roads, people under the influence of illicit drugs also should not be driving on our roads.

The Greens do not even want to debate this issue. The Greens—

Mr Rattenbury: Mr Seselja is starting to debate the matter, the matter of the legislation, not the suspension of standing orders.

MR SESELJA: Mr Hargreaves was allowed a lot of licence to do just that. I know the Greens are sensitive on this. But Mr Hargreaves was given full licence—

MADAM ASSISTANT SPEAKER: Mr Seselja, the time is up; so this question has become academic.

Question put:

That so much of the standing and temporary orders be suspended as would prevent debate on the motion to adjourn debate being debated.

The Assembly voted—

Ayes 4

Noes 8

Mr Doszpot
Mr Hanson
Mr Seselja
Mr Smyth

Mr Barr
Ms Bresnan
Ms Burch
Mr Corbell

Mr Hargreaves
Ms Le Couteur
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

Original question put:

That debate be adjourned.

Ayes 8

Noes 4

Mr Barr
Ms Bresnan
Ms Burch
Mr Corbell

Mr Hargreaves
Ms Le Couteur
Ms Porter
Mr Rattenbury

Mr Doszpot
Mr Hanson
Mr Seselja
Mr Smyth

Question so resolved in the affirmative

Debate adjourned.

MR HANSON (Molonglo), by leave: Unfortunately, we did not have an important debate today, but I do want to put on the record a few comments in relation to why it was important to enact this legislation today. I would like to quote firstly from my tabling speech in December 2009 when I tabled this bill. I said:

I wish to state that the opposition is happy to work with the government and the Greens on this bill. The community expect us to act on this and they will not tolerate any political party that plays politics with road safety and people's lives. This is worthy legislation. It will save lives and it will reduce the carnage on the roads.

Madam Assistant Speaker, my fears have proven correct. I explicitly stated that I would work with the government and with the Greens, and I went so far as to write to Mr Stanhope in February to that end, after he put out some baseless criticisms of my bill. I will read into the *Hansard* what I wrote to Mr Stanhope:

Dear Jon,

In a collegiate fashion I note that your government has recently announced a change in its position in relation to the introduction of random drug testing in the ACT. The opposition welcomes this change in the government's position and I believe that the broader community will applaud what is a very important road safety initiative.

As you are aware, I currently have tabled before the Assembly a private members' bill which will introduce a framework for random drug testing based on the Victorian model, the Road Transport (Alcohol and Drugs Random Drug Testing) Bill 2009, which was tabled in December 2009 and which I intend to bring forward to debate in March 2010.

The criticisms that you have levelled at my bill have unfortunately been misleading and without substance and I would welcome the opportunity to provide you with any clarification that you require. If you have genuine amendments to my legislation then I would be very open to discussing these with you.

For example, my legislation specifically lists cannabis and methamphetamine as proscribed illicit drugs, as the evidence shows that they are both prevalent drugs found in drivers. The bill makes provision for additional illicit drugs to be included under regulation and further illicit drugs, such as ecstasy, could easily be included by the minister at any time. If you genuinely consider that other illicit drugs should be proscribed from the onset, then the opposition is willing to adopt an amendment to the bill to that effect.

I look forward to working with you on this important road safety initiative and believe that it is in the community's interests that we adopt a cooperative approach towards implementing this important legislation.

What response did I get? Absolutely nothing. What a shame. I also met with the Greens. I met with Mr Rattenbury and Ms Bresnan; I met in a collegiate fashion and I think they would have to agree that the meeting was taken in good faith. There was certainly no intent by me to do anything other than engage with them in a very constructive manner. They actually asked during that meeting that I delay the debate until March because they wanted to consider it. Initially, I was going to bring it on on 24 February and I said: "Yes, of course. Have an extra month. This is important legislation. We want to get it right. Take that time to consider and then bring any amendments that you may have back to me and we can move forward on this bill."

Unfortunately, things have changed with the Greens since that meeting. They have now changed their position on what they want to do. So rather than debate it in March, as we had discussed, now what they are going to do is simply to reject it. The Greens, it is clear, want to delay, they want to postpone and they want to hinder this

legislation, which surprises me because I know that Amanda Bresnan voted for this legislation for RDT at the Tuggeranong Community Council. When a show of hands was asked for, as to who supports RDT in the community, everybody put their hands up. I believe that she supported it then. She can correct that—or we could have had that debate, if we were going to be debating it today.

The point is that the Canberra Liberals put forward very similar legislation in this place five years ago, and I tabled this bill over three months ago. I agreed to delay the debate, and it is time for the Greens to make a decision. They have done nothing constructive to engage in this debate and actually to provide any substantive recommendations or amendments to my bill if they think there are any errors.

If they think there is any problem with my bill then they should let me know. Have they had any comments from the community saying that there are any problems with the bill? I have not. All I have received from the community is: “Well done, the Liberals, for putting this on the table. Let’s get on with it.” That is the unanimous response I have had from everyone. Can you tell me that you have had anything different? If you do then let me know. Tell me what your criticisms are with the bill if you have any, because I look forward to your amendments.

So why don’t we debate this bill today? What a shame that we have not had that opportunity. Why didn’t we vote on it and start the ball rolling? If someone wanted to come forward with amendments at a later date, there is a six-month period before the bill would be enacted. So there is plenty of time for amendments to be placed in it if they wanted to. I have asked the Greens and I have asked Labor: “Give me your amendments. What problems do you have with the bill?” Deathly silence, other than what we see as verbiage and garbage from Mr Stanhope in the media. But in terms of any amendments that they wish to bring forward because they have got genuine, legitimate criticisms of or corrections to my bill, or amendments, there has been absolutely nothing, because Labor is running a line of interference and the Greens have been too lazy and idle to do the research on this. That is what is quite clear.

It is not true to say that this is a new issue or that consultation has not occurred. With respect to consultation on this issue of RDT, Mr Hargreaves, over at the back, would know that the consultation and engagement with the community on random drug testing in the ACT has been prolonged, protracted and extensive. Indeed, the government, back in 2007-08, set out a process of engagement with the community. The University of Canberra hosted a drugs and driving forum.

Mr Hargreaves: On a point of order, Madam Assistant Speaker, I have a couple of points that I might seek your ruling on. Firstly, I think it is customary when people make statements that they are brief, and not re-litigate an argument. Secondly, Madam Assistant Speaker, I would ask you to be a bit vigilant and seek the Clerk’s assistance so that we are not allowing a reflection on a vote of this chamber, when the vote of this chamber was not to allow the debate to go on. What I am hearing, in fact, is further debate on that same question, which is a reflection on a debate which has already occurred in this chamber. So I would ask you to ask Mr Hanson to draw it to a close fairly quickly.

MR HANSON: Madam Assistant Speaker, on the point of order, standing orders say that there is no time limit, so while I acknowledge Mr Hargreaves's concerns, under standing orders, there is no—

Mr Barr: You did say a short statement, Jeremy, though, and that was the basis on which leave was given.

MR HANSON: Well, I consider “short” to be anything less than an hour, Mr Barr.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Hanson, you are correct about the standing order not having a time limit, but you did say “brief”, and I would ask that you be brief on this. I would not define an hour as “brief”.

MR HANSON: Madam Assistant Speaker, if I had fewer interjections from the crossbench and the government benches, I am sure I could be brief. The University of Canberra hosted a drugs and driving forum.

Mr Rattenbury: On a point of order, Madam Assistant Speaker, I would like to move for a suspension of standing orders to allow the Assembly to put a time limit on Mr Hanson's speech.

MADAM ASSISTANT SPEAKER: Yes, Mr Rattenbury.

MR HANSON: This is going to take longer than my speech, you doofus.

Mr Rattenbury: You just told us it might take up to an hour, Mr Hanson, so what are we supposed to do?

MR HANSON: No, I said anything less than an hour. Come on, that is going to be another debate, and I will not go short on that one, Mr Rattenbury.

Mr Barr: Sorry, are you going to stop now?

MR HANSON: No. I said I am not going to go short, if we are having a debate about suspending standing orders.

Mr Rattenbury: I am prepared to enter into negotiation, if Mr Hanson gives some indication that he is not going to keep going for too much longer.

Mr Smyth: On the point of order, Madam Assistant Speaker, this is ridiculous. Never, ever, in my time in this place, have we sought to do this. It is outrageous that we would give a member leave to speak and then, because we do not like what he is saying, seek to do this. We do not do it to ministers. Ministers get leave to make statements. We do not do it to ministers. It is entirely appropriate that when this place has given a member the right to speak on a subject that he or she chooses to speak about, we hear that person in silence. As Mr Hanson pointed out, if there were fewer interjections, he would get through it far quicker than he is doing at the moment. If people want to have a debate about it, that is fine, but it is just ridiculous that we change the rules—

MADAM ASSISTANT SPEAKER: Yes, thank you, Mr Smyth.

Mr Smyth: If the Greens and the Labor Party are quite happy to change the rules for the Liberal Party, so be it.

MADAM ASSISTANT SPEAKER: Mr Smyth, I have heard your point.

Mr Hargreaves: Madam Assistant Speaker—

MADAM ASSISTANT SPEAKER: Mr Hargreaves, do you have a new point?

Mr Hargreaves: Yes, Madam Assistant Speaker. It is also unheard of in my dozen years here that a member has abused the standing orders under the guise of making a statement to actually make the speech he would have made if his bill had been put forward. And that is what we are seeing.

MADAM ASSISTANT SPEAKER: Thank you, Mr Hargreaves. Mr Hanson, I think the point here is that you asked for leave to make a brief statement. I think that the house is pretty much making its view clear that what you are making shows signs of not being a brief statement. Can I please ask you to wind up your statement in the next minute or two and then—

MR HANSON: Madam Assistant Speaker, the standing orders say that I have no time limit. This is a very important issue and I believe that my statement needs to be thorough. I will be as brief as I choose to be, and it is entirely within my right to do so.

MADAM ASSISTANT SPEAKER: I agree that it is within your right but it was also within the—

Mr Smyth: Well then, defend his rights.

MADAM ASSISTANT SPEAKER: But you did state “brief”.

MR HANSON: It is not about the vibe, Madam Assistant Speaker; it is about the standing orders. The standing orders say that I am entitled to speak for as long as I want to, and I will do so until such time as I am directed by the Assembly not to, for a suspension of standing orders. Until then, I will continue to speak, as is my right under the standing orders. If you want to muzzle the debate further, you have already muzzled the debate on the bill. Now what we see is Labor and the Greens wanting to muzzle what I am doing, which is make a statement. If we are going to have more muzzling of debate in this place, I am not sure why we are bothering to be here today.

MADAM ASSISTANT SPEAKER: Mr Hanson, you did say “brief”, and I would ask you to do what you said you were going to do. But you are correct in pointing out that there is no time limit, given that you have been given leave. So you are correct that the Assembly cannot actually stop you. However, I draw your attention to the fact that you said you were going to make a brief statement and request that you do what you said you were going to do.

MR HANSON: By “brief”, I did mean that it was going to be a statement that was not going to go for an hour or so, but I am certainly going to complete what I set out to say, Madam Assistant Speaker. And I will not be further muzzled by the government or the Greens in making what are very important points about road safety in this community. I will not be muzzled. If they choose to muzzle me further then that would be against my will. We have probably just wasted 10 minutes. I would probably have been finished by now, Madam Assistant Speaker, if these vexatious points of order had not been raised. It has probably not done much to make me of a mind to keep my comments particularly brief, I must say. May I continue, Madam Assistant Speaker?

MADAM ASSISTANT SPEAKER: Certainly, Mr Hanson. You have the floor.

MR HANSON: The University of Canberra hosted a drugs and driving forum in June 2008 to provide an opportunity—this is quoting from the TAMS website—for the public to hear from experts on the impact of drugs and driving, learn about random drug testing in other parts of Australia and gain an insight into current research into drug driving. The forum included presentations and general discussion by a panel comprising University of Canberra researchers, a New South Wales police forensic pharmacologist, a member of the Victorian police traffic drug and alcohol unit—

Mr Hargreaves: A point of order, Madam Assistant Speaker, under standing order 62, on the basis of repetitious and tedious argument, I ask that you sit the member down.

MADAM ASSISTANT SPEAKER: One moment. I will look at standing order 62.

MR HANSON: Madam Assistant Speaker, on the point of order, there is nothing that I have said that is tedious or repetitious. Madam Assistant Speaker, I am quoting. If it is tedious or repetitious, it is only because I am quoting from the government’s own website.

MADAM ASSISTANT SPEAKER: Mr Hanson, I think you may continue.

MR HANSON: Thank you. As I said, the forum included presentations from a range of people, a drug and alcohol unit, the ACT Human Rights Commission, the ACT Government Analytical Laboratory and a health-focused social researcher. Those submissions are all available for the Greens to read, if they wish to, on the TAMS website.

There was a discussion paper that was released by the government in May 2008, and it included a chapter on drugs and driving. Submissions have been made to the government—they are available on the websites—about random drug testing. There has been extensive engagement with the community. There are submissions—go ahead and read them; I know that Mr Rattenbury has not; I know that Ms Bresnan has not—from ACT Policing, the Australian Trucking Association, Civil Liberties Australia, Clinical Forensics ACT, Drug Free Australia, the Australasian Institute of Drug and Alcohol Testing Inc, Families and Friends for Drug Law Reform, Guardian Interlock, UnionsACT, Directions ACT, David McDonald’s Social Research and Evaluation Pty Ltd, NRMA Motoring and Services and the ACT Democrats.

The Greens have the audacity to come into this place and say, “We’re adjourning the debate on this road safety legislation because there’s been no community consultation.” They have not even bothered to read the submissions. They are lazy, lazy, lazy. They are coming in here because they do not have a bloody clue about what is going on and, as a result, people are going to continue driving on our roads while affected by drugs. That is what is going to happen as a result of today.

We have support for our legislation from organisations such as the Law Society, as reported in the *Canberra Times* back in 2008. The ACT Law Society has criticised the government’s legal arguments against introducing random roadside drug testing, saying the decision is endangering lives. I will say that again: endangering lives. Who was it that was defending the fact that the government did not want RDT? The ACT Attorney-General, Simon Corbell, defended the government’s refusal to test for drugs on the road, saying that the current technology is faulty. That is ludicrous. That is rubbish. The people who have been standing in the way of this have been the government and the Greens, and they continue to do so. They are putting people’s lives at risk by refusing to do so.

We have the support of the NRMA and the AFPA for this legislation. The consultation has occurred. This is a failure to act on the issue; not a lack of consultation. We are ready to act; we can act. It is not that the community has not been engaged, and I have just outlined the evidence. Go on the TAMS website and have a look, Ms Bresnan; have a look, Mr Rattenbury. Try and discover what is going on with RDT in this community instead of coming to the debate late and just jumping into bed with the government and deciding to consult and engage. That consultation, Madam Assistant Speaker—

Mr Corbell: On a point of order, Madam Assistant Speaker, I know that leave has been granted to Mr Hanson to speak. However, I would draw your attention, Madam Assistant Speaker, to *House of Representatives Practice* with reference to statements by leave. Before I do this, I note that Mr Hanson himself indicated when seeking and receiving the leave of the chamber that he would make a short statement. Madam Assistant Speaker, I draw your attention to *House of Representatives Practice*, which says:

Members seeking leave to make statements must indicate the subject matter in order that the House can make a judgment as to whether or not to grant leave. When a Member has digressed from the subject for which leave was granted, the Chair has ... expressed the opinion that a Member should not take advantage of leave granted to make a statement (in response to another) to raise matters that had no direct relationship to that statement.

I would argue that Mr Hanson is taking advantage of the leave that has been granted to him by the Assembly. He said he would make a short statement. He is now debating the bill which the Assembly has just adjourned. I think he is taking advantage of the leave that has been granted to him, and I would ask you to consider indicating to Mr Hanson that he should not take advantage of that leave and that he should honour the commitment and the indication he gave to this place that he would be making a short statement.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Corbell, I have already said that to Mr Hanson. I am just not sure what more I can actually do. Mr Hanson, please make it brief.

MR HANSON: I will continue, thank you, Madam Assistant Speaker. The attacks from the government on the legislation have been entirely misleading. If I turn to those attacks, you will find that they started on 24 February, which was the date on which the legislation was due to be debated. I agreed with the Greens that I would defer that for a month, so it was not debated on that day. But out of the blue, miraculously, what we saw was a press release—

Mr Corbell: On a point of order, Madam Assistant Speaker, Mr Hanson indicated that he would make a short statement. He was granted leave at 4.14 today.

Mr Hanson: But there have been many points of order.

Mr Corbell: It is now 4.35 and, even with points of order, he has been on his feet for at least 15 minutes. That is not a brief statement in the context of the practice of this place. I would draw to your attention again, Madam Assistant Speaker, *House of Representatives Practice*, which indicates that members should not take advantage of the leave granted to them by the Assembly. I would ask that you ask Mr Hanson to abide by the commitment he gave to this place to make a brief statement.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Corbell, when members give a member leave, they realise that the clock is not on them. I was not here at the time, but I understand Mr Hanson made a commitment to make a brief statement. Mr Hanson, could you draw your statement to a conclusion.

MR HANSON: Yes, Madam Assistant Speaker. I believe in many regards I have made my point—that is, that this is very important legislation. I am disappointed that it has not been debated. Engagement has been conducted with the community. The criticisms that have been levelled at the legislation by the government—and I can go into those perhaps on another day—are entirely erroneous. It is a great shame, I think, that an opportunity to enhance the road safety of our community has been lost here today.

Environment—wood smoke

MS BRESNAN (Brindabella) (4:36):

I move:

That this Assembly:

(1) notes:

- (a) the detrimental impact that wood smoke has on people's health;
- (b) the build up of wood smoke that occurs in the Tuggeranong Valley in winter months; and

- (c) the ACT Government's wood heater replacement program and Don't Burn Tonight campaign;
- (2) calls on the Government to:
 - (a) investigate methods of reducing wood smoke in the Tuggeranong Valley, including through the expansion of:
 - (i) education campaigns, such as Don't Burn Tonight;
 - (ii) the wood heater replacement program;
 - (iii) regulations concerning wood heater instalment; and
 - (iv) enforcement of regulations;
 - (b) when conducting these investigations, consult with relevant stakeholders including:
 - (i) ACT Health;
 - (ii) Department of the Environment, Climate Change, Energy and Water;
 - (iii) ACT Planning and Land Authority;
 - (iv) the Commissioner for Sustainability and the Environment;
 - (v) ACTEWAGL; and
 - (vi) industry and community groups;
 - (c) make PM10 and PM2.5 levels publicly available as they are measured; and
 - (d) report back to the Assembly by the last sitting day in September 2010.

This is the perfect time for the Assembly to discuss my motion because, despite being autumn, Canberrans are still making decisions about the heating and cooling systems in their homes.

The Greens acknowledge that build-up of wood smoke in Canberra, particularly the Tuggeranong Valley, is a health problem. While I appreciate that the ACT government has taken positive steps to counter this problem, I am concerned that the air quality in winter still presents health problems for people and that it is at times not within acceptable levels. Today I hope to look at some possible solutions. In gaining the support of this chamber, we can lift the bar in tackling wood smoke pollution in Canberra.

Madam Assistant Speaker, many in this place would agree that a burning fire amongst friends and family on a cold winter's night is something quite special. While this may be true for many, the reality is that pollution created by the burning, and in many

cases the incorrect burning, of wood creates great health problems for people, particularly for people suffering heart and lung problems. For people living in Tuggeranong, this reality is much harsher as smoke is trapped by temperature inversions and lingers close to the ground overnight.

When wood smoke is breathed into the lungs, it irritates the bronchial tubes. It can affect everyone, especially those with pre-existing lung disease such as asthma, chronic bronchitis and emphysema. The harmful effects of wood smoke appear similar to those of environmental tobacco smoke. While individuals can choose not to smoke and can usually avoid tobacco smoke, a resident of a valley filled with wood smoke cannot easily avoid breathing in polluted air.

According to the Asthma Foundation, particles are small enough to be inhaled into the deepest part of our lungs, and once they are in there, they stay there. The particles are so small that they infiltrate the smallest recesses of people's lungs where they cause inflammation that leads to heart and lung diseases. According to the World Health Organisation, "there is no safe level of fine particle pollution".

I note that wood smoke pollution is also created by industrial wood-fired boilers, burn-offs and unplanned forest fires. Diesel fumes also give rise to particle pollution. In the future, these sources will become more important to tackle as home usage of wood heating declines and particle levels remain unacceptably high in our cities.

Professor John Todd of the Clean Air Society of Australia and New Zealand released statistics showing that more than 53 per cent of air pollution in the Tuggeranong Valley is generated by domestic wood burning for heating. Recognising the depth of the problem, the Tuggeranong Community Council passed a motion at its general meeting in May 2009 noting that:

... average monthly air pollution readings taken at Monash between 2004 and 2008 show that the level of fine particle air pollution more than doubled in the Tuggeranong Valley every winter, and exceeds acceptable national levels.

At stalls I ran last year, I provided questionnaires that people could fill out. While the responses were varied, it was evident that people in the valley experienced respiratory problems specifically during the winter months. What I found particularly interesting from the questionnaires was the number of people who were not aware of the ACT wood heater replacement program or the "don't burn tonight" campaign.

This has been made even clearer to me when we placed questions on notice in September last year relating to the number of applications submitted through the ACT wood heater replacement program and the number of applications approved. The contrast in figures is noticeable. For instance, the number of applications for the program in 2004-05 was 495 in comparison to 2009 when 129 applications were submitted. Similar gaps can be found with the number of applications approved by the department. In 2004-05, 424 were approved compared to 87 in 2009.

Going back over these records, it seems we have moved backwards. Without investment in or the active promotion of education campaigns, resources to police

regulations and possible expansion of the current wood heater buyback scheme, we will not be up to where other states and jurisdictions are heading on this issue.

Going back to 2005, Mrs Dunne asked the Minister for Environment, Water and Climate Change, Mr Stanhope, upon notice about:

... the monitoring of particle levels and noxious gases at all monitoring stations in the ACT compared with the benchmarks for National Environment Protection Measures for ambient air, and could the minister specify this for each monitoring station.

Mr Stanhope's answer was:

Particulate matter is the primary pollutant of concern for Canberra. Monitoring shows exceedences of the national standard have been recorded at all stations with most of these related to the use of solid fuelled heaters in winter. The ACT government has an ongoing program to address wood smoke, including public education and awareness programs such as the "Don't Burn Tonight" campaign, undertakes enforcement activities, and licensing of firewood merchants. For the last four years the government has also run a successful Wood Heater Replacement Program.

Unfortunately, while the ACT government has measures to address wood smoke, the reality is that for the past four years we have not adequately tackled wood smoke in our city. People have reduced their uptake of the buyback scheme and many people remain unaware of the "don't burn tonight" campaign. As a result, pollution in the valley remains unacceptable.

In Launceston, Tasmania, another state to have wood smoke pollution similar to the ACT, they have taken very active measures to curb the cultural practices of wood heater use while also having a broader, more accessible buyback scheme. According to the Launceston City Council's website, replacing wood heaters with a cleaner form of heating has helped to dramatically improve Launceston's air quality. In 2000 Launceston exceeded the national standard for air quality 38 times. However, by 2006 the number had steadily dropped to six. Since the program first began in 2001, more than 2,000 grants have been provided for the removal of wood heaters from homes in Launceston. Due to public awareness created by this initiative, thousands more households have removed their wood heaters without accessing the \$500 incentive.

The wood heater replacement program in Launceston is broader than the ACT's. Their replacement program includes fixed electric heaters with thermostatic controls, night storage heaters, electric heat pumps and bottle gas heaters. As a result, the number of wood heaters has been reduced to 8,500 in the past five years due to the increased uptake of other heating methods.

Armidale also has introduced similar strategies to deal with its own critically high levels of pollution and New Zealand has also introduced very strong regulations around the purchase of wood heaters and other heating products. It has included alternative modes of heating such as wood pellet heaters, which produce less pollution than the traditional wood heaters.

As well as changing the heating systems in people's homes, wood fuel alternatives have become more readily available for domestic use. There is actually a wide range of wood wastes, including sawdust, bark and municipal wood waste that are not as environmentally harmful. In many parts of Sweden and Finland, for instance, small diameter thinnings and treetops are chipped and used directly in combined heating and power plants in community heating plants.

For people who prefer wood heating, there are cleaner burning options. One example of this, for instance, is wood pellet heaters, as I have already mentioned, used in wood burners that look and act as a traditional wood heater. These are being used in New Zealand, Europe, US and increasing numbers of states in Australia. Pellet burners are extremely efficient with much lower particulate emissions. The pellets are made of sawmill residue, burn for longer and do not need as much topping up as regular wood, nor do they make as much wood smoke. They are dry and have no chemical additives. In Christchurch, New Zealand, they have included wood pellet burners as part of their buyback scheme. We believe this is something the ACT government should consider. Furthermore, burning firewood that has been grown in sustainable wood production systems can significantly reduce greenhouse gas emissions

There should be much more detailed information explaining the health impacts from excessive amounts of wood smoke on the Department of the Environment, Climate Change, Energy and Water website, as many people are not aware of the health impacts. Therefore, greater information provisions are essential.

While I was happy to read in the *Canberra Times* that Mr Corbell has increased the buyback scheme from \$600 to \$800, it would also be good to see an increased effort around more targeted education programs. The department could go a lot further in providing a greater depth of air quality education programs.

Looking at Launceston again for a moment, their programs have included a number of initiatives on top of the replacement program, including a targeted education program and resources and activities in relation to operating wood heaters effectively, which were organised by a regional air quality officer in Launceston. This included provision of personal advice, information leaflets, advertising, promotional events, and website and media coverage.

One of the more targeted aspects of Launceston's programs was the use of smoke patrols that have targeted Launceston households with smoky chimneys. The entire city was also surveyed every three to four weeks. A notification card was left in letterboxes of households. Previous market research had shown this to be an acceptable method of contacting residents.

These cards indicated that during particular times unacceptable smoke levels had been observed. If unacceptable smoke levels were observed a second time, a warning letter was provided and, if necessary, on a third occasion a final warning letter. To date no fines have been imposed. Incentives for changing to cleaner wood heating alternatives were offered.

Examples such as Launceston show that the creation of an air quality vision for the community and considerable interaction among various community levels and key stakeholders have been successful and provide a promising practice for the ACT. In my motion I am calling for a similar consultation process with stakeholders such as ACT Health, ACT Planning and Land Authority, and industry and community groups. Obviously, as I have noted, this is just including these groups; so it can actually be much broader and should be much broader than just these groups. It is important that any strategy in the ACT is also tailored.

If we are to make any significant move forward, it will require the ACT government to seek federal government assistance. I will acknowledge that the wood heater buyback scheme in Launceston does have federal backing which has allowed them to expand it to include other heating alternatives. As I have already illustrated, the successful federally funded wood heater buyback program in Launceston, Tasmania has significantly reduced wood smoke pollution because they have the funding to administer a council to properly consult with community groups and relevant stakeholders.

Public advice on air quality needs to go further than a few lines listed on a website and a “don’t burn tonight” campaign. This needs to be much more actively promoted. Possible solutions could include further advice provided to assist purchasers wanting to find out which wood burner models have been tested, found to meet the performance requirements and are environmentally more efficient; extending the time frame of the buyback scheme so it could be an all-year-round program, which has the potential of encouraging more people to replace their wood heater; expanding the wood heater replacement program to include other heating options such as energy-efficient fixed electric heaters, night storage heaters, pellet heaters and heat pumps; and making PM10 and PM2.5 levels publicly available as they are measured on a daily or weekly basis, which is done by the Armidale City Council.

I am supportive of the government’s amendment that has been circulated on this issue, as I do believe it actually adds to the motion and would provide more timely information available to the public.

In conclusion, what I have attempted to highlight today is the detrimental impact that wood smoke has on people’s health and to investigate methods of reducing wood smoke in the Tuggeranong Valley. The reality for our city is that we do experience high rates of particle pollution which creates problems for people, particularly those in the Tuggeranong Valley. I know that the appropriate response to the wood smoke problem is not clear as there are several factors to consider. What is a reality, however, is that by providing information to people they can make more considered choices about their heating, health and environment.

As the cold settles in this year, many people in the valley will be lighting their wood heaters to keep themselves warm. In order to rid Tuggeranong of winter domestic wood smoke pollution and to protect the health of valley residents, it is important that the ACT government take action on this issue. The reality of the situation is that people’s health is impacted by this and this should be the critical factor in considering

future options. I do hope for the support of the chamber today and look forward to working with the ACT government further on this issue.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4:50): I spoke to the progress the government is making on improving air quality in the Tuggeranong Valley in June last year, acknowledging that the issue of air quality in the Tuggeranong Valley was not a new one. I appreciate the opportunity that this motion presents to update the Assembly on this issue.

The variables that contribute to the air quality in the Tuggeranong Valley are well known, and this and previous governments and the community have been working together for over a decade to minimise adverse impacts. Canberra's overall air quality, compared to other cities, is excellent and we enjoy a smog-free environment with beautiful clear days for most of the year. However, during the winter on cold nights when the air is still, Canberra, and most particularly the Tuggeranong Valley, can experience a particle pollution problem due principally to emissions from domestic wood heaters.

While there is some evidence that indicates that, despite population increases, air quality in the valley has improved over the last few years, the government acknowledges that the problem persists and is committed to addressing the issue in an informed and measured way to ensure a satisfactory outcome for all Canberrans.

In Canberra we do live in a city with clean air but we do experience an increase in particulate matter during winter, primarily from wood heaters. Of concern for residents of Canberra and particularly the Tuggeranong Valley is that wood smoke emits fine particles at a level of PM2.5 which are known to produce respiratory and cardiovascular illnesses.

In 2004, there were 15 days when the particulate level was above the standard; in 2005 there were 14, in 2006 there were 20, in 2007 there were eight, and the current data for 2008 show there were six occasions. So, whilst there is an issue, and yes, the government continues to take steps to address it, the number of days on which we are affected is relatively few and, as this data suggests, has fallen in recent years.

The ACT is not lagging behind other jurisdictions but is an active participant at all levels in addressing wood heater emissions and is considered a progressive leader in the management of wood smoke. One of the reasons why we have been able to minimise the number of days when particulate levels are a problem is as a result of the successful wood heater replacement program. Since it was introduced in 2004, it has led to the removal of over 800 wood heaters from homes in Canberra. Recently, I announced the start of the 2010 wood heater replacement program, which commenced on 1 March.

This year's program is even more financially attractive and easier for people to take advantage of, with the program running until December, and an increase from \$600 to \$800 for replacement with ducted gas, whilst the subsidy remains at \$600 for new flued gas installations. The program is part of a broader suite of actions to target a reduction in wood heater emissions.

Another of those actions is the “don’t burn tonight” campaign, through which we ask people to use alternative heating sources to wood on those cold, still days where the weather conditions prevent quick dispersal of any wood smoke. This is still a strong component of reducing wood smoke and improving air quality under those climatic conditions. The program, which is entirely voluntary, encourages people to act responsibly. The campaign runs during June, July and August each year and the “don’t burn tonight” snippets are played on the radio and TV, as well as displayed on the department’s website. To put this campaign in marketing parlance, it combines real-time information and an immediate call to action.

The ACT government is meeting with some success by working through industry and with local firewood retailers. The Environment Protection Authority licenses all firewood retailers, who are only able to sell dry, seasoned timber and must provide consumers with information on how to operate their heater correctly, by way of a fact sheet which is also available on my department’s website. Both of these conditions relate specifically to reducing air pollution.

What is particularly pleasing about this is that the total tonnage of firewood sold in the ACT has reduced dramatically over the past decade, from about 20,000 tonnes down to about 10,000 tonnes per annum at the moment. That would indicate again a reduction in the use of firewood and therefore a reduction in the total number of wood heaters in the territory. We cannot be absolutely sure of this, of course, and it may be that some Canberrans are fuel substituting or not using registered firewood merchants to obtain their fuel source. We do know that some Canberrans choose to seek out fuel themselves; travel over the border—perhaps they have a friend or a relative with a farm—and are able to secure timber in that way. But, overall, the figures would seem to suggest that there is an absolute reduction in the total amount of firewood sold and that would appear to correlate with the commensurate reduction in the number of days where we are exceeding the national pollution standards.

Given all this, there is, I still believe, more work that we can do and therefore I have asked my department—indeed I directed my department last year—to investigate our current wood smoke reduction measures to look at the delivery of our current programs, opportunities for new programs and the possibilities of stronger education programs to minimise particulate pollution. That investigation will cover the issues that have been raised by Ms Bresnan and will involve consultation.

I have also met with representatives of the wood heater industry and they themselves wish to be more actively involved in educating consumers about safe and appropriate operation of wood heaters. That is something that I will be pursuing further and asking my department to ensure is followed up.

I turn to the issue of reporting. I understand that real-time PM2.5 and PM10 are not available with our current air monitoring equipment. The equipment used by Health Protection Services, ACT Health, meets the standards required for air monitoring and reporting but the information gathered needs to be analysed and assessed before it is in a usable form. There are significant technical issues which would need to be addressed before real-time data—that is on a daily or even a weekly basis—could be reported; and then only PM10 data is likely to be available in that format.

The facts are that PM2.5 data requires additional work to be done in a laboratory before the results can be validated, and there are real technical limitations on the ability to deliver that data in real time. Notwithstanding these constraints, the government fully supports the public release of our air monitoring data when it is available and we have also committed to providing an annual air quality report.

I note that Mr Doszpot also has an amendment on the table in relation to this matter. After reviewing Mr Doszpot's amendment, which I only saw about half an hour ago or even less, I do believe that it is a sensible amendment—one that recognises the complexity of issues and is less prescriptive than the approach suggested by Ms Bresnan—and therefore, for that reason, the government will be supporting Mr Doszpot's amendment. We think it properly recognises that there are a range of issues that need to be worked through and it provides for that to be done in a sensible way while still ensuring that consultation takes place and still ensuring that the outcomes that we seek to achieve, I think collectively, can be achieved.

I will foreshadow now that I will seek to amend Mr Doszpot's amendment to again make it clear that the provision of PM10 and PM2.5 levels being made publicly available as they are measured is subject to technical and resourcing considerations, which is an amendment I have already foreshadowed in relation to Ms Bresnan's motion.

In conclusion, as we are heading into the colder months of winter in Canberra, it is timely that we as an Assembly discuss and acknowledge the issue of air quality in the Tuggeranong Valley. I will remind the Assembly that, of all the capitals in Australia, we continue to have the cleanest air, and on a relatively small number of occasions the fine particulate level is above what it should be. Therefore, I am pleased that I have been able to instigate a review by my department of the measures we have in place in this area and the opportunities we have to do more, because I do believe that we can do more and I do believe that as a city we should be able to meet that standard when it comes to particulate matter in the same way that we meet every other significant NEPM standard.

The government is committed to tackling the issues related to wood smoke pollution and, as the data suggests, as a result the number of days on which particulate levels are a problem is falling, and we want to continue to ensure that we see further improvements in this area.

MR DOSZPOT (Brindabella) (5.00): The motion Ms Bresnan has brought to us today is an issue that has been debated in this place before. Last June, Ms Le Couteur brought us a matter of public importance on the issue of air quality in the Tuggeranong Valley, and this issue has also been the subject of discussion at the Tuggeranong Community Council meetings in the recent past.

There are certainly merits in the Greens' motion here today and we do agree with the first part of the motion, that there are detrimental effects from wood smoke on people's health, and I am well aware that there is a build-up of wood smoke on cold winter mornings in the Tuggeranong Valley. Our cold winters, influenced by high

pressure systems, create temperature inversions which make it difficult for air pollutants to disperse through the air evenly. And, whilst this haze over the mountains and valley can look very picturesque, it is an alarming indicator.

I understand that information about our air quality is collected at the performance monitoring station located at Monash. It is appropriate that the monitoring station is in the Tuggeranong Valley because it seems that the Tuggeranong Valley, because of its geography, is an area of considerable concern.

When this issue was last discussed in June last year, there was much talk of particulate matter and the measurement of particulate matter. Measurements are referred to as PM10 and PM2.5 and are the measurement of particulate matter less than 10 and less than 2.5 microns in size, respectively.

The national standard for PM10 requires levels below 50 micrograms per metre cubed. The Environment Protection and Heritage Council report dated June 2009 on the data taken from the monitoring station at Monash indicates that during 2008 the PM10 level in the Tuggeranong Valley exceeded that level only three times, once in October and twice in November.

At these times of year, these peaks would no doubt be as a result of hazard reduction burns and not wood smoke. There is another measure, which is the 2.5-micron measure. This less reliable measure shows that levels were exceeded only six times between May and August, which may or may not be as a result of excessive wood smoke pollution.

Generally speaking, the data shows that while there is an increase in particulate matter in the high period of wood fire burning, the general case is that we are well within the national environment protection measures, and we are well below most of those measures on most days. That is not to say that there is not a perception of a problem. The issue of visual pollution certainly arises.

It is important to continue with the programs currently in place such as the “don’t burn tonight” campaign and the wood heater replacement program previously mentioned by other speakers in this debate. I do note that last time this issue was discussed there was not a huge take-up of the replacement program. However, that does not mean that wood heaters have not been replaced in many households without them tapping into the rebate. In this instance, it is very hard to collect reliable numbers of households that have in fact changed their mode of home heating.

We should be considering a more proactive approach in relation to people who do burn their wood inappropriately, and investigate further enforcement of regulations. However, this must go hand in hand with an information and awareness campaign. There is evidence from other jurisdictions, such as some areas in Tasmania, that shows that good public education can make a difference. It could be that there are better ways of informing the public about how to use a wood heater more efficiently and what other forms of home heating could be an alternative. This will in turn have a positive effect on our air quality.

It is worth noting at this point that it is unrealistic to aim to phase out wood heaters altogether. It is important to remember that wood heaters are still the only form of household heating for some residents in the Tuggeranong Valley in particular and it may be that it is simply out of the question for these residents to take advantage of the wood heater replacement program, or any other program on offer, for various reasons.

It may also be the case that regulations concerning instalment of new wood heaters is entirely appropriate. However, again it would be very important to review all avenues in terms of making installers, suppliers and homeowners aware of these regulations.

As I have said before, it is unrealistic to get rid of wood heaters altogether. However, we can work towards making the public aware of the alternatives and how to use wood heaters in an efficient manner. I will move the amendment circulated in my name and it is the opposition's decision that we are amenable to the proposed amendments that Mr Corbell will move to point (d) of paragraph (2) of our amendment. I am not sure if I have seen your amendment, Mr Corbell. I move:

Omit all words after paragraph (1)(c), substitute:

“(d) notes comments from the Commissioner for sustainability and the environment that the issues are complex and that, in certain instances, wood heaters are an appropriate form of heating; and

(2) calls on the Government to:

- (a) review existing programs that are intended to reduce the generation of wood smoke in the Tuggeranong Valley;
- (b) review programs that are used in other jurisdictions to enhance air quality;
- (c) consult with relevant stakeholders in conducting this review;
- (d) make PM10 and PM2.5 levels publicly available as they are measured; and
- (e) report back to the Assembly by the last sitting day in September 2010.”.

MR CORBELL (Ginninderra) (5.06): I move the following amendment to Mr Doszpot's proposed amendment:

Omit paragraph (2)(d), substitute:

“(2) (d) subject to resourcing and technical implications, make PM₁₀ and PM_{2.5} levels publicly available on a daily or weekly basis;”.

Mr Doszpot: I think that may be a typo; it should be 2(d), should it not?

MR CORBELL: Yes. That has been supplied to the Clerk. I am not sure if it has been circulated, but just for the clarification of members the amendment that I originally circulated as substituting 2(c) should now read to substitute 2(d). The rest of the amendment is unchanged.

In speaking to the amendment, as I indicated in my speech on the question that Ms Bresnan's motion be agreed to, the government supports making PM10 and PM2.5 levels publicly available on a daily or weekly basis. However, this must be subject to both resourcing and technical implications.

As I indicated in particular, PM2.5 levels can only be reported following detailed laboratory analysis. This means that there is necessarily a lag time between when they are recorded and when they can be reported. However, I am advised that with some adjustment to both the technology that is used and the resources available in relation to the recording of PM10, it may be possible to provide for that on a daily or weekly basis.

Currently, my department and the department of health, both of whom have responsibilities in this area, are giving consideration to how this can be done, subject to resourcing and technical implications. I would simply ask that the Assembly note that there is some constraint but it is the government's intention to work towards achieving this type of real time or at least improved timeliness in relation to the disclosure of PM10 and PM2.5 levels.

MR DOSZPOT (Brindabella) (5.08): I would simply like to add a couple of points in support of Mr Corbell's amendment and clarify my amendment. My amendment seeks to refine the motion put forward by the Greens and streamline the wording. We would much rather see a review of existing programs in place here and in other jurisdictions before taking any further steps in relation to this issue. We should not exclude anyone from being included in any consultation. It would seem silly to be so prescriptive in this regard. We also see it as very important to include comments from the Commissioner for Sustainability and the Environment in this motion, hence the inclusion of a new item in paragraph (1). The Commissioner for Sustainability and the Environment, Maxine Cooper, said today:

What we need to do with indoor wood heaters is really minimise their environmental impact, because in some instances from overall sustainability principles, it may be more appropriate to actually have wood heaters than other forms of heaters.

That is in the *Canberra Times* of 17 March 2010. Commissioner Cooper also said:

It does depend entirely upon a good-quality wood heater that burns very efficiently and also sourcing the right timbers ...

As I have said previously, we need to investigate all the evidence and review existing programs in place to help reduce the wood smoke in the Tuggeranong Valley prior to any expansion of any programs. What we do not want to see is an overall replacement of indoor wood heaters with other inefficient heating systems that may produce similar or even worse environmental and financial impacts for users.

It is also important to note that the efficiencies of current wood heaters are something this motion does not address. It must be said that I do hold some concerns that this motion is a precursor to a move by the Greens to try and ban wood heaters altogether.

Even before looking at further expansion of the replacement program, the ACT should review programs that are used in other jurisdictions to enhance air quality, and consult with industry and all interested parties. Without reviewing all the options, we have the potential to spend a great deal of money for little environmental impact.

MS BRESNAN (Brindabella) (5.11): I would just like to talk to Mr Doszpot's amendment. The Greens will not be supporting it, but obviously the government will be, so it is going to pass. I would like to clarify a couple of things in relation to my motion and what has been put forward by Mr Doszpot. I think essentially we want the same thing. We were not trying to be prescriptive at all with anything we have listed. What we have listed here are programs that already exist in the ACT and we wanted to look at things which are already being done in other jurisdictions.

Mr Doszpot has mentioned, as I have, Launceston, which is probably one of the most successful examples of where the wood heater replacement program has worked but also where they have been able to have people using wood heaters more efficiently that are already in their homes. They have not put in place a ban or a phase-out. They have actually focused on enabling people, if they do want to replace wood heaters—and that has been primarily due to health reasons—to do that, and the replacement program is expanded there. As I noted in my speech, they also focused on a system of regulation which was aimed at educating people to use their wood heaters more efficiently.

That is what we were basing the motion on by including these particular issues. I would note that we said “including”, so we were not prescribing that it would just be those things. It also relates to the stakeholders. Again, we were not being prescriptive. I note the words that are used: “consult with relevant stakeholders including”. We are just listing some of the relevant stakeholders as they stand. Obviously, in including those, it should be broadened. That was always our intention. I note that the last group we had was industry and community groups, which would bring in those community councils and industry groups that are involved in the selling of wood heaters.

I did mention to Mr Doszpot's office that we were happy with subparagraph (1)(d) and that we would have been happy to have that included, so obviously we do not have a problem. But it has been accepted and supported by the Labor Party. I am slightly disappointed that we do not have what is here before us because again, as I said, it is based on programs we already have. That is what we wanted to have it targeted to, as well as things which are already being done in other jurisdictions. That said, it is good that we do have general support from the Assembly on this.

Mr Corbell's amendment to **Mr Doszpot's** proposed amendment agreed to.

Mr Doszpot's amendment, as amended, agreed to.

Motion, as amended, agreed to.

Racing industry

MR SMYTH (Brindabella) (5.14): I move:

That this Assembly:

(1) notes:

- (a) that, as a consequence of proposed funding changes, the racing industry in the ACT faces:
 - (i) having five fewer race meetings per annum and/or a reduction in prize money per race;
 - (ii) reducing full-time equivalent jobs by 85;
 - (iii) having 400 fewer people who will be wholly or partly dependent on Canberra Racing Club for employment;
 - (iv) a decrease in the number of trainers operating from and horses trained at Thoroughbred Park;
 - (v) a decline in revenues generated by the racing industry;
 - (vi) a weakened local racing industry;
- (b) with concern that the minister has only met formally on one occasion with the ACT racing industry since becoming minister in November 2008; and
- (c) that the minister, when introducing the Racing Amendment Bill 2009, stated that the revenue generated by the scheme will belong to the clubs, but that the minister failed to tell the Parliament that funding for the ACT's racing industry would be reduced by an equivalent amount;

(2) acknowledges:

- (a) the changes that have taken place and which are continuing within the racing industry; and
- (b) the changes that are taking place with the manner in which people choose to bet; and

(3) calls on:

- (a) the ACT government to negotiate with the racing industry an agreement and a time frame for delivery on a funding formula for the ACT racing industry; and
- (b) the minister to devise a long term strategy to facilitate the development of the racing industry in the ACT and for this strategy to be tabled by the last sitting day in 2010.

It is extremely disappointing that one has to move this motion this evening simply because, if the government had been more open in their negotiations with the racing industry and the minister had been more clear on what he intended to do when he

passed the race fields legislation in this place earlier this year, we would not be here this evening. It is disappointing because, once again, it shows the lack of interest that the Stanhope-Gallagher government has in the future of the ACT and in the future of private enterprise in the ACT. It shows a lack of interest in the development of what has been a viable and successful industry and it shows a lack of interest in the racing industry itself in the ACT, an industry that provides a considerable economic benefit to the ACT and the region.

The major part of the local racing industry, the Canberra Racing Club, involves direct spending of almost \$40 million each year, real gross-added value of nearly \$50 million a year; at least 50,000 people attending on-course races; and around 2,000 people employed either directly or indirectly, which is equivalent to a full-time equivalent basis of some 420 or more people. Clearly there is an even more significant economic contribution when you count into these numbers harness racing and greyhound racing as well.

I am also extremely disappointed because the minister has not been entirely open about the prospective funding arrangements for racing in the ACT. Late in 2009, the minister presented the Racing Amendment Bill. The intention was to bring the ACT into line with other jurisdictions by imposing a fee on race field information. And what did the minister say? He said:

The revenue generated by the scheme will belong to the clubs.

That is quite clear and unequivocal:

The revenue generated by the scheme will belong to the clubs.

All of the new revenue will be returned to the club, less a small fee that will be paid to the Gambling and Racing Commission for collecting the moneys. Further, the minister acknowledged in presenting this bill that changing realities are facing the racing industry, such as the need to secure funding for the industry into the future and the changing nature of the way in which people are placing bets. The minister also noted:

... the industry will not be worse off than they would be under the current scheme.

Sadly for the ACT racing industry, when all the rhetoric is removed from the minister's statement, the industry will be receiving less funding than at present. And this places in jeopardy the future of the racing industry in the ACT.

The ACT racing industry has received an independent analysis of the likely effect of the reduced funding on the Canberra Racing Club. It is anticipated that this club will have to reduce the number of race meetings held each year by up to five, will have to reduce prize money for each race, will lose the equivalent of 85 full-time jobs, will have 400 people who will not be employed on a full or part-time basis and will face a reduction in trainers based at and horses being trained at Thoroughbred Park as well as having to face a reduction in revenue. There is only one outcome from this. It is a significantly weaker club, with diminished ability to compete in the emerging national product market.

For those that have not been to Thoroughbred Park recently, there have been significant investments in the facilities both by the club and by individuals. And it seems quite amazing to me that the government, who underwrote the redevelopment of the track, would now say, "Let us use that track on fewer occasions each year."

I recently received an email that highlighted the benefits that would flow from these investments. This email referred to the transformation of the Canberra racetrack through a new multimillion dollar redevelopment. The Canberra racetrack at the ACT Racing Club is one of the best regional tracks in Australia, with its two racing surfaces and modern training facilities. These people who sent the email wanted to be part of this important, growing industry. They have made an investment of close to \$1 million in a new stabling facility. This investment has been a vote of confidence in what our racing industry was seeking to offer. Any lessening of this investment and any loss of quality of our racing facility will jeopardise investments such as these.

There are also associated issues concerning prize money. Racing organisations need to increase their prize money to ensure that they retain their ranking against other racing venues and events. A failure to maintain or increase prize money to the necessary thresholds will mean that race meetings in Canberra will lose prestige, nominations and, hence, revenue. As well, these reductions will ultimately result in the ACT's venue losing critical slots in television broadcasts, with again a further loss of prestige and revenue in a never-ending spiral. It would be an inevitable spiral to mediocrity and a loss of resources and critical mass in the ACT's racing industry, increasing competition from other regional race venues across Australia and from elsewhere in Australia.

I have received advice from the racing industry that, for instance, the New South Wales racing industry is building up a war chest of funds—I heard the figure of \$60 million quoted—as a direct result of the levy on corporate bookmakers. Ultimately, it is likely that there will be a massive amount of funds that will be released to the New South Wales industry that will allow it to significantly boost prize money, prize money for metropolitan and country race meetings, and the ACT will bear the brunt of this increased competition simply because the minister is not making the funds available to the local racing industry to allow them to compete.

At the same time, funding based on turnover through TABs has been declining as new betting options emerge. Racing venues have been self-funding but this has come under increasing pressure from these two trends. The move by the ACT government to revise the funding formula is, in principle, a sound move. The issue, though, for the ACT racing industry is that the ACT government has taken this opportunity to effect a reduction in funding for the local racing industry, principally by using as a base the 2008-09 year to determine funding levels rather than using the 2005-06 year, which was a more typical funding year for the local racing industry.

It is a disappointing approach from the Stanhope-Gallagher government and from this minister. And it simply represents a grab for funds from an industry which has been self-funding and which would have had an increased capacity to respond to competitive pressures that are being faced by this industry.

There was a meeting at the Thoroughbred Park facility in February. It is disappointing that the only representatives of this place were from the Liberal Party. Indeed, the club, Thoroughbred Park, put out a press release the next day. I will just read out the first two paragraphs:

The Canberra Racing Club Committee has resolved to escalate the fight and mobilise its supporters in the battle for revenue that is the rightful entitlement of the ACT racing industry through the royalties generated from racing.

The ACT Government and the Minister for Gambling and Racing have failed to respond to the industry and enter negotiations to resolve the stand off. The Minister last met with the industry on 15 April 2009.

And that is the shame of this. We have actually got a minister who has the job to deal with the industry but has failed to do so. If the minister had been there on the night, he would have actually heard one of the speakers speak very strongly about their passion for the racing industry and speak very clearly about what the effect would be if these changes go ahead. I asked the gentleman who gave a short speech about his perception of what was happening. Louis Mihalyka was kind enough to put this down in writing. And it is worth reading it into the record. He talks about the meeting the previous night:

I felt last night was important enough to make the trip down from Sydney to learn more about the predicament in which Canberra racing is already, and to hear what the prognosis was.

Laurel Oak is a very good representation of ownership trends. We manage 30 to 40 horses at any one time along the eastern seaboard and have had horses in Canberra since 1987.

Through the mid 2000s we have increased the number of horses we had trained in Canberra. For many years we have been involved in Canberra racing with both Canberra-based and non Canberra-based owners, simply because Canberra racing has always been very enjoyable. Prize money has traditionally been better than NSW country prize money, so there was always an attraction, both social and financial, to have horses trained in Canberra, and to race in Canberra.

In 2008 we bought six new horses to be trained in Canberra. Last year that reduced to only one, but it was purely as a consequence of global financial circumstances as we were very conservative with our buying in all areas due to the uncertainty that the GFC caused. This year the world seems to be in a much healthier financial state again and with a greater enthusiasm for racing, and we have bought a record number of yearlings (for us)—

the company—

so far, which is only half way through the yearling buying season. So far none has been acquired for Canberra and at this stage, based on demand, the likelihood is that we will have, at most, one new yearling to be trained out of Canberra.

The diminishing attraction is simply due to the fact that horses hardly ever race in Canberra anymore. In days gone by if we chose to race horses in Canberra for

both and social and financial reasons, the financial reasons have gradually dissipated as the gap between NSW country and Canberra prize money has narrowed.

Currently in a normal race first prize money in Canberra is \$8,450. In NSW country races, it is \$6,300. However, three years ago, BOBS bonuses were introduced for NSW racing at all levels. These are bonuses to the winner of NSW-based 2yo and 3yo horses that were bred in NSW. This applies to the majority of horses we race in Canberra and NSW because horses that are eligible for bonus schemes in other states are usually sent to those states to race to maximise their earning potential.

In NSW country the bonus is \$5,500 to the winner. Consequently now, if we have a BOBS-eligible horse (which is the majority) that has the potential to win, its earning power in Queanbeyan and Goulburn, etc, is \$11,300 compared to \$8,450 in Canberra (as Canberra is not part of the BOBS bonus scheme, being a principal race club in its own right and independent from NSW racing).

The net result of that is that we are making very definite choices to race horses away from Canberra if there is a race option for these horses as their earning power for a win is the equivalent of one month's training costs.

While these horses can still be trained in Canberra, the appeal of having horses trained there is that they are actually going to race there, so that appeal will gradually diminish and there will be no actual cause to have them trained in Canberra other than for reasons of personal relationships with the local folk if they are not going to race there.

As I consider that we are representative of racehorse owners in Australia because we have city- and country-trained horses and provide a good barometer for commonsense racing management practices, if others are doing the same as what we are Canberra race fields will naturally decline over time. As was discussed last night NSW racing is building up a 'war chest' of funds as a direct result of the levy on corporate bookmakers. If NSW wins the court case there will be a massive amount of funds that will be released to the industry that will significantly boost prize money. That will certainly include country prize money and then the gap between Canberra and NSW country racing will increase even further with the result that even more owners will start thinking the way that we are with the result that they will race their horses in NSW rather than in Canberra simply because their earning power is significantly greater. In the end the horses that can't win in NSW are the ones that are left behind to race in Canberra, and that will continue the downward spiral simply because there will be less horses and poorer quality horses and that, in turn, affects the betting appeal of these races.

If the turnover in Canberra racing decreases the income to the industry will decrease, so it will become a self-generating downward spiral.

If that happens Canberra racing may as well close down and the track be retained as a training centre.

I hope that—

the gentleman who spoke—

can put his eloquent speech about how local politicians have missed the commonsense point of 'here is an industry that funds itself, and they are doing their best to disable it'.

I trust the above helped explain the situation and you are able to help commonsense be restored and can save a very traditional and enjoyable part of Canberra's social fabric.

One final thing is the flow-through effect into other parts of the economy. From our own point of view, as Canberra is just far enough away for us to prefer to stay overnight when we do have runners, we have groups of people coming down from Sydney for the races, staying overnight in local hotels, eating in local restaurants, and in all contributing to the local economy, all as a direct result of their horse racing in Canberra. This is happening less and less, so hopefully you are able to contribute something positive to making Canberra racing dynamic, progressive and enjoyable once again.

And that is from the industry. This is from a gentleman who does not have to be here. These are the words of a gentleman who can go somewhere else and win more money with the horses that he would prefer to have trained in Canberra, that he would prefer to race in Canberra, that he would prefer to have win in Canberra. But if gentlemen like that, who are the backbone of the industry, are pulling out because of the mismanagement of this minister, then we have a real problem.

I commend the motion to the house. (*Time expired.*)

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5:29): I am pleased we have the opportunity to debate this matter this afternoon, because at the heart of this issue is responsible government and responsible budget management. But before I go to that, I think it is worth putting this debate in context. So I will spend a few moments summarising the context in which the government and the industry are operating.

As Mr Smyth has identified in his motion, the racing industry across this country is experiencing massive change, and the ACT industry is not immune from this change. The ACT racing industry has traditionally relied on a percentage of the turnover of the taxpayer-owned betting agency, ACTTAB, for funding. ACTTAB has been facing and continues to face a reduction in its turnover in the future as a result of increased competition in the wagering market and increased commercialisation of the racing industry.

Historically, state and territory governments have made arrangements through their TABs to fund local racing industries. Since the 1960s, all jurisdictions have provided racing funding through an arrangement with their exclusively licensed TAB betting provider. This has involved the state or territory government establishing a monopoly totalisator betting provider with a proportion of the revenue generated by the local TAB allocated to the local racing industry.

Although there have been some reforms, most notably with TAB privatisations in some states, the racing funding structure with its inherent regulatory protections has

persisted. States and territories were able to implement this TAB funding model due to what is known in the industry as the gentlemen's agreement. This agreement is an informal one between state and territory governments, TABs and racing industries in each jurisdiction. The agreement allows state and territory TABs to bet on racing events in other jurisdictions without the payment of a fee.

Technology now allows wagering in Australia to operate on a national basis. Attempts to require non-TAB bookmakers to contribute towards the cost of providing racing product were circumvented when the High Court brought down its decision with respect to Betfair. This has resulted in many jurisdictions introducing race fields product fees to obtain funding from interstate wagering on their racing. So, effectively, the gentlemen's agreement has broken down.

In the ACT, ACTTAB will face increasing competitive pressures on its products, potentially including new entrance into the ACT's retail market. As a result, unless alternative funding models are found, ACTTAB's situation will threaten the local racing industry's funding into the future. In light of the challenges facing the racing industry, the government has been working with the industry for some time to find the solution. As a result, we have sought to make the future of the ACT racing industry more secure through two mechanisms: the first we have discussed in this chamber in recent times—that is, the introduction of race fields legislation. The second is bringing the industry funding into the ACT budget.

The race fields law which took effect on 1 March allows ACT racing clubs to charge wagering operators throughout Australia a fee to place bets on ACT races. We believe this will help the ACT racing industry generate around \$1.5 million in additional funding from their activities each year. I make it absolutely clear that every cent generated under this legislation will go straight to the industry, except for the small administration fee to which the industry has agreed.

Now we need to look at the other half of the equation—that is, how the government proposes to support the industry from the budget in 2010-11. I think it is worth looking at the historical funding context when we look at what will happen from 2010-11 onwards. In 2008-09 the industry received \$7.6 million based on ACTTAB turnover. Under the new funding model, in 2010-11, the industry can expect to receive an increase from \$7.6 million to \$8.27 million—that is, \$6.77 million funded directly from the budget and about \$1.5 million under the race fields legislation. It is important to note that the government proposes that budget funding would then be indexed to CPI.

So what is the position of the industry into the future? Previously, under the old arrangements the industry expected to receive \$8.27 million in 2010-11. Over time, the level of funding available to the industry was expected to diminish as ACTTAB's turnover was also expected to diminish in real terms. Under the new arrangements as proposed by the government, the industry would receive that \$8.27 million in 2010-11. In short, the industry would be getting exactly what was expected under the previous funding model, guaranteed now by the new funding model. Instead of facing a diminishing revenue stream into the future, budget funding would grow in line with CPI. So under the old arrangements, the industry faced uncertainty and a guaranteed

reduction in funding into the future. Under the new arrangements, the industry has certainty and stable funding, growing by CPI, into the future.

When it comes to budgets, good governments have to make choices. They simply have to. Some in this place might be surprised to learn that the government only has a certain amount of money. The budget is not a magic pudding and, as such, it is the hallmark of good government to take reasoned decisions about the best ways to invest the limited funds for the benefit of all citizens. Effectively, through this motion, Mr Smyth and the Liberals are clearly indicating that they would prefer that the racing industry is provided with an extra \$6 million over the next four years. I wonder if these are the same millions of dollars that the Liberals promised the residents of Harrison, or are they the same millions that the Liberals promised the residents of Flynn and Cook when they were playing politics with education?

Those opposite pretend to be economic managers. They come in here time after time to lecture the government about how to manage the budget. They advocate sacking nurses, police officers, firefighters and other public servants to bring the budget into surplus sooner. For the supporters of Work Choices, that is always the first option.

We are very familiar with Mr Smyth's refrain, "Where's the plan? Where's the strategy?" when it comes to managing the budget. But these are excellent questions, questions the Liberals must answer. This government, quite rightly, in the face of Liberal opposition, has invested in the jobs of Canberrans throughout the global financial crisis. As a result, our economy remains strong and Canberrans remain in work. This government has a plan to restore the budget, a plan to maintain government services and a strategy to keep the economy strong. But that plan involves making hard choices, something the Liberals have shown time and time again—certainly ever since I have been a member in this place—that they simply do not have the stomach for.

There are choices about how much budget funding to provide to various sport and recreation activities. There are many choices even within those narrow portfolio areas, and all of this needs to be considered in the context of how much to invest in other core government services, such as health and education, or other areas of the territory economy, such as tourism. Choices are about getting the balance right, and this government has always sought to do that. Of course, it is politically easy to have the shadow treasurer promise extra funding to one interest group, one industry or another. It is a whole other thing for the Liberals to say where they are going to deliver that funding from should they ever form government.

As for the future, the government will continue to work in good faith with the racing industry. We have done so over many months to help the industry face the future with certainty. I have met with the industry; the Chief Minister has met with the industry; various members of our staff and officials from a number of ACT government agencies have met with the industry on many occasions, here in the Assembly and out at Thoroughbred Park. This is how we have arrived at the current funding model—in consultation with industry.

I recognise that, at this point in time, the industry are not 100 per cent happy with the level of that funding offer. They are not 100 per cent happy, but, then again, it is a

rare thing for any industry group to be completely satisfied with the level of funding that is provided by any government. I reiterate that the government remains willing to consider any reasonable proposal put forward by the industry on its merits. Just as we have worked with the racing industry to build security, we remain ready and stand ready to continue to work with the industry to resolve these matters.

We are committed to continuing to consult with the industry to develop a suitable funding formula as part of the budget. However, there are other options. It is possible, of course, simply to return to the old funding model with the race fields product legislation on top of that. That may well provide more funding for the racing industry in year one, but I can absolutely guarantee that in three or four years, the industry would be worse off than they would be under the model that is proposed by the government.

Essentially, the argument at the moment is over the level of increase in funding for the racing industry in the ACT. My argument and my very strong view is that I should be asking critical questions of the industry about what their plans are for the future and not just blindly accepting a consultant's report that puts forward the best possible case for the industry. For example, just on one key issue, the government proposes to increase funding for the industry by the CPI each year. The industry has put forward an ambit claim for the CPI plus one per cent. They are perfectly entitled to put forward that claim, but then to go out and suggest that 85 jobs will be lost—jobs that do not exist at this point—because the government will not agree to CPI plus one per cent must be considered in the context of this debate this afternoon and must be considered in the context of finding a solution to this issue longer term.

I am not an automatic teller machine that simply says yes to every request I get from industry. I know that is the position of the shadow treasurer; he is the automatic teller machine of ACT politics. He shows no capacity whatsoever to make difficult decisions. He has shown no capacity whatsoever during this debate to critically analyse the issues and perhaps ask a question or two in relation to the Access Economics report that was prepared.

Mr Smyth: When did you last meet with the industry? When did the minister last meet with the industry?

MR BARR: I spoke with the industry—you were at the same function—about a week ago, Mr Smyth.

Mr Smyth: Over drinks. When did you last sit down and have a formal meeting with them? This is like Hargreaves and taxis.

MR BARR: I met with the industry at two functions, in fact, twice this year, and one only a week ago. The government met with the industry—

Mr Smyth: Who in the government?

MR BARR: My chief of staff met with the industry on 26 February.

Mr Smyth: Why didn't you? You are the minister. All they want is a meeting with you.

MR BARR: Because I was at the tourism awards, Mr Smyth. I have other portfolio responsibilities. I have other responsibilities.

Mr Smyth: The tourism awards have lasted for the last 12 months?

MR BARR: You are a grub, Brendan. You are a cheesy little grub. Madam Assistant Speaker, given the persistent—

Mr Seselja: On a point of order, Madam Assistant Speaker, Andrew Barr has been hurling insults all afternoon. He was forced to withdraw one earlier on. I ask him again to withdraw the personal imputation against Mr Smyth. He is performing disgracefully and he should be called to order for this name-calling and this attitude that we have seen from him today. He has acted like a coward, and he should be asked to withdraw.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Barr, do you wish to continue or withdraw?

Mr Smyth: What about the point of order?

MR BARR: I have got more. I have got a minute to go, but if Mr Smyth is offended, I will withdraw.

Mr Seselja: Sorry, there was a point of order, Madam Assistant Speaker, on "the grub".

MR BARR: If Mr Smyth is offended, I will withdraw. I will withdraw and I will continue.

MADAM ASSISTANT SPEAKER: He appears to be offended.

MR BARR: Indeed, it would appear so. So, yes, I withdraw, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Thank you, Mr Barr. Please continue.

MR BARR: This issue is not about how many times I have met with the industry. The government has met with the industry on a number of occasions, and we continue to do so. But I repeat: I am not the automatic teller machine for the racing industry; this government is not the automatic teller machine for the racing industry. We will critically analyse the proposals that have been put forward to us. They have put forward an ambit claim, as you would expect any industry to do. I repeat: what we are arguing about is the level of increase in funding for the industry. The alternative is simply to return to the previous funding model, and the industry can do its best based on that.

MR COE (Ginninderra) (5.45): I rise today to speak on this motion not as someone that personally gambles on races but one that very much appreciates the industry and the benefits that come from the great contribution of those involved in the industry. The reason the racing community are in the strife they are in is, once again, the arrogance of government ministers. It is their refusal to communicate, sit down with and make time for community stakeholders. Andrew Barr can pretend that he is consulting and he can pretend that he is chatting with them, but the fact is he is not. I went to a forum a few weeks ago, the one when the minister was absent, and they had 300 people in the room complaining about the lack of communication from Andrew Barr and his office.

It is a tragedy. You would think that going to meetings like that and dealing with the racing community would be a pretty reasonable part of the racing and gambling minister's job. You would think so. Quite frankly, if you are not sitting down with the CRC and the other affected clubs then what are you possibly doing as the minister in charge of racing? He is not doing much. Such is the arrogance of this government and ministers like that who run their empires from their office and refuse to communicate with real Canberrans with real problems.

The situation facing the sector, the industry, is really quite dire. I commend the Canberra Racing Club for their professionalism in arranging for Access Economics to have a good hard look at the problems that the industry faces and to put together some analysis and a clear plan for the way forward. The executive summary of this document produced by Access Economics includes:

CRC already receives the lowest proportion of product fees relative to wagering activity of all jurisdictions in Australia. The proposed product fee model would result in the relative funding of the CRC being lower than in other jurisdictions by a considerable margin. A national harmonised product market is widely expected to be the dominant funding model for racing within five to ten years. The proposed product fee could significantly weaken the CRC over the next few years and diminish its ability to compete in the emerging national product market.

It is very real. If the racing minister does not take an interest in that sort of issue then what is the racing minister doing? He is being neglectful—that is what he is doing—all for the sake of his pride. The minister tried to have a go at us. He tried to have a go at the opposition for being “pretend” economic rationalists or for pretending to be fiscally conservative. I do not buy it for one minute. In contrast, you have Andrew Barr taking money off a community so he can subsidise wastage in other areas of government. That is what is happening. What we in the opposition think is that if you are going to take money off a certain community, maybe that community has a right to some of that money in return. Yet Andrew Barr does not seem to accept that.

This is, in effect, a bigger tax, a bigger tax which goes into propping up more wastage in the ACT government. They provide a service. They provide a product which the ACT government capitalises and then does not reinvest. It is a two-way street. When you have got taxpayers and you have got a government it is meant to be a two-way

street. If someone is giving money to something then you would think they would get something in return. But here we have the minister taking money off the racing sector, taking money off the racing community, and refusing to invest a reasonable portion back into the very industry they are taking it from. It is absolutely absurd.

The executive summary of the document prepared by Access Economics goes on to say:

The product fee model proposed by the ACT Government would result in five fewer race meetings per annum in 2010-11 compared with the product fee model proposed in this paper. This reduction in races is estimated to reduce employment by 85 FTEs of direct and indirect employment, or allowing for part time and casual work, 400 fewer people wholly or partly depending on CRC for employment. Any further reduction in employment due to a loss of critical mass for racing in the ACT—resulting in the loss of supporting industries—would be in addition to that.

It is all very real. If the minister had sat down with the CRC and the other racing bodies we might not be in this situation. They might not have had to have gone and spent the money. They had to go and spend money on this sort of report because you were unwilling to sit down with them and negotiate properly. Perhaps if you had done that they would not have spent their members' money on Access Economics reports like this when they should be putting it into their community. Instead, they are forced into doing that. I commend them for doing so. I commend them for looking at a way forward. What the Canberra Racing Club is doing is showing far more strategy and far more vision than this minister.

Mr Barr interjecting—

MR COE: The minister is harping on. Obviously he has been affected by this. It has struck a raw nerve. Obviously he realises the CRC are being far more strategic and visionary than he is. Why? Because they are actually concerned about their industry, as opposed to you, minister. You are not in the least bit concerned about the future of racing and the future of 85 FTE jobs in the ACT. It is pretty disappointing. The economic impacts of the report are listed in the Access Economics report:

The economic impact of the CRC has been provided in previous submissions by CRC to the ACT Government. In summary, the impact is . . . total direct spending of \$36.9 million.

\$48.6 million in real gross value added, or 0.48% of the ACT total.

50,000 on-course attendances in 2005-06 . . .

Direct and indirect employment of 422 Full time Equivalent (FTE), or allowing for casual and part time employment, 2,000 direct and indirect persons are wholly or partly reliant on racing for employment.

It is all very real. Unfortunately, the only thing that is not real is what we have from the minister, who is refusing to communicate in a sensible way. We have seen that

today, incidentally, in the chamber. He is a very bitter minister. There is obviously something happening behind the scenes in the party room or upstairs on level 2 because he is very bitter. In fact, they are all bitter at the moment. They have all got very short fuses. They are all sending out cowardly barbs across the chamber and signals that they are very frustrated. They are signals of frustration with how they are travelling, they are signals of frustration with the lack of momentum the ACT government has at the moment and they are signals of frustration at the lack of ideas and vision this government has.

They are running on empty. They have no plans for the future. They have no vision and they will not even communicate with people that do. It is pretty disappointing. I commend Mr Smyth for raising this motion, for communicating with the industry and for doing what the minister is not doing—that is, looking at ways to make sure that the racing industry in Canberra is profitable and will continue to grow well into the future.

MR RATTENBURY (Molonglo) (5.53): As has been touched on today, the background to this motion is firmly based on how the racing industry is changing in Australia. The way Australians engage with the racing industry and, in particular, the way punters place bets, has changed markedly over the years. Put simply, the change is that now people will easily place bets online rather than at the race track or in TABs. I have circulated an amendment in my name and I will come back to it in a little while. Since this motion was first put on the notice paper some weeks ago there have been some discussions between my office, the minister's office and Mr Smyth's office. Hopefully, the amendment will prove to be a useful way forward. With regard to the broader debate, as my colleague Amanda Bresnan noted last year in the Assembly, the racing industry has gone through similar changes before. Ms Bresnan noted that in 1961:

... the racing industry was largely funded by spectator admission fees and fees paid by on-course bookmakers. Of course, bookmakers such as the starting price bookmakers, or SP bookmakers, operating mainly in hotels undermined this model. In order for the racing industry to survive, this was addressed by granting licenses to government-owned TABs to provide off-course retail wagering.

This gave punters a legal and convenient alternative to illegal off-course bookmakers in addition to providing an effective means of raising taxation for government. This arrangement ensured that the racing industry was paid for the use of its product through agreements between the TABs and the local racing authorities.

Ms Bresnan concluded her comments that day by saying:

Something similar is happening again. With the advent of the internet and telephone betting, off-course bookmakers or betting exchanges are now offering cheap and innovative betting products across Australia 24 hours a day.

In the context of today's debate, this shift in the way bets are placed impacts on government decisions on what is the best model of funding for the industry. The model used previously in the ACT meant that the industry relied upon a dividend

payment from ACTTAB. Because of the way in which bets are now being placed online, the ACTTAB dividend no longer represents a secure funding footing for the industry. As the ACTTAB turnover has decreased, so too has the dividend paid back to industry.

Governments across Australia, including the ACT, have acted to address these changes. In coming to the best funding model, governments have introduced legislation to require the operators of online betting services to pay fees—the race fields legislation, as it is known—and those fees are then returned to the industry. A second change has also occurred in the ACT which has been to separate the industry from the ACTTAB dividend and instead include it within the ACT government budget, as has already been touched on, particularly by Mr Barr. When coupled together, these two changes represent a new model of funding for the industry. The Greens believe that any new funding model, regardless of the industry affected, should be implemented only after careful consultation with those affected. Decision makers must be aware of the consequences of their decision before they make those important decisions.

As government members have said publicly, this will be a difficult budget. Now that the racing industry has been taken off the ACTTAB dividend and brought into the budget, its funding requirements will be assessed in conjunction with other competing demands. The minister for racing will be faced with difficult decisions, but he must equip himself with the relevant information before making any such decision. For those reasons, we strongly support this motion committing the government to engaging with the racing industry to agree upon a funding formula.

As I have outlined, there have been important changes to how the industry is funded. The government must work with the industry through the transition to get the details absolutely right. For their part, the industry are ready to meet with the minister. They said so publicly in February in a press release from the Canberra Racing Club. I believe the ball is now in the minister's court as to whether he takes them up on their offer. I note the interchange earlier about when the meetings have taken place and at what functions and whether it is the minister or the staff. It is imperative that, at the end of the day, the minister sits down and has this discussion face to face—not over a beer but in a serious meeting with the key stakeholders.

The motion today notes the social and economic aspects of the racing industry. The Greens understand that racing brings employment and economic benefits to the ACT economy. Of course, not all sections of the ACT community fully support the concept of racing and are uneasy about various aspects of it. The Greens have taken a balanced approach to this and are able to note and acknowledge that the industry does provide employment and has a positive flow-on effect to the broader ACT economy.

I said earlier that I have an amendment to the motion. The amendment retains, I believe, the key elements of the original motion but seeks to add to it to focus attention on the upcoming 2010-11 budget. As I highlight today, this upcoming budget is where the government and the racing industry must focus. The original motion called on the government to agree with the industry on a time frame for delivery of a funding formula for the industry. My amendment seeks to go one step

further and require the government to implement that funding formula in the 2010-11 budget. The motion will also require the government to report back to the Assembly on the revised formula once implemented. Certainly, in discussions with Mr Smyth's office we have tried to sell this as an addition to the motion, not as an attempt to change it in any substantive way.

The amendment also seeks to include a reference to problem gambling in the ACT. We are pleased that the text of the motion, as I have amended it, will now include that reference. In the discussions we have had with other offices there was a level of concern that the inclusion of problem gambling diverted attention from the primary issue in focus, which is the funding of the industry.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR RATTENBURY: I was speaking about problem gambling and the concerns that this was taking away from the focus of the motion. However, the Greens believe that problem gambling is an important issue that must be kept in mind whenever the racing industry is discussed. Again, I go to Ms Bresnan's speech in the Assembly last year in which she said:

It is all very well to have a vibrant racing industry and get our share from our racing products. We acknowledge that the racing industry provides employment, economic, entertainment and social benefits for the ACT economy, but we need to be mindful of the cost to our community through the impact of problem gambling.

In supporting this amendment to the Racing Act 1999, the ACT Greens urge the government and ACTTAB to pay close attention to this and direct funding and resources to assist with problem gambling and continue to financially support community groups who raise awareness of the negative impacts of gambling and provide support and counselling services to problem gamblers.

In light of Ms Bresnan's comments, I would like to put on the record today that we are not suggesting or inferring that any of the changes to the funding structure place people at increased risks of problem gambling. Nor are we suggesting that the funding of support programs is in danger of being reduced because of the new funding arrangements. The point I simply want to make is this: problem gambling is indeed a problem across Australia and the ACT is not immune. Problem gambling damages personal, family and work life and must be guarded against at all costs. For those that do suffer problems there must be services offered and help provided. That is why we sought to include that reference in today's motion—not because it is the primary focus of the motion but simply because we should remember to always talk about the context of this issue.

Our amendment also seeks to insert more broad contextual statements about the social and economic impact of the racing industry and the importance of fiscal responsibility. The amendment, I believe, adds context to the debate. During discussions on the motion, the Liberal Party have expressed concern that these general comments give

the government the ability to spin their way out of responsibility. However, our perspective is that the motion will now be stronger. We believe we have added to Mr Smyth's original intention. It gives some context to the debate and also, as I say, adds those useful requirements that the government act this year in the lead-up to the budget. That time frame was not part of the original motion, but it puts the pressure on to resolve this question as quickly as possible.

In conclusion, this motion identifies the changing circumstances that the racing industry operates in and calls on the government to engage with the industry to address the concerns it has. The industry does have honestly held concerns. In discussions I have had, there is a very general concern there. There are some debatable points, but I think the industry also has a willingness to embrace change and discuss with the minister the challenges ahead. The industry has adapted and changed in the past. We encourage the minister to meet with the representatives and do the work required to meet the commitments set out in this motion. I move the amendment circulated in my name:

Omit paragraphs (1), (2) and (3), substitute:

“(1) notes the social and economic importance of the racing industry to the ACT and acknowledges the changes taking place within the industry;

(2) notes the importance of fiscal responsibility and the maintenance of a balanced budget through the economic cycle, and notes the many and varied demands on the Budget for funding for social, environmental and economic policy objectives;

(3) notes the December 2009 Access Economics' report on the ACT Racing Industry and the benefits that it identifies would come to the industry from a more generous funding model;

(4) acknowledges the continuing importance of adequately funded programs to address problem gambling;

(5) notes the Government's commitment to:

(a) consult with the racing industry to develop a suitable funding formula for the ACT racing industry as part of the development of the coming Budget; and

(b) implement that funding formula in the 2010-11 Budget;

(6) notes the Government's commitment to provide in writing to the Assembly by the last sitting day of October 2010:

(a) details of the revised funding model the racing industry will operate under from 1 July 2010 including the yearly process the Government proposes to use to calculate budget allocations for the racing industry;

(b) details of work performed by the Government to identify the impact the revised funding model will have on jobs supported directly and indirectly by the racing industry; and

- (c) details of any change to the funding of programs to tackle problem gambling that has occurred following implementation of the revised funding model.”.

I commend the amendment to the Assembly.

MR SMYTH (Brindabella) (6:03): The amendment that the member has circulated, despite his claim that it will strengthen the motion, does nothing of the sort. I can only assume that the government will be supporting the amendment, and therefore the amendment will get up, but let me just look at one key word in the motion and the proposed amendment. What I ask is that the government negotiate with the racing industry; what Mr Rattenbury wants the government to do is to consult with the racing industry. They are two enormously different worlds.

To negotiate means that you sit down and talk—the minister and the industry—so that you come to, hopefully, an agreed position. We all know that negotiation is tough and we all know that you cannot always get everything that you want. But the problem for the industry is that the consultation to date has simply been one-directional, with very little input from the racing industry on the proposed model, because they cannot even get in to see the minister.

That is the problem with consultation with this government—the unbounded arrogance of this government and the unbounded arrogance of this minister, who, since April last year—almost 12 months—has not even met with the industry. To disingenuously say “but I met them at a cocktail function; I saw a race meet” is not negotiation. What is an hour out of this minister’s time to meet with an industry that brings the government revenue, creates jobs and adds to the vitality of Canberra and the diversity of the Canberra economic base? What is an hour of negotiation and what is an hour of meeting? As the industry itself said in its press release:

The ACT racing industry is prepared to work towards a sensible solution if given the opportunity and awaits Ministerial discussions.

The problem with the amendment circulated by the Greens is that the government will do exactly what they have done on every other occasion where consultation is involved. They will say, “What do you think?” They will get the answer, they will ignore the answer and they will press on. What the amendment does is allow the government to avoid negotiating with the industry. That is the big problem with this amendment.

The other thing is that the amendment overlooks the principle that racing is funded by revenue it creates through wagering—the requirement of the ACT government to fund the local industry through a longstanding gentlemen’s agreement and funding models which have not been decreased by other states and territories. We are the only jurisdiction that is now welshing on the gentlemen’s agreement. The ACT government is the only government that has proposed an alteration to the longstanding existing funding models, effectively by hiving off the new revenue from race fields legislation, legislation which the racing industry encouraged the government to introduce to correct the imbalance of being the lowest-funding racing industry in the

country. Imagine their surprise. They actually encouraged the minister to do this. They thought the minister was going to give them the additional money. They had absolutely no idea that the minister was going to reduce their funding by exactly the same amount.

It is important. Indeed, that goes to the last point, that we do have a strategy for the industry, a long-term strategy. The long-term strategy really should look at progressing towards a national funding model for the Australian racing industry in consultation with the other states and territory governments and the national racing industry. That is not contained in this either.

If you went through it point by point, you would see “notes the social and economic importance”. I think we all agree with that. It says:

... notes the importance of fiscal responsibility and the maintenance of a balanced budget through the economic cycle ...

We have had the economic cycle argument in this place many times. What does it mean? When does it start? When does it finish? How long are you doing this over? It says “notes the ... report”. The report is there. It says that it acknowledges the importance of funding problem gambling programs. I think we all agree with that; I do not think anybody opposes that.

But when you get to the nub of it, this amendment lets the government off the hook. All it calls for is consultation, and that is inadequate in this instance. What the industry want is an opportunity to negotiate with the government on what happens, when it happens and how it happens. They do not want to be asking. The government actually knows what they want. The government could say that they have already done the consultation. They have got a report from Access; they have had discussions through various avenues. The Chief Minister’s office is even involved now, because the minister’s office has not been doing the job that it should have and the minister has not been doing the job that he should have. The problem with this is that it lets the government off the hook. Part 5(b) says:

... implement that funding formula in the 2010-11 Budget.

I suspect it is already there. I suspect that what is happening, and why the minister will not meet with the industry, is that he does not want to tell them the bad news. Various parts of the government at various times have said to the industry, “We will get you an answer by Monday,” “We will meet with you on Friday,” or “We will get back to you shortly.” But at every stage they are fobbed off by not getting an answer about their future.

Again, that is the problem. It is already in the 2010-11 budget. The minister has harvested the million and a half; he has already taken that. He told this place that it would generate additional revenue. He did not tell this place that they would take it again. That is what the industry says in its press release:

On 8 December 2009 the Minister for Gaming and Racing Mr Andrew Barr MLA issued a media release which stated:

“The future of the ACT racing industry is more secure after the ACT Legislative Assembly passed a Labour bill which will see the local industry earn up to \$1.5 million from interstate organisations”. He said “we have based our legislation on what’s currently working best in other states and territories”.

What he didn’t say is that he was slashing the traditional funding model by \$1.5 million.

What he didn’t say is that in other states the traditional funding models have been maintained.

If the legislation is based on what works best in other states why has the ACT racing industry been misled with a media release giving the impression that the ACT racing industry will benefit to the tune of \$1.5 million?

The question has to be asked: why did the minister not have the courage to deliver that face to face with the industry? Because he never does. That is the problem. This is the minister who has cut everything that he has touched. He cut schools when he got the schools portfolio. He cut tourism when he got the tourism portfolio. He has now got racing and gambling, and what does he do? He cuts it, without consultation—no, sorry; I will give him his due: with some consultation, with a little consultation. But without looking them in the face and telling them the reason—instead, leaving them with the impression that they would be better off.

Paragraph (6) of the amendment “notes the Government’s commitment to provide in writing to the Assembly by the last sitting day of October 2010” a number of things. The last day in October 2010? The carcass will be cold by that time; the bodies will be buried. It will be over by the last sitting day in October 2010. It says:

... details of the revised funding model the ... industry will operate under from 1 July 2010 ...

Why wouldn’t the Greens insist that the government tell the Assembly the arrangements before they come into operation? Who wants to get a report from the government in October, four months after the arrangements have come into place? They will be announced in the budget in May, so it will be six months after they come into place. The Greens think it is reasonable for the minister to come back six months after the crime and tell us what happened. Gee, that will be news. That is a speech I will look forward to hearing. If I was the minister, I would be very happy to see that. Paragraph 6(a) says:

... details of the revised funding model ... will operate ... from 1 July 2010 including the yearly process the Government proposes to use to calculate budget allocations for the racing industry ...

I would have thought that you might ask for that in the budget week. I would have thought that you might ask for that in the estimates. But of course the Greens have pre-agreed to the budget, so it does not matter. The Greens have agreed to it. The Greens will pass the government’s budget.

The problem with that is that the industry is now disenfranchised. We will get the autopsy—and that is what it will be—on the last sitting day in October 2010. I am sure that the industry will be very grateful to the Greens for that document. It will be testament—absolute testament—to how effective they have been as third-party insurance and probably the fraud that they have committed on the people of Canberra in that claim. It says:

... by the last sitting day of October 2010 ...

details of work performed by the Government to identify the impact the revised funding model will have on jobs supported directly and indirectly by the racing industry ...

Why would you want that in October 2010 when the damage is done? It is beginning to sound more and more like an autopsy report. “Yes, on 1 July 2010 we killed the industry and now we are going to report the damage to you.” And part (c) says:

... details of any change to the funding of programs to tackle problem gambling that has occurred following implementation of the revised funding model.

Surely you would want details of what the impact of the revised funding model on problem gambling might be before it went into place. Wouldn't you want to know that the government had done the work before they did the damage? Clearly the Greens do not want to know that. The amendment is about being seen to be doing something without actually achieving anything at all. That is the problem with many of the amendments that the Greens move when they support this government.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (6.14): I will just speak briefly on this matter. The government will support this amendment and I will just take the opportunity to respond to a couple of the comments made by Mr Smyth.

Mr Smyth is indeed correct: he has pinged me on one element in his speech and that is that, yes, in my time as minister I have presided over cuts to certain areas of certain portfolios; I accept that. It is all about good government. It is about seeking efficiencies. It is about directing resources to their highest possible use. I wear it as a badge of pride that in my time in this place I have been able to redirect government resources to higher priority causes. And I will wear that as a badge of pride because I believe that a responsible government and a responsible minister look to find efficiencies, look to different ways of delivering services and look to prioritise the limited government funds to areas of the highest need.

So, on that charge from the shadow treasurer, the person who purports to look after the territory's finances in a Liberal government, what is he saying—that you should never make a cut in any area or you should never reallocate expenditure to higher order priorities? That is exactly the issue that the Liberal Party face on this issue and on so many: they seek to walk both sides of the street. They seek to argue that they are the party of fiscal responsibility, that they are the party of economic management. Yet

time after time they manifestly fail to address the significant structural issues that this territory budget faces. They block every attempt at serious reform, be it in education or in tourism or, in this instance, an attempt to reform funding for an industry whose long-term future is very bleak if we do not reform the funding.

A way forward in this debate is simply to revert to the previous funding model: race fields legislation on top of the ACTTAB turnover, 4.5 per cent plus race fields. That is one option, and that is one option that we have discussed with industry. I do not think it is going to be their preferred option but it certainly is an option. That would relieve the government of the issue of having to underwrite future declining revenue for the racing industry.

In one regard it would make my job easier because it would free up resources for the government to invest in education, for the government to invest in health, for the government to invest in disability services or public transport, or any of the other very worthy causes that we seek to fund in the budget each year. So the question that I am grappling with and that the government is grappling with is: is extra prize money for races more important than the Ambulance Service, the fire service, teachers, hospitals, the environment—all of the various issues that we must face every year in putting together a budget?

Let me reiterate that this debate is not about a funding cut for the racing industry. This debate is about the level of increase in funding for the racing industry.

Opposition members interjecting—

MR BARR: Those opposite want to interject with their petty little catcalls and their persistent interjections, Madam Assistant Speaker, throughout my contribution to this debate. In fact, their pattern throughout pretty much every non-Liberal speaker in any debate in this chamber this year has been this sort of interjection, constantly throughout, because they have nothing constructive to add.

Mr Coe: You didn't interject throughout my speech, did you, Andrew? You were as quiet as a church mouse during my speech!

Mr Seselja: You were yelling across the chamber. You are very sensitive.

MR BARR: They have nothing constructive to add to this debate.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Barr, one minute. Mr Coe, Mr Seselja, please! Mr Barr is entitled to be heard in silence.

Mr Seselja: Madam Assistant Speaker, just on that, at one point during Mr Coe's—

MADAM ASSISTANT SPEAKER: Clerk, stop the clock.

Mr Seselja: At one point during Mr Coe's speech we could not hear ourselves for Andrew Barr's interjection, and there was nothing from the chair. So I would seek your ruling as to why he needs to be heard in silence but Mr Coe and others were not heard in silence.

MADAM ASSISTANT SPEAKER: Mr Seselja, as you know, all members deserve to be heard in silence. This rule is unfortunately honoured often in the breach, and if the chair stopped every time there was an interjection there would be no proceedings at all, I am afraid. Mr Barr, you have the floor, hopefully in silence.

MR BARR: Thank you, Madam Assistant Speaker. So, just to conclude my remarks, yes, these are difficult issues that must be grappled with. There is always the possibility that an agreement will not be able to be reached between the government and the industry where they will be 100 per cent satisfied with the outcome. But I maintain a very firm view as minister that I am not an automatic teller machine who just stamps “approved” on every ambit claim that an industry group puts before me. I will ask difficult questions and I will contest some of the assumptions that underpin some of the ambit that has been put forward by the racing industry.

That said, the government’s starting point is an increase in funding for the racing industry and the argument is over the quantum of that increase. That is the fundamental issue that is at stake here. We will bring funding into the budget and provide certainty into the future with an indexation, so growth in funding by CPI. I come back to the point I made earlier: the argument we are having with the racing industry is whether that growth should be funded at CPI or CPI plus one per cent. There would be hundreds of industry organisations, hundreds of community groups, hundreds of portfolio areas, that would love to have their indexation above CPI, and there would be some people who would argue that we must ensure rigour in the budget process. And it is very clear that the Liberal Party do not offer that particular rigour; they never have and they never will.

MR SESELJA (Molonglo—Leader of the Opposition) (6.21): Conscious of the time, I will just take a few minutes. Mr Barr is very sensitive when there are interjections. He is very courageous in defaming people who cannot defend themselves today and has acted quite disgracefully, it must be said.

I will touch on the amendment briefly before going to the motion itself. I think Mr Smyth summed it up fairly well: what we have is an amendment that would do virtually nothing. It reads a lot like the government amendments we get and we have had in previous years, where they just note a bunch of things that the government is doing; it is what we used to have right through the last term of the Assembly and majority government. We had the government noting what it was doing and then going away and not doing much, and that is essentially what this amendment does. It is another Greens amendment that the government is exceedingly comfortable with.

If you want to hold someone accountable, the more comfortable they are, I think you have always got to question how effective that accountability is.

Mr Smyth has gone through the detail of this amendment, but it actually does not achieve what this motion is about in any way. What it does is give the government a leave pass to continue behaving in the way that they have been behaving. I want to go to the minister’s treatment of the industry. It is surely a basic requirement of being a minister that you meet with stakeholders, that you meet with the key stakeholders and

you meet with them on a reasonably regular basis. You cannot meet with every individual in the community, unfortunately. It would be wonderful if we could. But you should look to meet with as many as you can and with key stakeholders. That is why we have the key stakeholders, because they represent a whole bunch of other people. They represent people in the industry who do not have a voice. So they, as key stakeholders, should be taken seriously. They, as key stakeholders, should be treated with some respect. And that has not happened here.

We saw the comments from Peter Stubbs in the press release that was put out. I had the opportunity to meet with Peter Stubbs last week and to go out and to have a look at some of what they are doing and I commend him on his work. But it is worth looking at what they had to say and the way that they feel they have been treated. They quoted Andrew Barr's press release of 8 December where he said:

The future of the ACT racing industry is more secure after the ACT Legislative Assembly passed a Labor bill which will see the local industry earn up to \$1.5 million from interstate betting organisations.

He said:

We have based our legislation on what's currently working best in other states and territories ...

And it went on. What he did not say was that he was slashing the traditional funding model by \$1.5 million. What he did not say was that in other states the traditional funding models have been maintained.

This is about integrity. This is about honour and what we have was a statement from the minister that was saying one thing whilst delivering something completely different. And that is part of the reason why the industry are up in arms. It is a big thing for an industry to take on a government publicly, and it takes some courage. They do not do it lightly because we know there are that many bullies in this government. We saw it again today with the Chief Minister's ranting press release about the Property Council. Anyone who dares criticise the government will get personally attacked, will get smeared. We see the smear that comes out of the mouth of this minister virtually every time he gets up in this place; the cowardly attacks that we have seen this afternoon.

But it does take courage to actually, as an industry, say, "Well, no, we believe you are wrong," and to publicly say so. It seems that the punishment for that is that he is not going to meet with them. He was not meeting with them before. He had not met with them since April. Key stakeholders in this portfolio: he had not met with them since April. And then they ask again on 24 February 2010: "ACT racing industry is prepared to work towards a sensible solution if given the opportunity and awaits ministerial discussions."

At the very least, the minister should meet with the industry—not have cocktails and say g'day—hear their concerns and have a negotiation. That is what this motion is about. That is why we will not be supporting this amendment which essentially will achieve nothing, which essentially waters it down to the extent that it is meaningless.

I am conscious that we are coming towards 6.30 and I will conclude. But we should be able to expect from our ministers that they do the basics of their job, the very basics; the very least we should expect is that they meet with the key stakeholders in their portfolio. The fact that this minister is refusing to do so shows arrogance and it shows a disregard for the job at hand. It shows a disregard for the key stakeholders in this industry.

I commend Mr Smyth for bringing forward this motion. I commend him for working with the industry, for doing the work, for listening to them and for raising their concerns. If only the same could be said about the mob on the other side.

MR SMYTH (Brindabella) (6.27): I am conscious of the time. Just to close, I will read two paragraphs from an email that can summarise it better than I. It is an email that went to the minister and was cc'd to me. It is about a person who has a commitment to the local industry:

Last year, two of my construction industry partners and me made a decision to invest in the Canberra Racing Industry, via the construction of a new 2,000sqm state of the art stabling facility for one of Canberra's leading Thoroughbred Racing trainers ... Having seen the transformation of the ... Racetrack, through the new multi million dollar redevelopment, we could see that the Canberra Racetrack and ACT Racing Club were amongst one of the best regional tracks in Australia, with its two racing surfaces and modern training facilities; we wanted to be part of this important growing industry.

Our investment alone in the new stabling facility will be close to \$1,000,000.

We are also racehorse owners and between the three of us own shares in 12 ...

So this email comes ... from a number of directions: as an owner, as someone who has decided to directly invest ... as a punter, as a sponsor, as a breeder ...

It seems ludicrous that at the meeting I attended last night we are in a situation where the current government looks like not passing onto the ACT Racing Club the revenue generated by the new Race Fields legislation, estimated to be \$1,500,000.

The Racing Industry in the ACT is self supporting; why would the government not choose to support an important revenue generating, job generating, and tourism generating industry?

I will just pick one other paragraph that I think says it all:

The ACT Racing Club has a terrific product; I hope that the decisions made by this government are not short sighted and allow the ACT Racing Industry to prosper into the future and provide not only benefits to the ACT Community as a whole through Tourism and jobs, but also to the ACT Government long term.

I commend the motion to the Assembly.

Question put:

That **Mr Rattenbury's** amendment be agreed to.

The Assembly voted—

Ayes 6

Noes 2

Mr Barr

Ms Le Couteur

Mr Coe

Ms Bresnan

Ms Porter

Mr Smyth

Mr Corbell

Mr Rattenbury

Question so resolved in the affirmative.

Amendment agreed to.

Motion, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Catholic Schools Week

MR COE (Ginninderra) (6:32): It is an honour to stand today to acknowledge the great education we have on offer in Canberra. In particular, I acknowledge the great work done by the Catholic sector. My comments today are particularly timely, given we are in the middle of Catholic Schools Week, which is running from 14 to 20 March this year.

Across the ACT and New South Wales, there are 615 schools that are taking part in a broad range of activities as part of this week-long celebration. In the ACT, approximately 40 per cent of our students are educated in non-government schools, with more than 25 per cent of them being educated in Catholic schools. This means a large proportion of Canberra's population is being equipped for life's challenges through an education provided in this sector.

One of the great misconceptions about private schooling is that only children of wealthy people attend private schools. This is wrong. While some students who attend private schools will come from wealthy families, the same can be said about some students in public schools. Regardless of a family's income, the decision to send a child to a non-government school requires sacrifice. The level of that sacrifice will vary according to the particular school and the family's circumstances.

The theme of this year's Catholic Schools Week is "open your minds, open your hearts", as published by the Catholic education office. This theme is very appropriate, considering the wonderful teaching and learning that takes place in Catholic schools, as well as the support each provides to its local community. CSW 2010 is also about strengthening relationships between all who have a stake in our schools—students, staff, families, priests, parishioners and members of the wider community.

In my electorate of Ginninderra, including all the suburbs in Belconnen, Nicholls and Hall, there are eight Catholic schools. They are: Holy Spirit primary, St Francis Xavier college, St John the Apostle primary, St Matthew's primary, St Michael's primary, St Monica's primary, St Thomas Aquinas primary and St Vincent's primary. Each of the schools I just mentioned deliver high-quality education to the people of Ginninderra and beyond. I have been privileged to have visited a number of these schools since being elected and I have witnessed the wonderful culture, the superb learning environment, the dedicated teachers, the appreciative students, the careful and diligent management and the supportive broader communities.

This morning, I attended St Michael's primary school in Kaleen to partake in the celebrations there. I joined the Leader of the Opposition, Zed Seselja, the shadow minister for education, Steve Dospot, and other Assembly colleagues. Whilst there, we heard from David Austin, the principal. We heard from Father Peter from the parish, Dan O'Meara, the community council chairperson, and others. The school has 226 students from 159 families and they receive a great education in a caring community for all concerned. I congratulate them on the event they hosted this morning and for all the good work they do.

In addition to being good places to educate children, Catholic schools are also very active in their communities beyond the school grounds. Whether it be through charity work, on the sporting field, partaking in interschool activities or directly getting involved in the debate about the future of our society, Catholic schools are an integral part of the fabric of Canberra. Catholic schools have been a part of the Australian society for approximately 200 years and they continue to go from strength to strength. I look forward to continuing to support Catholic schools in Canberra this week and beyond.

Baha'i community in Iran

MS BRESNAN (Brindabella) (6:35): I would like to talk about the political persecution of the Baha'i community in Iran and the unjust arrest and detainment of Baha'i leaders and members. And this is a subject I have spoken about previously in the Assembly.

In 2008, the leadership of the Baha'i community were arrested and have been detained ever since without proper access to their lawyers and international monitoring organisations. The arrest and detainment of about 80 Baha'i members and the arrest and charges brought against certain Baha'i leaders has gained a great deal of international media attention and has been condemned by a number of Australia politicians.

Since the initial arrests, there have been growing numbers of Baha'i detained for their religious beliefs, with more than 60 individuals imprisoned. The detention of the leadership and individual community members is in contravention of international law, and particularly Iran's commitments under the International Covenant on Civil and Political Rights.

Ms Scrine, a representative of the Australian Baha'i community, has stated that the seven Baha'i leaders have committed no crime but are suffering blatant religious persecution. In a recent media release, Ms Scrine said:

All those who know Baha'is throughout the world, including the Iranian authorities, are well aware that we are called upon by our Faith to be law-abiding and not to engage in partisan politics.

According to reports in government-sponsored news media, the seven have been charged with espionage, propaganda, activities against the Islamic order, the establishment of an illegal administration, cooperation with Israel, sending secret documents outside the country and acting against the security of the country. In court, the defendants explicitly denied all of the charges.

The most recent arrests add to the denial of rights to the Baha'i community in Iran and in many areas of society. This persecution has increased since the Islamic revolution in 1979. The Baha'i are banned from all social institutions in Iran unless they recant or conceal their religious faith. This includes access to the public education system, the pension system and positions of leadership in government or judicial systems.

The United Nations has uncovered documents that show the leadership of Iran in recent years have instructed the armed forces of Iran to monitor the Baha'i, particularly personal communication, and the UN has expressed concern this will lead to further persecution. Since the Islamic revolution, more than 200 Baha'i have been executed and the unofficial number is possibly much higher.

In relation to the arrests, the senior advocate for the Foreign Prisoner Support Service, Martin Hodgson, has called for:

... the Iranian regime to immediately release those individuals arrested and held for their religious beliefs and for Iran to honour its commitment to international law. All human beings have a right to be free from persecution and discrimination and this must be upheld by all responsible members of the international community.

The ACT Greens believe that all people universally recognise that human rights must be respected, protected and observed in all jurisdictions.

Debate interrupted.

Racing industry

MR SPEAKER: Members, it has been drawn to my attention that, under standing order 31, we have a problem with the previous vote. The vote that was just taken lacked a quorum. I therefore intend to invoke standing order 165, which says that, in case of an error, the Assembly shall again vote. So I am going to call a division on the amendment to Mr Smyth's motion, and we are going to have to bring in more people, and pairs are out, to get a quorum.

A division having been called and the bells having been rung—

MR SPEAKER: Members, in light of the fact that there was an error on the last vote and the inability now to raise a quorum, I am, under standing order 31, going to adjourn the Assembly until 10 am tomorrow.

MR SESELJA (Molonglo—Leader of the Opposition): Just before you do, Mr Speaker, I am not sure we have a quorum problem. I think we have a pair problem. I think there are more than nine members in the building, from what I can tell. I think we have a pair issue. So I would be happy, on behalf of the opposition, to say we will have enough people in for the vote, which I do not think would change the vote, in order to deal with it and finalise it.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): On that matter, Mr Speaker, with your indulgence, I think the issue is that it will change the result of the vote. The government would be supportive, of course, of action in terms of resolving this matter whereby two members of the opposition are able to return to the chamber, as long as the substance of the decision of the Assembly is not changed, otherwise it would simply mean recommitting the vote tomorrow to get an appropriate decision.

MR SPEAKER: We now have sufficient members to conduct the vote.

Question put:

That **Mr Rattenbury's** amendment be agreed to.

The Assembly voted—

Ayes 5

Noes 4

Mr Barr

Ms Porter

Mr Doszpot

Mr Seselja

Ms Bresnan

Mr Rattenbury

Mrs Dunne

Mr Corbell

Mr Hanson

Question so resolved in the affirmative.

Amendment agreed to.

Motion, as amended, agreed to

MR SPEAKER: Thank you, members, for your support in sorting that matter out.

Adjournment

Debate resumed.

Mr Ivan Slavich
Canberra Refugee Support
Catholic Schools Week

MR DOSZPOT (Brindabella) (6.44): Last night I attended two functions, quite

different in nature. The first was the farewell of Ivan Slavich from ActewAGL. Ivan is not going far. In fact, it is virtually across the road to TransACT. He has been a great contributor to Canberra through his work and commitment on behalf of this organisation over the past eight years and he has also been a great community champion, as he worked very hard for the cause of CanTeen over the years. And as I understand, he has been a prime mover behind raising around \$650,000 for this very worthwhile organisation.

His farewell last night was attended by a large number of prominent members of the Canberra business community as well as my colleagues Zed Seselja, Brendan Smyth and Alistair Coe. Ivan was farewelled by Michael Costello and John McKay, with glowing references to his commitment and contribution to ActewAGL. And those in attendance were also treated to a great videotape performance of Ivan performing a Ukrainian folkdance.

I wish Ivan Slavich all the best in his new role as head of TransACT and recommend that he not take up professional dancing, as the video did not prove very commendable. But it was a worthwhile effort in showing us the Ukrainian national dance.

I also attended a fundraising dinner by Canberra Refugee Support Inc at the Noble Palace in Woden. The Canberra Refugee Support group is a community-based, not-for-profit organisation who welcome and provide support to refugees who wish to settle in Canberra. They have no paid staff, and all their members work on a part-time basis in a voluntary capacity. They also use their own facilities and transport for their various activities, while the funds raised are used to allow the organisation to support refugees and asylum seekers to settle in Australia.

Geoff Macpherson gave a speech on the night during which he reminded us all about the role of the Canberra Refugee Support group, which is to provide support to refugees and includes activities to establish an organisation and maintain a group of personnel who are trained and prepared to undertake humanitarian tasks in support of refugees and assist refugees to settle in Canberra and undertake advocacy. Their aim is to help refugees become as independent as possible as quickly as possible.

Geoff also announced that Canberra Refugee Support will be holding their annual scholarship presentation ceremony in the week leading up to World Refugee Day, which is on 20 June this year.

Geoff Macpherson and his hardworking committee hosted close to 300 people last night. The attendees' generosity also enabled the running of a profitable raffle that added much-needed funds for the CRS. Along with my colleague Brendan Smyth, we enjoyed the company of the many supporters of the CRS and we congratulate Geoff Macpherson and Colleen Fox and their colleagues on their hard work on behalf of this worthwhile organisation.

This morning I attended a Catholic Schools Week function at St Michael's primary school in Kaleen, in the company of my colleagues Zed Seselja and Alistair Coe, Senator Gary Humphries, the Hon Bob McMullan and the minister for education,

Andrew Barr. The chief executive of the Catholic education office, Ms Moira Nadjeki, was also there, as well as the parents council president, Dan O'Meara, and parish priest Father Peter. We thank the principal, Dave Austin, for his kind invitation and we wish David and his staff and, indeed, all the schools in Canberra all the best for the remainder of Catholic Schools Week.

Question resolved in the affirmative.

The Assembly adjourned at 6.49 pm.