



Debates

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

Petition

The following petition was lodged for presentation, by Mr Berry, from 17 residents:

Schools—closures

TO THE SPEAKER AND LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

The Petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: the Chief Minister announced on June 6 his government's plan to close Dickson College.

We the undersigned believe that this decision discriminates against the students of North Canberra by closing the only stand alone college in North Canberra.

We believe it is the responsibility of the ACT government to provide students of North Canberra with the same educational choices that are available to families elsewhere in the ACT by providing access to a locally based secondary college.

Your petitioners therefore request the members of the assembly to overturn this decision and keep Dickson College open.

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

Legal Affairs—Standing Committee Scrutiny report 30

MR STEFANIAK (Ginninderra—Leader of the Opposition) (10.32): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 30, dated 21 August 2006, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny report 30 contains the committee's comments on two bills, 121 pieces of subordinate legislation, and two government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Estimates 2006-2007—Select Committee Errata to report

MS PORTER (Ginninderra) (10.33): I seek leave to table an errata to the report of the Select Committee on Estimates 2006-2007 entitled *Appropriation Bill 2006-2007*.

Leave granted.

MS PORTER: I present an errata to the report of the Select Committee on Estimates 2006-2007 entitled *Appropriation Bill 2006-2007* which was presented to the Assembly on Tuesday, 15 August 2006, and seek leave to move a motion authorising the paper for publication.

Leave granted.

MS PORTER: I move:

That the paper be authorised for publication.

Question resolved in the affirmative.

MS PORTER: I move:

That the Assembly takes note of the paper.

There was a formatting problem that really does not change the nature of the report *Appropriation Bill 2006-2007*. I tabled the document so that people can see the formatting corrections and so that they are made public.

Question resolved in the affirmative.

Remuneration Tribunal Amendment Bill 2006

Mr Stanhope, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (10.35): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Remuneration Tribunal Amendment Bill 2006. The bill will amend certain elements of the framework for the making of determinations by the tribunal. The tribunal is the body responsible for making determinations on remuneration, allowances and entitlements for a wide range of public offices, including

members of the Legislative Assembly, executives, chief executives and statutory officeholders.

However, employment arrangements and conditions of employment for those public offices are not only regulated by tribunal determinations. Conditions of employment also derive from other sources, such as the instrument of appointment and enabling legislation for statutory officeholders, contracts for chief executives and executives and, as relevant, the Public Sector Management Act and management standards. The employment of executives and chief executives is primarily regulated by the Public Sector Management Act and standards. However, certain provisions of that act and standards apply also to statutory officeholders.

Under current legislative arrangements the tribunal is not able to determine allowances or entitlements where they are set under territory or Commonwealth laws, or are otherwise included in the relevant instrument of appointment. These changes do not alter the principle that the tribunal should not determine allowances or entitlements otherwise provided under territory or Commonwealth laws.

The amendments clarify the position where a territory or Commonwealth law, which is most likely a law made subsequent to a determination, regulates matters covered by an existing determination. The changes will provide that the determinations are subject to territory and Commonwealth laws, or the relevant instrument of appointment or engagement. To avoid any effect on existing entitlements, the arrangements apply only to persons appointed to those relevant offices on or after 1 July 2006.

The new arrangements primarily link to new provisions contained in the public sector management standards for chief executives, executives and statutory officeholders. The standards set in place an entitlement to a four-cylinder vehicle where the executive or statutory officeholder elects an employer-provided vehicle as part of his or her remuneration package. This four-cylinder entitlement applies unless an exemption is granted for operational reasons by the chief executive of my department.

The standard also sets in place nine per cent employer superannuation contributions, consistent with arrangements for new staff in the public service. The arrangements under the standards for superannuation entitlements have been included in post-1 July 2006 employment arrangements. The changes, therefore, do not affect superannuation entitlements for existing executives, chief executives and statutory officeholders. As such they do not apply retrospectively. The government's decision to progressively replace six-cylinder vehicles with four-cylinder vehicles is supported also by the new standard.

Overall, vehicle entitlements will not be reduced. Overall, the amendments retain the principle that tribunal determinations should not be made where allowances or entitlements are dealt with by territory or Commonwealth laws, and also clarify that in the event of a determination dealing with an entitlement or allowance covered by a law or appointment instrument, that law or instrument will prevail over the determination for persons employed post-1 July 2006. I commend the bill to the Assembly.

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

Multiculturalism

Amendment to resolution

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (10.39): I move:

That paragraph 3 (c) of the resolution of the Assembly of 15 February 2006, regarding the handing down of a new multicultural strategy by mid-2006, be amended by omitting “mid-2006” and substituting “December 2006”.

This motion seeks to extend the time for the handing down of the new multicultural strategy from mid-2006 to December 2006. The motion proposes to provide more time so that a draft of the strategy can be subjected to a broader community consultation process. As Minister for Multicultural Affairs I believe it is important that all members of our community have an opportunity to contribute to this important document and that the perspectives of the community, business and other sectors are taken into account.

The initial intention was to proceed to a final document by mid-2006 based on the views put forward by the many participants who attended my six ministerial multicultural forums last year and the multicultural summit. The major outcomes from the summit were incorporated into a booklet entitled *The Way Forward* and circulated to members of the community for their comments, with feedback not received until late June 2006.

Those major outcomes and the community comments have been used to produce a draft multicultural policy document. That draft will be released in the near future for even more consultation. The proposed strategy will apply across government and the community as an important vehicle for fostering and promoting social harmony and ensuring that all Canberrans enjoy maximum benefits from our rich cultural diversity. Of course, it is my intention to have the draft strategy circulated to the broader community for comment before it is finalised.

I want to move as quickly as possible but not without capturing full community input along the way. I am keen to ensure that community consultation on the draft strategy involves the multicultural community and, in particular, key constituencies such as the aged, women and youth. I consider it important that the business sector and the full range of non-government organisations also have an opportunity to contribute to the development of the strategy.

I believe that the multicultural strategy is a key strategy for this government and for the whole community. As such it should be subject to the broadest possible community consultation and feedback. It will guide the community in multicultural affairs and provide the strategic focus for the coming four years. The draft strategy has been prepared following the closure of the time for comments at the end of June. It will be provided to the community for comment shortly. Community comments will be received until early October and I expect to launch the final document later this year.

In seeking to extend the time for finalising a robust and relative multicultural strategy it should be acknowledged in this place that the government has consistently delivered a range of high quality initiatives in the area of multicultural affairs during the past

12 months. These initiatives include providing opportunities for more direct engagement with local multicultural community groups, establishing Australia's first multicultural centre, staging a successful multicultural festival, and moving to project funding for the multicultural sector in response to the needs identified in last year's multicultural summit.

As we plan to set the strategic framework within which we will work to respond to the many challenges that confront our culturally diverse community, we must be mindful of the need to ensure, as we have done with other initiatives in this area, that the best possible outcome is achieved. I commend to members the motion to extend the time for the handing down of the new multicultural strategy from mid-2006 to December 2006.

MR PRATT (Brindabella) (10.43): I note the government's concern that it has not been able to meet its June deadline as outlined by the Assembly in February 2006. We must take the minister at face value when he says that the reason for the delay in the development of this strategy is that the government has not yet received all the feedback from community groups. I find it unusual that over a six-month period it has not yet received that feedback. If what the government is saying is correct we accept the government's advice at face value.

What has the minister done to encourage that consultation and feedback? What percentage of the key groups in the multicultural community is yet to respond? If we knew that we would be a little more comfortable with where the government is taking this strategy. I remind members that in February the Assembly asked the minister to come up with a strategy after a couple of pretty tumultuous years in the management of multiculturalism.

The ACT's Multicultural Council came right off the tracks and I know it has been difficult for the minister and his Office of Multicultural Affairs to deal with that curly issue. We have also seen the rising of the new multicultural forums, which means there is yet another player in the field to whom the government must talk. If the government wants to reinforce its success I support such a move, but this strategy has been a long time coming.

I encourage the minister, the government and the Office of Multicultural Affairs to hasten the preparation of its strategy so we can quickly see the back of the tensions we have been seeing in the ACT multicultural community. I believe that multicultural groups in the ACT get on particularly well but the politics have been extremely messy and damaging and that has caused a lot of angst. The government is finally taking action, which has been a long time coming. I ask the minister to sit down with these people, to sort them out and to get multiculturalism back on an even keel.

DR FOSKEY (Molonglo) (10.46): I am happy to support this motion as long as the consultation that occurs as a result of an extension of time is not just broad consultation where we find that the loudest voices are usually the voices that are listened to. I would like to see the government talking to groups that do not have a voice in our multicultural communities and that often do not have a voice in the Anglo-Saxon community. I am referring to the voices of women and in particular to the voices of children and young people.

Next month Islamic women are holding a conference, something that they are doing as a result of their own initiative. I do not know whether the government is providing any funding, but that conference is very much an outreach gesture for Islamic women to engage with other women in our community. I applaud them on that initiative. Representations have made to me by young people in the multicultural community who believe they are not being heard—young people who are not necessarily represented by those who speak for their communities. For that reason I ask the government to ensure that it makes a special effort to consult with those young people.

A number of young people from refugee and migrant backgrounds who are working in the community would be happy to assist the government in setting up those consultations. During the estimates committee process Mr Hargreaves said that things were pretty good in the ACT. I agree; they are pretty good. We do not have the ethnic conflict that we see in other communities but we cannot afford to be complacent about that.

During the height of the conflict between Israel and Lebanon—I hope it is all over—taxi drivers in the ACT said there was prejudice, that they were being discriminated against and that they were being stereotyped. We should listen to our taxi drivers as they are a barometer in society. I support the motion and hope that the government talks to those who do not usually have a voice in public discourse.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (10.49), in reply: I thank members for their support for and understanding of this process. I wish to refer to a few matters to reassure Mr Pratt and Dr Foskey about the integrity of this process. Members might recall that the strategy arose as a result of discussions at the multicultural summit.

It took a fair while to put together a booklet. It was a warts and all document that was not censored or edited in any way. The document, which was entitled *The Way Forward*, was prepared as a result of all the comments that had been made. We are seeking comments from the community on our draft policy document so that we can compile our strategy. Earlier Mr Pratt asked how the government would encourage feedback as a result of its consultation. The government will do that in two ways.

The Office of Multicultural Affairs normally communicates with the community through its newsletters, electronically and by approaching people who seek to be involved. However, I also have direct contact with the community. Recently I held another ministerial forum and I was pleased to be able to speak to 45 people representing 30 different groups, women's groups, young people and groups from small and emerging communities—the very groups to which Dr Foskey referred earlier. I was pleased to get some feedback from those groups about the direction in which this government should be heading.

Mr Pratt talked about political upheaval in the multicultural community last year, which needs to be put into context. There was no political upheaval in the multicultural community. The political upheaval, which was isolated, occurred only in the Multicultural Council. However, it was so serious that we approached the question of its funding on a completely different basis. I will not fund an organisation that is moribund

and that is fighting within itself. The government had to find another way to fund that organisation.

The multicultural summit and ministerial forums provided a solution to that problem—project funding. So we are not throwing money at a peak group that can be distributed any way that it likes. We went to the communities and said, “What is it that you want us to do?” The government is allocating exactly the same amount of funding. For the information of Dr Foskey, the strategy will comprise seven different projects. I apologise for not knowing those seven off the top of my head, but I know that they include older people, women and young people. Specific projects will centre on those topics and inform the government and the community where we are at, where we should be headed, where services are lacking and what can be done about them.

Dr Foskey referred earlier to the voices of young people not being heard. When we are dealing with multicultural groups we have to be ever conscious about succession planning. We must ensure that the leaders of today are replaced with leaders in the future otherwise their groups will die. Many of these groups are structured on a particular type of hierarchy and it matters not whether it is a chief, elders, or other people of significance.

If multicultural communities are not mentoring young people, in particular young women, to take over leadership roles, those communities will wither and die. We are focusing on that aspect in particular. The other day, when I was speaking to representatives from those 30 groups, I said I was committed to focusing on that aspect. I am grateful for the support of some members to extend to December the date for the delivery of our strategy. I hope I receive the support of all members in this place.

I do not believe that the multicultural affairs portfolio is an appropriate arena for partisan politics. If people want to have a fight with me I have plenty of other portfolios in which they can do so, but multicultural affairs is not the appropriate arena. We are talking about the lives of real people. Dr Foskey put her finger on it quite well by stating that the ACT has the most effective multicultural society in Australia. If we bring politics into this area it will be destroyed and we cannot afford to do that.

I want to refer to the forums with which I have engaged. I met with the Muslim Advisory Council and talked about a number of issues facing that community. I spoke to the council about some of the not so pleasant things in the national action plan that will affect the Muslim community. I asked the Muslim Advisory Council to expand its membership because it is comprised mostly of males and Diana Abdul Rahman. I asked it to include another four people, two women and two young people, because I want a balance. I want gender and age equity otherwise I will not receive advice from that group on succession planning.

I have not proceeded, and nor will I, with the Ministerial Council on Multicultural Affairs. I have explained in this place before that the Chief Minister appointed that body. When I received responsibility for the multicultural portfolio I chose not to proceed with that body. I do not want to appoint somebody to give me advice; I want the communities to do that themselves. I am prepared to meet with those communities. At the forum that was held the other night—the seventh such forum—we canvassed the very issues raised earlier by Mr Pratt and Dr Foskey.

I do not need another layer of bureaucracy with its additional costs when I can receive feedback such as that which I received last Thursday night; so I do not propose to proceed with that council. Other ministers for multicultural affairs might have such a need because of their limited contact with multicultural communities and because of their time constraints. I, on the other hand, regard this as a priority. I do not want the views of the communities filtered in any way, which is another reason why the consultation process on multicultural strategies should be extended.

We must ensure that members of these communities have an opportunity to speak to us. We have said to them, "During this consultation period give us your contacts and we will talk to your organisations regardless of their size or nature, be they a club or an association." We will also talk to individuals and put them on an electronic mailing list. We do not want anybody to feel disenfranchised.

I express appreciation to the Office of Multicultural Affairs and to the departments of disability, housing and community service for all the work they have put in over the last couple of years. Mr Pratt was quite right; it has been hard. Those officers meet daily with members of the multicultural community, some of whom are wonderful and some of whom are not. It is testimony to the diplomatic and tactful skills of staff in the Office of Multicultural Affairs that we are as far forward as we are at the moment. I also thank members for their support. I think I am right in saying that this government has received multi-partisan support for its efforts in the area of multicultural affairs.

Question resolved in the affirmative.

Estimates 2006-2007—Select Committee Report—government response

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (10.58): For the information of members I present the following report:

Estimates 2006-2007—Select Committee—Report—Appropriation Bill 2006-2007—Government response, including Government response to the Dissenting Report, dated August 2006.

I move:

That the Assembly takes note of the paper.

I present the government response to the report of the Select Committee on Estimates 2006-2007. There is no doubt that the 2006-07 budget presented many challenges for the government. I have made that point clear on numerous occasions. In rising to these challenges the government delivered a budget that addresses the real and serious issues facing the territory right now, and that also provides the capacity for the future to deal with known fiscal pressures and risks.

Despite the considerable pressures facing the government, such as rising health care costs, the aging population and a declining land revenue base, the government has

presented a budget that maintains the provision of core service commitments to the ACT community while continuing to be financially responsible and responsive. There is wide evidence to support the fact that the costs of general government services in the ACT are far greater than those in other jurisdictions. The decisions made as part of the budget recognise the need to reduce costs to be in line with benchmark comparatives.

This budget introduces a range of administrative reforms and structural changes. It also provides significant reinvestment and redirection of resources into areas of critical need, particularly within the education and health sectors. In its consideration of the budget the Select Committee on Estimates discussed a wide range of issues and made 73 recommendations. The government responded to each recommendation. The committee's report also included a part 2, additional comments and dissenting report, and the government broadly responded to that part of the report.

I will not take the Assembly's time by working through each of the select committee's 73 recommendations as they are discussed in the response document. Nevertheless, I will touch on some of the more important issues. The committee recommended the reversal or review of several major decisions applied in the budget, in particular, the revised superannuation contribution arrangements. It is imperative to reiterate in regard to superannuation that the ACT is the only jurisdiction that applies rates in line with its federal counterparts, even though 65 per cent of the Commonwealth work force resides and competes for employment outside the ACT.

It is also important to note that the ACT government does not compete with the federal government for the largest part of its work force, namely, teachers, nurses, health professionals, child protection workers, firefighters, bus drivers and rangers. The government's contribution to the superannuation entitlements of its employees is 139 per cent above the national average. It was timely that the government reviewed those arrangements. If the government failed to address the issue now the cost of public servants superannuation would increase by 700 per cent over the next 30 years.

The committee also recommended throughout its report that the government improve and enhance the presentation of the budget papers to ensure that appropriate cross-referencing, indexation, comparative tables and variance analysis were included in the publication. Several recommendations also called for the inclusion of additional information particularly about staffing. The government is committed to the continuing improvement of the presentation, quality and usability of information included in the budget papers. To that end the government has noted the committee's recommendations in this regard and it will explore the feasibility of further presentational improvements.

The dissenting report of Mr Pratt and Mr Smyth has some 90 recommendations. There is much I could say about the dissenting report. In summary, however, in various places either it is wrong, for example, with its calculations of staffing numbers and resulting bottom-line adjustments, or it seeks reversal of essential budget decisions with no supporting evidence or argument. But the biggest disappointment of the dissenting report is its failure to provide any feasible alternatives or policies to support the recommendations put forward. It takes a particularly short-sighted view to ongoing financial management. The government's response to the dissenting report states:

The 2006-07 Budget provides measures necessary to build strong foundations for the future of the ACT's finances. Delaying projects or failing to address these issues now will not provide a sustainable fiscal platform, leaving compounded problems for the forthcoming government to rectify.

In general, the recommendations made by the committee do not raise any serious issues that will prevent the passage of the Appropriation Bill 2006-2007. Rather, the report seeks more information on and clarification of a range of issues. The government's response has provided that information where possible. I thank the committee for its consideration of the Appropriation Bill and for the issues that it has raised, and remind the Assembly that this is a budget not only for today but also for the future. I commend the government's response to the Assembly.

Debate (on motion by **Mr Mulcahy**) adjourned to a later hour.

Standing orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent order of the day No 4, Assembly business relating to the Report of the Select Committee on Estimates 2006-2007 and the Government response to the Select Committee on Estimates, being called on and debated cognately with order of the day No 1, Executive business, relating to the Appropriation Bill 2006-2007.

Appropriation Bill 2006-2007

[Cognate papers:

Estimates 2006-2007—Select Committee report

Estimates 2006-2007—Select Committee report—government response]

Debate resumed from 8 June 2006.

Detail stage

MR SPEAKER: I remind members that this is a cognate debate. In debating order of the day No 1 executive business, they may also address their remarks to the relevant parts of order of the day No 4 Assembly business, report of the Select Committee on Estimates 2006-2007, and the government's response to the report of the Select Committee on Estimates 2006-2007, debate on which was adjourned a moment ago.

Standing order 180 sets down the order in which this bill will be considered. That is, in the detail stage, any schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the schedules will be considered by proposed expenditure in the order shown. With the concurrence of the Assembly, I am proposing that the Assembly consider schedule 1 by each part consisting of net cost of outputs, capital injection and payments on behalf of the territory. Is this the wish of the Assembly? That being so, schedule 1 will be considered by each part, consisting of net cost of outputs, capital injection and payments on behalf of the territory, then the clauses prior to schedule 2 and the title.

Schedule 1—Appropriations

Proposed expenditure—Part 1.1—Legislative Assembly Secretariat, \$5,339,000 (net cost of outputs), \$200,000 (capital injection) and \$4,495,000 (payments on behalf of the territory), totalling \$10,034,000.

MR MULCAHY (Molonglo) (11.07): The appropriation in the 2006-07 budget for the Legislative Assembly Secretariat, in my view, still contains considerable scope for improvement in efficiencies and services provided. It is certainly acknowledged that the Secretariat serves an important function and needs to be sufficiently funded to ensure the smooth running of Legislative Assembly processes and to facilitate the proper handling of legislation and the needs of elected members in the Australian Capital Territory. But I respectfully suggest that some of the key functions of the Secretariat that are currently provided to Assembly members still have a way to go before they can be considered to bear the standard that is commensurate with the way legislative functions operate and government is administered at state and territory levels elsewhere.

It is all well and good to be handling the little things well. For instance, the estimates committee reveals that the Secretariat was well in control of the publishing of relevant foreign language pamphlets in line with current trends in most frequently used languages other than English among Assembly visitors. It is pleasing to know that our Vietnamese, Cantonese speaking Chinese and Arabic visitors will be well served with respect to learning about the Legislative Assembly's functions in their mother tongues. I also hear that our Korean, Filipino, Serbian, Croatian, Spanish and Japanese guests will also soon be able to more easily access information related to our facility.

I suggest there are bigger fish to fry. Take, for example, the contentious DOA arrangements for members of this Assembly that again have been subject of recent reference in the *Canberra Times*—as recently as this weekend. Many of our colleagues would agree that arrangements currently in place are overly restrictive, they are not in any way effective and in no way do they acknowledge the pressures placed on members and their offices in managing their responsibilities to their electorates. The corporate manager himself readily conceded that when he said in evidence:

The DOA arrangements are much criticised, and I think the criticism from members of this place is often met in equal terms by the criticism of the people who have to administer what has become a bit of a ghastly process. We are not here to defend the beauty of the DOA arrangement.

He went on to say:

The DOA scheme was structured originally to provide a substantial sum of funds in the days when it was created, largely driven by an IT-based demand: members wanting laptop computers. I think initially we had eight members sign up for laptop computers and I think currently one or two are using them. So I think there is a clear indication of a fluctuating demand.

That goes to the heart of the problem. The reality is that members of this place have different needs and different methods of fulfilling their responsibilities to their electorates. The DOA arrangements provided by the Legislative Assembly need to

reflect these differences and its provision of support. It is not a matter of just making life easier for the Secretariat; it is about making the considerable workload of the ACT's elected representatives on both sides of this chamber more efficient so that the business of legislating and of government is more effective and better serves the people of Canberra. Funding for this support should reflect this mentality.

If we are going to invest the millions that we do in the operation of the Secretariat, let us make sure that it is capable of doing an efficient job and that we reasonably meet the needs of our members. The question might be how can we better meet the needs of members? I suggest by offering more flexibility and adaptable solutions; by streamlining many of the administrative hoops that need to be jumped through in getting things done; and, most of all, by listening to the concerns of those who use the DOA and making appropriate improvements to the system to reflect those concerns.

Over the past four years this Labor government has developed something of a reputation for inefficiency and sluggish productivity when it comes to running and administering essential services for the people of Canberra. Look at the state of the ACT public service. Since 2001 the ACT government has enjoyed a revenue bonanza from land sales, stamp duty and the GST, but it has been squandered. Of a \$900 million revenue windfall \$445 million has gone on Labor employing some 2,300 more public servants and paying them more. Looking forward, this means that over the next four years to 2010 the ACT economy is expected to grow by 13 per cent but the government will grow by 19 per cent. In other words, for every one per cent growth in the economy there will be a 1.4 per cent increase in government spending.

What the government continually fails to understand is that productivity growth is the only way to achieve sustainable gains in living standards from working smarter and finding better ways of doing things. If we bring that back to the Secretariat, it is a symbol of those underlying challenges and problems. Obviously we need to ensure that taxpayers' money is being used for flexible and effective operations in the running of government, but I do not believe that we need to necessarily embrace a parsimonious approach that inhibits the capacity of members to do their job. I have mentioned in previous debates, on matters related to annual reports, on last year's budget and certainly through the estimates process last year, that I believe the Secretariat is compelled to take the approach it does in relation to these matters. There is a reluctance to advance and address the needs of members because of the budgetary pressure that is applied on the territory.

I would be the last one to say: let us start going on a high-spending process. But I believe the difficulty members face in simply communicating with their electorates is verging on ridiculous. We have seen sharp contrasts in the federal parliament—and I know, Mr Speaker, from your comments the other day that you are not at all keen on that level of largesse, and I am not advocating that.

On the other hand, as Mr Stefaniak said in public comment, if we do not have the capacity as non-executive members to even write one letter each year to each of our constituents or communicate in some form adequately, we have a fundamental problem with relevance and our capacity to represent the needs of those who elect us to this place and ask us to take up their issues. These issues are not being tackled. They have been raised time and again. Numerous administrative challenges are presented to members of

the Assembly and this budget would have been an opportunity to address those issues, notwithstanding the austerity measures that are being applied across the board.

I will conclude with those observations. I believe there remain many issues that are frustrating to elected representatives. I believe the work of members is somewhat impeded by those frustrations. I understand the difficulties you have had in securing adequate budget for the operations of this facility, but there is scope for considerable improvement without verging into the area of extravagance to ensure that members have a range of services. It is not practical or realistic to say everybody must have the same software and everybody has to have identical equipment. There must be greater scope for flexibility. I know the intent of the DOA was to achieve that outcome. With my limited time in this place it seems to me to have become in many cases cost transference where what would be seen as reasonable day-to-day operational costs are being borne out of the member's allowance rather than it being there for extraordinary and unusual items.

I acknowledge I have not been part of the full history of how this evolved. One might well say I do not appreciate the developments that led to this point. But I know the limitations we face today and the challenges that members have operating in this place. There are issues such as maintenance in this building, and members have raised these issues. I understand that trying to stretch the dollar here has proved to be quite a challenge and I commend staff for trying to do that under the best possible circumstances. But I believe if we continue to go on the way we are, we are simply turning a blind eye to the fundamental issues facing the Assembly.

MR SMYTH (Brindabella) (11.16): There were three recommendations from the estimates committee in regard to the Assembly—recommendations 28, 29 and 30. I see in the government's response that recommendations 28, 29 and 30 are simply noted. The government does not have a position on these. It flick-passed the responsibility to you and the Clerk without any acknowledgment of how much that is allocated to the Assembly has an impact down the line. There is a pattern here. A quick read of the government's response shows that 31 of the recommendations are noted, 12 are not agreed to, 10 are agreed to in principle or in part, 13 are agreed to in total, and about seven do not seem to have a stated position—they are neither agreed nor not agreed; there is just a comment. We will get to some of those later in the report. It is interesting that almost half are simply noted. There is no attempt by the government to detail a response. In the estimates there was not, in many cases, an attempt by the government to detail exactly how it would deliver its budget. I bring to the attention of members paragraph 6.19 on page 60 of the committee's report, which says:

However, the Committee was advised that there was some discrepancy in the capital upgrade allocation and this will be discussed with Treasury. The Committee was concerned about this lack of clarity in the allocations.

The simple point I make on this line in the budget is the lack of clarity. We asked specific questions be answered before the budget proceed. At a quick glance through the document very few of those have been answered. So the pattern continues. This is a government with no strategy, with no answers and with no detail—that cannot tell us how it is going to deliver the budget. If this is one of the smallest lines in the budget, it does not bode well for the passage of the rest of the budget.

DR FOSKEY (Molonglo) (11.18): The ACT Assembly is about the size of a small rural primary school. That means that we all know each other, and in some ways we look out for each other. This has advantages and disadvantages. We are also the home of government, and we make territory laws. So we can tend towards becoming parochial. My point is that the Assembly as an institution has a role in supporting public engagement with democracy, the oversight of government, and considered lawmaking. In the context of budget decisions, some concerns have been raised from outside this place that \$33,000 to trial web streaming in question time seems like an unnecessary expense. I would think that support for the committee's Secretariat to put transcripts, questions and published submissions onto the web ought to be a higher priority. During the estimates process I received a lot of feedback about the ability to access that material on the web. Not surprisingly, the process was watched with interest by many people in our community.

Various MLAs have complained about the adequacy of the DOA. While grateful for its flexibility they complain about its rigidity. They would like it to be larger. After nearly two years I am learning how to work with the DOA. One day I may even do what many MLAs do and write letters to the people of Canberra using the DOA. But I am not convinced that this is the best way that I can represent and consult with constituents. Consequently, I return to the notion of using the Assembly reception room as a form of town hall. The recent increase in charges for the use of rooms and associated equipment was vigorously opposed by me in the committee administration procedures, as I know that many of the community groups whose events I host cannot afford other meeting rooms that have the accessibility of the reception room, especially out of hours. I know that that comes at a cost. I am not convinced, however, that an increase to the DOA will compensate for that loss. At the most it amounts to being able to fund entirely five meetings or so a year.

When groups ask me to host a meeting, first of all I negotiate with them to see if they can afford to pay the whole lot. In a sense it requires groups to put in submissions to my office as to whether they should be one of the groups whose meetings are funded entirely by my office. Of course, that is exaggerating a lot and is not how we do it, but we are just getting used to this process as well. As one of the Molonglo MLAs who uses the room quite a lot, perhaps a couple of times a month, I point out that those events are almost always for the whole of Canberra, rather than being based on electorate issues. They are often about national or international matters, and people who attend come from right across this city. So I do not believe that MLAs from other electorates are disadvantaged by my use of the exhibition room or of the reception room for these kinds of purposes. Of course, I always invite other MLAs. I am often disappointed that they do not take the opportunity.

It is important to give ACT people an opportunity to engage with global issues, such as climate change and nuclear power; to meet Filipinos, Zimbabwean and Papua New Guinea politicians and activists; to try fair trade products; to hear of contemporary indigenous concerns and of the ACT's plans to combat avian flu. These are just some of the events that I have hosted this year. I am sure that if we added to this list other members' events we would rightfully be proud of the role the Assembly plays in informing and promoting discussion in our community. People in the ACT are hungry for information. Unless they are attached to a university in this town they often do not

have access to this sort of intellectual food. Consequently, that is a role that the Assembly should knowingly and consciously take on.

By bringing people into the Assembly to engage in debate or to learn new information about political and policy matters we are both supporting a stronger relationship between the Assembly and people engaged in politics and ideas and supporting that engagement. It is important that the Assembly sees itself as a parliament, but it is more than that as well. I would like to see it, as the home of local government, focused on making greater connections with Canberra people and supporting the work of MLAs who understand the importance of that process.

I note there is still no provision, even in forward planning, for secure bicycle accommodation. I am pleased that a carers' room has been incorporated into the place and I trust that various members of my staff will take advantage of it, but I know that we are not alone in this building in riding our bicycles more often than we breast feed our babies. I also know that bicycles have been known to disappear from the car park and that secure bicycle accommodation at workplaces does encourage bicycle use by commuters. We have bike paths and cycle lanes, bike racks on buses and even showers. We need safe, secure homes for our bicycles.

MR PRATT (Brindabella) (11.25): The government's appropriation of \$10.034 million for the Legislative Assembly Secretariat sounds substantial but when we look more closely at what is going on within the Assembly, it is not necessarily adequate at all, especially if we look at issues such as building security, discretionary allowances, non-executive staff expenses and the like. I will get to these issues in somewhat more detail shortly. Inflation is riding at around four per cent and the increase in budget allocation to the Assembly from the previous year does not match inflation. Last year the Assembly Secretariat was given \$9.973 million. This year the budget is \$10.034 million. If the Stanhope government were to increase the Assembly's budget in line with inflation, we would expect to see the budget appropriation increase to \$10.371 million, about \$370,000 more than it has appropriated this year.

No wonder MLAs and their staff and all of the staff who live, breathe, work and eat in this place find it almost impossible to get reimbursed for some items of expenditure. No wonder our staff and non-executive MLAs struggle to get legitimate travel, conference and meeting fees paid for. No wonder the security of this building is far behind what it should be, especially in the climate of increased terrorist threat. Without wanting to get pedantic or dramatic about that, Canberra is number two on Australia's terrorist threat list. This building is an icon of authority in the ACT, so it deserves a certain measure of security. No wonder the committee office and other administrative arms of this Assembly are stretched thin and suffering a lack of resources. No wonder the airconditioning and heating systems in this building are ageing and in serious need of an upgrade.

This Assembly and its Secretariat are having to do much more with much less. During the estimates hearings we were advised that delays to the security upgrade of this building were caused as a result of the Assembly trying to get the cost of the upgrade contained within the budget allocation. What was meant to be a serious security upgrade has, in effect, had to be downgraded due to funding constraints. Therefore, due to a tight

budget allocation we cannot get the security upgrade that we require to ensure that this building and its occupants are properly protected in the manner they should be.

Of course, our guests and members of the community who come into this place must also be protected. In the words of the former Treasurer, Mr Quinlan, and as reiterated by you, Mr Speaker, during estimates hearings, this Assembly continues to run on a shoestring budget. While heightened security threats prevail, while technology continues to improve and we need to keep up to date with it, while expectations of staff and members in this place increase with changes in the workscape, this Assembly has to continue to scrimp and save to meet its tight budget constraints.

All MLAs, our staff and, I suspect, members of the support elements in this place often have to struggle to get the communications equipment that would be seen in other professional backgrounds as fairly fundamental to doing the sorts of jobs they do. A number of speakers today have talked about MLAs' ability to send mail to constituents. Surely an important part of our job is our ability to communicate with our constituents—and I am talking about MLA duty communication, not political party communication. It seems quite reasonable to me that an MLA should at least have a fundamental benchmark to be able to do a universal mail-out to his or her constituents at least twice a year. It is not a huge impost on the budget but it adds up, and the budget does not reflect the fundamental ability for MLAs in this place to do that.

General services and support in the Assembly are delivered to MLAs and their staff in good spirit and by and large effectively, within the constraints of what was really an unfair budget. Finally, while \$10 million in the 2006-07 budget may be inadequate and not even meet the increase in inflation for the previous year, I do not see how we can expect much more funding to be appropriated by this government, given the dismal way it has managed the ACT budget since coming to office.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.31): As a member like you, Mr Speaker, who has been here in all of our assemblies, I think there is a lot of merit in what other members have been saying about the Assembly budget. We are always going to have fairly difficult financial times. We will always have to ensure that we minimise expenditure in any area and, leading by example, the Assembly budget is crucial. We have to balance that, however, with the needs of properly represented people of the ACT. I can recall that when we first started in this place, members were paid a fairly low salary. People in the federal arena who set up the Assembly thought we might be part-timers. If we are part-timers, it is the busiest sort of part-time job I have ever had. I know that most members often put in 60, 70-plus hours or more a week.

I would like to home in on the ability of members to do mail-outs, because that is a real problem. I note the commonwealth, which, to me, pays an exorbitant amount in postage allowance to its members, has increased this from about \$150,000 a year to \$200,000 a year. The basic allowance for mobile phones, mail-outs and sundry other items for members in the Assembly is about \$6,000. To enable members, as Mr Pratt said, to do a mail-out, even if it is once a year—and Mr Pratt said twice a year, which would be ideal—would not take a huge amount of extra money. Obviously, it might be impossible in this item and in this budget, but it is now probably 11c or 12c to do a basic general mail-out. It could be achieved quite easily if members were given, say, \$8,000 a year for a mail-out and for postage as a separate item.

That would be for members in Brindabella and Ginninderra, who obviously have fewer households to service than those in Molonglo. Molonglo members might need \$11,000 or \$12,000. They are modest sums, but that would enable members perhaps twice a year and certainly once a year to do a mail-out to all their constituents, just to keep them informed of what is occurring. Whilst quite a large number of constituents probably are not going to be terribly interested in that, it is a traditional, tried and proven way of ensuring that at least members have the ability to advise their constituents on a number of issues, tell them what they are doing and point out issues of relevance to certain areas of their electorates. It is an essential way for members to communicate with all their constituents.

I hear what Dr Foskey says about committee rooms. One is only going to deal with a limited number of people there. If there was a choice I would go for the mail-out any time, but there is no reason why one cannot do both. What she is proposing seems quite moderate and modest. At this stage in the Assembly's existence, most members in this place see a real need for members to be able to adequately communicate with their constituents. What I am suggesting involves modest amounts of money. I do not think we would ever want to go down the path of the federal parliament or perhaps some other state assemblies and parliaments. For those modest amounts one of the biggest problems we have in adequately representing our constituents could be overcome.

Of course, we have the benefit of seeing our constituents when we go shopping on a Saturday morning. We see our constituents if we are involved outside of this place in various community organisations. We have a much greater ability to do that than larger parliaments. But that does not negate the fact that we need to be able to communicate with all of our constituents, and the tried and proven way of doing that is through a mail-out. That certainly needs to be addressed, if not in the financial year we have just started, at least in future.

MRS BURKE (Molonglo) (11.35): I respond to this part of the 2006-07 Appropriation Bill to highlight my concerns particularly about our committee system in the Assembly. It is an area of the Secretariat which we would all have to agree continues to do a sterling job. The staff who work within this busy section of the administrative wing of the Assembly are very responsive indeed despite a shortfall in adequate resourcing. The Secretariat continues to work under, I believe, quite demanding circumstances yet always seems to provide the most sound advice and service to committees and individual members of this Assembly with very limited resources to hand. Although on paper it would appear that the Secretariat is sufficiently resourced, I truly suspect that it manages to conduct its work on a lean budget and does so in a creative manner in order to deliver a service that may well be delivered with much larger budgets and possibly better resources in other jurisdictions.

I commend the work of the staff working in our Secretariat, but I point out that there is a need to reconsider the resources offered to this valuable service provider in the ACT Legislative Assembly. The efforts undertaken to service our committee system and parliamentary and associated services should not go unrecognised and it is important that this be highlighted in a public manner. I am obviously referring to recommendation 30 in which the estimates committee recommended an increase to the committee secretariat to increase its ability to provide support to the ACT Legislative Assembly's committees. It

should be put on the public record that in a unicameral parliament our committee system is the next layer, if you like, of checks and balances. I note that there has been a somewhat high turnover of staff in this area. Maybe that indicates the pressure under which these people find themselves having to perform on a day-to-day basis. So I ask that we take notice of that and ensure in future that we do not under-resource those areas most needed to give a greater level of scrutiny to the Canberra community.

MR BERRY (Ginninderra) (11.37): My job here is not to argue about the allocation for the Assembly but it is important for the purposes of the public debate, as the person responsible for many of the administrative decisions around the place, for me to say a few words about the Assembly budget. I note that the Assembly budget has had some mention in the estimates committee report and there has been some discussion at estimates committee about some of the services provided by the Secretariat as a result of the Assembly budget. Since the inception of self-government, these things have been growing steadily. The most important point that one has to consider is that it would be very difficult for the Assembly to argue, in the context of a budget that has to wrestle with competing interests for the government, that it should have its allocation enhanced significantly. I do not think that would be well received by the community. It has to be weighed up in the context of the overall budget and those political considerations that executive government have to weigh up from time to time.

I note the recommendation for increases in additional resources for the committee secretariat. I wonder how much would be enough. If the committee system were in receipt of greater resources, it would do more work and open up more areas, and submissions would be made and would need more work. I wonder where that would all stop. On the basis of the resources available, the committee office does exceptional work and it has surprised me in each term of office in this place just how much extra work it seems to be able to do with the resources available to it.

I note some comments that were made earlier in the discussions, one from Dr Foskey about transcripts. Of course, transcripts are up on the web these days. Submissions to committees will be soon. The reception room charge has become an issue as well. Changes are always consulted on through the process of the administration and procedure committee. There is debate for and against changes, which occur from time to time. There is a strong element of democracy so far as members are concerned in the operations of the Assembly. It is my intention to continue to consult fully with members of that committee because it is an extremely important process to maintain.

We had an issue here when the cost of staffing the reception area was seen as something that would impact on our overall ability to provide services in other areas, and we did not want to make those trade offs. Members will recall that an additional allocation has been made to hire venues, including the venue here at the Assembly, for contact with their constituencies. Members do this in different ways, right across the scene. Some members spend a lot of time out on the hustings, in shopping centres and with continuous campaigning. Others like to communicate in writing. Some send a leaflet to individual suburbs about the times they are going to be at particular shopping centres and they use the resources in their offices and the photocopying allowances, and so on, to do that. Other members try to hold meetings. Other members may send out an electorate-wide circular once a year. There is flexibility in the system.

Mr Mulcahy: You could not afford to.

Mrs Dunne: You cannot afford to do it.

MR BERRY: Some members do within their allowances, I assure you. It is a matter of how one chooses to use one's resources. There is a capacity to divert some support resources into contractors to do these sorts of things. It occurs. I must say, it is a modest process by any assessment but the community expects us to be modest as well. It seems to me that there will always be demand from members to better communicate. After all, we are politicians and we will want to communicate our ideas as much as we can to our members. I recall, not long after we came here, some federal parliamentary members lamenting the recognition factors that were reported in the local media for each of the members here and how even the least well known members were well recognised in the community compared to the recognition rates in their constituencies. It was because of the media concentration on this Assembly. That is an important but free way of communicating one's ideas to the community.

There is also the fact that everybody in this place has some sort of front-line job—whether it is the chair of a committee, a shadow portfolio, speaker or a member of the executive. Everybody has some sort of pointy-end job where they are able to communicate with their electorate. That is not my defending the case that sometimes it is a struggle. It will always be a struggle to have the resources that we need to communicate all of our ideas to those electors who expect us to perform and will eventually judge our performance under the Hare-Clark electoral system. It is important for me to defend the way we do business with each other—how I as Speaker in the place responsible for some of those administrative arrangements consult with members around the place and how staff members in the Assembly Secretariat who, through the Clerk, work for me to serve the needs of members in this place.

I could stand up in this place and say, “well, the budget is adequate.” It will never be adequate for the sorts of ideas that members wish to communicate to their electorates, but it is all we have. What I do defend is the way we try to allocate those resources in a balanced way to all of the needs in the Assembly. The Clerk and all of the staff are to be congratulated for input here— from attendants right through all of the classifications the Clerk has responsibility for. I congratulate them for all of the work that they put in here. From time to time an element of judgment has to be made by me on these things on the advice of the Clerk. At the same time, an element of judgment and democratic decision-making goes into the consultation process between my office and the administration and procedure committee. I thank members for their forbearance.

MR MULCAHY (Molonglo) (11.47): I do not want to labour this, because I know there are a lot of other, larger budget items. I know the old saying, “In a two-horse race, always back self-interest,” and there is a measure of that in these comments—from all of us. The Speaker went to some length to talk about the way the Clerk and others administer things. That is not really the issue that members are being critical of here. I know the problem that if you give 10 staff to people they say we now have so much work we need another five. That is one of the organisational issues one deals with in every sort of dimension.

I believe the ACT prides itself on being at the cutting edge in so many different areas. We say we are the best-educated Australians, the highest percentage of tertiary education, the highest level of education, best paid, and on it goes. It would be terrific if this Assembly were seen as having the best practice, cutting-edge performance of parliaments, not only in Australia but in the region. Because of our size that is not impossible. The resistance to technology that I have heard in discussions in this chamber is unfortunate. Technology we can see here at the Clerk's table, and which exists in the Senate and elsewhere, would be most advantageous to members. We should be more willing to embrace technology.

It does not necessarily mean that we change how we budget for this place, and I know there will never be a right time. It is like hearing the debate on building on at the Lodge. No Prime Minister is ever game to do it despite the fact that it has probably become inadequate. There is never a right time to increase the budget for the Assembly beyond inflation, or some level below it, but I would love somebody in government to have the courage at some stage to really tackle this as an issue.

This has been a particularly horrendous budget. It is not a good year to say we need to do more, but I believe there is an argument for having a program, even over a number of years, to produce in this Assembly the best environment for elected representatives and their employees using absolute state-of-the-art technology so the job can be done well. I take issue with the fact that members can communicate, depending on how they choose to use their resources. Within the electorate of Molonglo, I do not believe, if I spent the entire DOA, that I could even do one mail-out across the whole of Canberra. I know contractors will give discounted rates, but it has to be recognised that those contractors will not, under their code, deliver to "no junk mail" localities. I do not think what I write is junk mail, but there may be those out there who have that view. Occasionally they write to me and express that view. Australia Post is the only delivery organisation that is able to deliver—and has, I believe, a legal requirement to deliver—to every residence if so contracted to do so. Even on bulk rates it is impossible to cover the whole electorate. If members spend their entire allowance on that, they still would not cover the electorate. They would then have no capacity to make a phone call for 12 months on mobile phones and could not buy a newspaper and the like.

So to do the basics of the job, the money simply is inadequate. As Mr Stefaniak said, I do not think we need to go to the \$200,000 a year sort of arrangement that they have on the hill, but keep in mind that Molonglo, where there are, in broad terms, about 100,000 voters, is one of the largest and probably the largest state electorate in the country and as large as almost any federal electorate in Australia. Some might say it has seven members. I would love to believe that dividing the 100,000 by seven limits the amount of constituency matters raised, because that is not the case. It is the old story of the busier you are the more work that comes your way. So there are real issues that have not been tackled. I do not know when the right time is, but this is the one chance a year when we get an opportunity as members to raise factors relating to the way we try to do our jobs. I just add those additional remarks.

MRS DUNNE (Ginninderra) (11.52): I can only echo the sentiments expressed by my colleagues, lastly spoken by Mr Mulcahy. There are a number of areas in relation to the provision of services here in the Assembly that are deficient and which should be

addressed. One that comes to mind is the paucity of the DOA, which Mr Stefaniak and Mr Mulcahy have spoken of.

With the best will in the world, it does not go the distance, it has to be always supplemented by other means. All the scrimping and saving in the world does not mean I can communicate with my electors in Ginninderra which, again, even though it is smaller than Molonglo, is by state and territory standards an enormous electorate. I do not represent one-fifth of the people in that electorate. I represent every one of them.

I cannot say to the second, third, fourth and fifth person who comes through my door or rings my phone, “No. I have already dealt with one person today. I will deal with the sixth person that comes through.” I have to deal with everyone who comes through that door, everyone who does me the courtesy of saying, “I think Vicki Dunne can help me with this problem.” I have to deal with them. That is my job, that is what they pay me for. They do not pay me to do it for one-fifth of the people.

The resources and quality of the technology available to us do not compare with that of members not just on the hill in the federal parliament but also with members in state parliaments who have smaller electorates in terms of geography and population. If you want anything even slightly out of the ordinary the response is, “Yes, you can have that, Mrs Dunne, so long as you pay for it out of your already overcommitted DOA.” If I want to produce PDF documents to put on a web page, I have to pay for that out of my DOA. These are the problems here.

Another problem I would like to touch on, which I raised in the estimates hearings and have raised in other places, is the difficulty members have in engaging contractors for short-term contracts. The constraints put upon members in this place and their capacity to employ people except on a wage and salary basis are entirely unreasonable. The constraints put upon potential contractors by the requirements of the Chief Minister’s directives and the Treasurer’s directives in relation to professional indemnity insurance and public liability insurance are onerous and almost verge on a breach of privilege, in that on many occasions it becomes impossible for people to employ people on a contract basis.

I have had the experience of attempting to employ someone to write speeches on an ad hoc basis. When you read the contract it says that the member owns the copyright of every speech or anything that is written by a contractor. I own the copyright. But that person, according to the determinations, has to have professional indemnity insurance in case that person writes a speech, I give the speech and it says something defamatory. Because of the arcane arrangements about insurance in the territory, the territory wants to have the potential to go and fang someone if I am sued for defamation, so long as someone is there who is fangable.

That means that if I want to employ somebody for a six-week period to write a couple of speeches and an article on a particular subject, that person has to go out and get one year’s worth of professional indemnity and public liability insurance, which they would not use in any other part of their business.

Professional writers and editors do not need public liability—professional indemnity insurance—anywhere else except when they are employed by a member of the ACT

Legislative Assembly. It is unreasonable, it is a constraint of their trade, it is a constraint of my capacity as a member to do the best possible job I can with the limited resources I have. I cannot afford to employ a high-quality speech writer all the time. If I want to call upon somebody for that important speech or article, I cannot reasonably do it because I cannot reasonably ask someone to go out and buy a year's worth of insurance which they will not use ever again.

These are the constraints; these are the things I raise regularly. Yes, I am sorry; it sounds like a litany of complaints, but we are paid by the people of the ACT to represent them and we are not given the resources by the Legislative Assembly to reasonably represent people. It is always constrained, there is always scrimping and saving, there is always someone saying, "I'm sorry, Mrs Dunne, we cannot do that. There isn't the money for that."

There are other ways of doing it. There are probably more flexible ways of doing it. I suspect we create cost by having cumbersome means of accounting for things. I would particularly draw attention to the cumbersome process of keeping attendance records for staff, especially senior staff. People who have been in senior positions and never filled in an attendance record for the last 10 or 15 years come into this place, still in a senior position, suddenly have to fill out attendance records. It is insulting, quite frankly.

Mr Mulcahy: You have to do that in a factory job in England.

MRS DUNNE: Yes. It is the case that you are essentially bundying on senior people. Quite frankly, if a Liberal member wants to employ somebody who turns out to be lazy and does not attend, why should the Labor Party be concerned about it? If the Liberal Party has underperforming staff, the Labor Party should be pleased.

Why are there people spending their time, their money and the resources of this Assembly keeping track on whether they work seven hours and 21 minutes a day and how much TOIL they have. Do not let me get onto overtime. The paltry allowance for overtime in this place is a joke. We had an arrangement whereby people were paid an allowance in lieu of overtime, which was modest but recognised how things stood. Under the new agreement the fact is that everyone has to apply for overtime. We do the paperwork in my office, it goes to corporate services and they do the paperwork there, et cetera.

For the amount of money involved it is far too onerous. It would be very much simpler and cheaper and would cost us less to administer the overtime budget in the Legislative Assembly if staff in offices were paid an allowance in lieu of overtime, as they are in every other parliament. In many ways it is demeaning for senior staff that they have to come cap in hand. They also tend to be a bit constrained about the amount of time they work. They know their member has only a very small overtime allowance and people tend to want to store it up for the big periods like estimates, budget time and times like this.

This is a big problem for the efficient administration of this Assembly. The Chief Minister and Mr Speaker need to take these important matters into account and come up with a way of better funding the Legislative Assembly in future.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.2—ACT Executive, \$5,042,000 (payments on behalf of the territory), totalling \$5,042,000.

MR MULCAHY (Molonglo) (12.00): There is not too much I have to say on this item. It is a relatively modest item in the scheme of things and the variations are not major. There are just two points I would raise, however, in the context of the previous debate on item 1.1.

It is worth noting that the payment for expenses on behalf of the territory reflecting an increase of some \$293,000 from the previous year is primarily due to increased funding for the provision of additional strategic advice to the executive. I would certainly be most pleased if the Chief Minister and Treasurer were able to explain to us what the circumstances are that have prompted an increase of a third of a million dollars in strategic advice to the executive.

When you hear the dissertations we have just heard from Mrs Dunne and others about the way in which members here struggle to do their job with a modest allowance of about \$5,900 a year, yet with a stroke of a pen the executive is able to bring in another nearly \$300,000 for strategic advice and then a further \$147,000 due to projected increases in staffing, and of course increases as a result of that in superannuation, it begs the question.

I am not going to labour this a long time. It is a small amount in the overall outlays for the ACT, but raises a few interesting questions as to what the objective is and what the needs are here that have prompted this increase. I will leave it on that note.

DR FOSKEY (Molonglo) (12.02): The 2006-07 budget was delayed due to the need to complete and then take into account the functional review of the ACT budget. It has been made very clear that this budget has taken on board the recommendations of that review and the significant and surprising impact on housing, education and environment protection services, among others, as a consequence of that.

The terms of reference of the functional review make it clear that its brief is to report to the executive. As we all know, executive documents are protected and are not required to be released, even under freedom of information legislation. But that does not mean that they have to remain protected or secret. The executive could obviously choose to release the review, in whole or edited for appropriate material, if it were committed to transparency and to bringing Canberra people along with it as it seeks to make major changes.

In the absence of full information, however, we have rumour, speculation and distrust because this is what happens when information is withheld: rumour has a field day. On the functional review, everyone has an opinion. This is a tone that is gaining weight daily, but it is so mysterious that even MLAs have to resort to speculation in attempts to discern its contents.

I understand the principle of cabinet solidarity, so I do not expect to hear any details about who was and who was not in favour of releasing this report. Seeing, however, that it is having a major impact on life in Canberra I am sure there has been intense discussion in the cabinet room over its potential release.

I understand that very few people have seen the whole report. I can only assume and hope, for our better government, that all the ministers at least have read the whole review very closely. I like to think that our government is working from the fullest available information.

One thing I have heard through this rumour machine is that the chief executives of most of the ACT departments have not read the whole review themselves, that they have only seen the chapter or section that relates to their concerns, and that people responsible for units within the department have only seen a short list of the recommendations they were required to implement. Of course, with the threat of legal action hanging over any public servant who lets on about anything, we might never find out more than that.

In a small city-state like this one it is ludicrous and inefficient to analyse the benefits and costs of proposals inside the silos rather than across government. Nowhere is this more potentially damaging—to children, to communities and probably to the government itself—than in the case of planned school closures and amalgamations. If it has not been possible for officers of the department of education to talk to the urban planning, community services and business support units about the potential impact of a neighbourhood school's closure, it is unlikely that decisions can be the right ones.

The review had a very narrow mandate which excluded consideration of social impacts for students' families in the broader community. If the heads of departments and the ministers have had to operate in isolation from each other in implementing the recommendations of a secret report, I think we can be pretty sure that in too many places this budget has got it wrong.

The executive has stood by the Chief Minister when he has made the argument that these are the hard decisions and that we must be grateful to this government for having the courage to make them. The rest of us are not so sure. We have only rumour and speculation to guide us. That is why I have been asking for the review to be made public so we can see the thinking behind this budget.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.3—Auditor-General totalling \$1,946,000 (net cost of outputs), totalling \$1,946,000.

MR MULCAHY (Molonglo) (12.08): Again my comments will be relatively brief in relation to this outlay. Obviously my dealings with the Auditor-General come, in a sense, in two capacities—both as a member and, in some respects more importantly, through being chair of the public accounts committee. In the time I have been in the Assembly I have been singularly impressed by the quality and thoroughness of the work of the ACT Auditor-General. I think the territory is well-served with her professionalism and that of the team she has around her.

There is always a challenge for an opposition in the environment of an austere budget where there are some critical services being slashed, people facing possible loss of employment and agencies being wound back. It presents something of a quandary between the importance of accountability and transparency in government and the funds one needs to inject to ensure that at the same time essential services in government are delivered efficiently and at the maximum percentage possible, especially in areas such as health, education, infrastructure and public safety, to mention just a few.

It is not appropriate for me, I do not believe, to share discussions on the budget of the Auditor-General and the deliberations of public accounts. I know that rule has been transgressed here on occasions in other situations, but it is not appropriate to get into the detail of the recommendations we made to the territory or to the Treasurer in that area.

My thinking is somewhat coloured in relation to the way in which we do the budget for the Auditor-General with the facts I have put to you. I suppose one struggles a bit with the allocations that go to major accounting firms. They charge, and their hourly billing rate is obviously substantial. To quote the Auditor-General from estimates, she indicated as follows:

In the last two years, we did not spend money on consultancy for performance audits, so there is no consultancy fee there. For financial audits, we entered into contracts on a three-year basis with four or five big accounting firms, and the total fee for contractors last year, in 2004-05, was \$620,000.

Then, later on, in another situation the Auditor-General said that there were three audits currently in place and they expected them to be tabled shortly. I know you do not want a place staffed to the maximum when there are periods of changing work flow, and I am sure the Auditor-General's Office weigh all that and take it into account when they enter into these contracts.

I know they are also constantly challenged by their difficulty in recruiting and retaining qualified staff. That was partially addressed last year in the budget process. I would love to see a better way than seeing \$620,000 outlaid for major accounting firms. I have a lot of friends in those firms and I wish them well, but I would like to see a situation where more of that can be met within the Auditor-General's budget.

That may be something that gets looked at in more detail down the track. As I said, I have great faith in the management expertise in that office. I do not have any fundamental problems with the individual allocation here, but I am flagging matters there that warrant further consideration in the period ahead.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (12.12): I agree essentially with the remarks the shadow Treasurer has just made in relation to the Auditor-General's Office and the functions of the Auditor-General. The shadow Treasurer has indicated the importance of this particular function. The government, through this budget, gives added recognition to the importance of the Auditor-General, particularly in relation to improving both the audit and the investigative capacity of the Auditor-General's Office.

It is a fundamentally important function. It is important for the efficient operation of any organisation and, most particularly, the public service. We have through this budget increased resourcing for the office by around half a million dollars. That was a recognition by the government of the need to ensure that the Auditor-General has the resources to appropriately audit.

In the context of this budget, the staff that will be employed as a result of the extra half million dollars gives a capacity to expand efficiency in other audits across the service governance. From time to time they would perhaps prefer that a particular audit might not have been undertaken or a particular report perhaps not delivered. They sometimes contain findings and recommendations that from time to time cause governments of all persuasions, of all colours in all parliaments some discomfort, and of course there is always a tension.

The role and function of the Auditor-General's Office is important. It has enormous benefits for a transparent and accountable government. It has a fundamental internal role—internal to the extent that it is a process conducted on the operations of the government, most particularly through its public service—but is statutorily independent, and rightly so, with a broad-ranging remit to investigate all aspects of ACT government service delivery.

This is a significant injection of resources into the office of the Auditor-General to ensure that we are operating efficiently and effectively, that ACT government operations are exposed to objective and rigorous assessment by the Auditor-General. In a tight budgetary situation, in a budget where very few organisations or arms of government received additional funds, this is a significant injection of additional resources which will allow the auditor to employ a significant number of additional auditors to oversight, investigate and audit the operations of the ACT government.

DR FOSKEY (Molonglo) (12.15): I am also pleased that the Auditor-General's request to the ACT government for more funding has been accepted. I note that this will allow the office to undertake around three additional performance audits in the next year, increasing the number to 10 instead of seven previously.

I understand that the Auditor-General's preference might have been for the funding to be boosted and I have no doubt that this would have ultimately benefited the Canberra community. However, in the context of budget cuts, it was unlikely that this would occur. Perhaps we should just be pleased about the modest increase the office has achieved.

This does not mean that I do not think the Auditor-General's Office should have the capacity to perform its important job of scrutiny with several more reports annually. As a member of the public accounts committee I have probably had more opportunity than other members of the Assembly to study the Auditor-General's report in some detail. Of course, we are currently conducting a number of inquiries into some of those reports and their implications.

I have to say that the Auditor-General's reports provide an expert and useful analysis of areas of governance. Consequently, I hope that next year the government will be in a

better position to provide more resources to the Auditor-General's Office. I believe that the structural changes to departments and government being precipitated by this budget will be greatly aided and potentially less damaging if the Auditor-General is able to have a good look and the problems can be identified before they become crises.

MRS BURKE (Molonglo) (12.17): The Auditor-General is faced with a difficult task, I would put to the Assembly today, in prioritising which proposals for audit are put before the organisation and how responsive such a proposed audit should be. It is evident that this organisation could not be fully resourced to respond to all calls for independent audits to be conducted in a full and frank manner by itself.

Whilst it could be argued that the Auditor-General is well-resourced compared to other states and territories, we have limited bodies to conduct other forms of scrutiny here in the ACT. I note that the recent audit into public housing, for example, was overall very comprehensive and provided the Stanhope government with a real wake-up call about the current and likely parlous state of service delivery of public housing in the ACT.

However, in another matter in relation to a public interest disclosure, I know that the Auditor-General was under enormous pressure to firstly deal with that in a timely manner and then to do as full and comprehensive audit of that PID as she would have perhaps liked.

As I have said, the territory does not have other forms of independent scrutiny at its disposal. We have an absolute majority government, now quite possibly burdened with the responsibility to consider policy and financial decisions very carefully. There is no real form of scrutiny of this government now in the Assembly. It can simply use its majority to force through any given agenda, be it here in the main chamber or through our committee system if it so chooses.

It will remain a strong commitment of the Liberal opposition to highlight that this is one of the only organisations that has the ability to offer independent assessment of ACT government portfolios. It should be provided with the optimal amount of resources, not only the financial element but also well-trained and adequately supported staff to conduct the research, assessment and presentation of comprehensive audits of public importance.

It should be of grave concern, I believe, to the Canberra community if such an organisation is not sufficiently resourced to carry out comprehensive assessments of ACT government portfolios. It is pleasing to hear and note the Chief Minister's comments on that. Maybe in next year's budget we will see an increased level of funding for this department again so they can do even more audits and carry out more scrutiny.

Some may question that just under \$2 million in this budgetary year is adequate, but the question remains as to just how many individual audits the Auditor-General and supporting staff can carry out in order to maintain a rigorous and vigilant watch of the operations of the ACT government.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.4—Chief Minister's Department, \$36,418,000 (net cost of outputs), \$35,653,000 (capital injection), totalling \$72,071,000.

MR MULCAHY (Molonglo) (12.20): The true value of the amounts in appropriations for the Chief Minister's Department can be both difficult to gauge and almost impossible to compare with previous appropriations, due to the constant reinvention of this department by the Chief Minister and his revolving door of responsibilities in the ACT government.

In one read of this you may note that there is a decrease in funding, but the real impact of this change to appropriation will only be known after the dust settles from yet another reshuffling of ministerial responsibilities within this government. The estimates committee has revealed serious areas of concern with this department, several of which I will now touch upon for the information of the Assembly.

The transfer of the environment and heritage sections of the department into the Department of the Territory and Municipal Services is the latest reshuffle in a long line of portfolio movements and shifts in responsibility since 2001 that serve to confuse public servants and cause unnecessary expense to the taxpayer. Such transfers only create additional work for existing staff and require the creation of additional task forces such as the one now proposed for the new Shared Services Centre, with no guarantee that any real efficiencies will be achieved by such efforts.

The Chief Minister is still holding onto the arts portfolio but has not saved it from another confusing transformation from artsACT to arts by another name, the throwing together of all the disparate elements of art funding into one lump sum and failure to track how much of that pot of money is being devoted to which element.

The estimates committee, and through subsequent questions put on notice, was unable to demystify this section of the Chief Minister's Department's budget. We are still waiting for an answer to a request for the funding breakdown for artsACT or the ACT arts fund, the ANU faculty of arts, the cultural council, the government's arts facilities and public arts programs—seemingly beyond the ability of the department to specify at this stage. We eagerly await this information to be clarified at the department's earliest convenience.

Further, as the executive director of arts, heritage and environment conceded in estimates, the problem of poorly timed deadlines for arts grants is a real issue raised by those within the arts community. As I have opposition responsibility for the arts area and make a diligent attempt to attend many events within that area of portfolio activity, I hear this issue raised frequently and genuinely on a number of occasions. To cite the executive director's evidence, it was noted as follows:

That is an issue that we are very well aware of and in the current process we are looking at bringing some of those forward, programming them so that they can come out a bit earlier. That is something the cultural council and Arts ACT have looked at. We are trying to adjust that a bit.

Something is happening at long last, but it has created enormous difficulties for organisations which have had people working for them and artists receiving grants not knowing until the death knell whether they have a future in the next fiscal year. We hope some of these issues are ironed out as soon as possible so that arts in the ACT does not suffer on a wholesale basis as a result of organisational ineptitude or insensitivity to the needs of the artistic practitioners we are so fortunate to have in our territory.

On this matter it is hardly surprising to discover more instances of administrative issues and productivity loss as a result of poorly devised chopping and changing within the ACT public service. Take the data migration issues being experienced as a result of the new chris21 human resource system. I remember having the opportunity to be on the estimates committee the year before, hearing a series of questions asked about this, being assured everything was on time and within budget, and it was going to go like clockwork. My colleague Dr Foskey also pursued it. She had obviously got some drift that things were not in order. Mr Smyth was on about it as well.

That has turned out to be another headache. It raises questions as to the thoroughness of those who were involved in putting this system in and getting it right. Indeed, it was the chief executive who indicated the following in estimates:

It is certainly true that the migration of data, particularly annual leave and long service leave information, was more difficult than originally expected.

Further on, he stated:

There have been ... difficulties in getting annual leave, long service leave and superannuation correct.

It is these accumulated losses in efficiency that are experienced, like problems of this nature, that have been a fundamental characteristic of the approach of the Stanhope government. Another instance of the administrative death by a thousand cuts that this government is slowly succumbing to is incorrect payment summaries being sent out to ACT public servants who had a reportable fringe benefit last year. I have had constituents write to me who are concerned as to the accuracy of their payment summaries. I have never seen any satisfactory public response to the fact that I have raised this in the media.

The error here in government—and something as fundamental as getting payment summaries right is an inexcusable error—caused unnecessary headaches and delays for ACT public servants seeking to lodge their tax returns early and was an extraordinary mistake for a government to make. Sadly, this is indicative of quality issues with top-line management which are being demonstrated at present.

There was another celebrated case in Treasury I highlighted some time ago with some most inappropriate things appearing on a website. These are all things that speak about how much management is on top of their game. The responsibility for this falls back to the ministry.

It is also worth touching on the ACT public service as a whole, particularly with reference to its size and its potential to achieve a significant proportion of efficiencies if approached in a sensible way.

According to the chief executive officer in the estimates committee, the comparable numbers are for 2006-07, a staffing level of 15,887 and for 2005-06, 16,205. Those comparable numbers therefore show a decline in staffing levels of 318. Of course, this was all dealt with later and we sought further clarification of those responses from the government.

This is a drop in the ocean compared with what is required to make the ACT public service an effective and streamlined entity that best serves the needs of Canberrans. The chief executive officer also conceded the following in estimates:

It is reasonable to assume that when at least 70 per cent of your cost base is reflected in staff costs the vast majority of savings will come from staff reductions. That is a reasonable assumption to make.

It pays for us to look at what has happened to the ACT public service since the Stanhope government came to power in 2001. In that time they have enjoyed a revenue bonanza worth some \$900 million from land sales, stamp duty and GST, much of which has been wasted—some \$445 million of it—on employing 2,300 more public servants and paying them more, in a period when the territory's population growth has by no means matched that level of expansion.

One wonders how the territory government can seriously reconcile its obligations and supposed commitment to streamlining its administration with this rather unenviable legacy hanging over it. Likewise, the government's long overdue decision to sell the territory-owned Rhodium Asset Solutions has underlined its inability to manage non-core businesses and indicated that it has no idea where its economic priorities lie. As the Chief Minister conceded in estimates—and I will quote him:

I think most essentially a view that the operating of a fleet business does not represent core ACT government business ...

I got up within about 12 weeks of being elected and raised serious questions when Mr Quinlan had the job of looking after Rhodium. I wondered why on earth we were getting into the business of leasing cars and trying to run a business in competition with major institutions.

It has taken a lot longer for the penny to drop in the Chief Minister's appreciation that we are in a line of business there that is not core business, not what the people of the ACT think we are good at and should be focusing our time on. We ought to be in the business of looking after the health, education—

Mr Stanhope: You ran it for seven years.

MR MULCAHY: I did not have it for any length of time.

Mr Stanhope: Your mob did.

MR MULCAHY: I have been here for two years. I have said since the very beginning that it is a stupid thing to be involved with. I am pleased to see at long last that, like the GFS change, like getting rid of Rhodium, a number of these suggestions are being taken on board. I suppose I should be flattered, except that there is rarely any acknowledgment that it has come from this side of the house.

We are getting the message through slowly. The ideas are captured, rebadged and announced as government policy. Then we go back into the history books and say, "Oh, but the Liberals in 1990-something did not do any of this. This is Jon Stanhope's idea." The fact is that the people of the ACT are discerning enough to know just how authentic these original ideas are. I think they must pour through the comments in *Hansard* and say, "Gee, there is one we can grab that will make us look a little bit better." I would like to request the extra 10 minutes, although it is 12.30 pm.

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

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice Legislative Assembly—conduct of ministers

MR STEFANIAK: Mr Speaker, my question is to the Chief Minister. Chief Minister, when you readmitted Mr Hargreaves to the ministry you warned him, "There will be no further chances." Yet I note that the estimates committee was forced by his behaviour to make the following recommendation:

That the Committee Chair in future hearings, issue a reminder at the commencement of Estimates hearings that the use by Ministers of inappropriate language, insults and other time wasting techniques employed in an attempt to deflect scrutiny and avoid questioning is unacceptable.

Your code of conduct states as follows:

Ministers will act with respect towards the institution of the Legislative Assembly and are to ensure that their conduct, whether in a personal or official capacity, does not bring the Assembly into disrepute, or damage public confidence in the system of government.

What disciplinary action have you taken against Mr Hargreaves for his use of inappropriate language, insults and other time wasting techniques in the estimates committee in an attempt to deflect scrutiny and avoid questioning?

MR STANHOPE: The obvious point needs to be made in relation to the question from Mr Stefaniak—a recently chagrined offender of the law, a person who went in the most humbling way to the police station to pay, rather reluctantly, I might say, a fine for his recent breach of the law—and in the context of a question around the behaviour of a member of this side of the house, it really is a quite startling hypocrisy for Mr Stefaniak, Mr Law and Order, a recent offender himself, to be the first to stand and cast a stone. I say that by way of a preamble. For those among you who will cast the first stone:

Mr Stefaniak believes it appropriate that it be he who stands and casts a stone in relation to the behaviour of a member of the government. But he stands exposed for the hypocrisy of that position.

Having said that, the issue of the behaviour of members of the Assembly is a serious one. Certainly politicians, members of the Legislative Assembly—members of the government and members of the opposition—hold a particular place in society within this community. There are very high expectations of us as law-makers. That goes to the heart of any discussion around an appropriate response to a law-maker who is found to have breached the law, as in recent times Mr Stefaniak and Mr Hargreaves have jointly, together, each admitted that they have breached the law of the territory.

As law-makers, the people responsible for making that law and for upholding community standards and expectations, it behoves us to behave in a certain way. It behoves us not to break the law and it behoves us to always, in our behaviour, act appropriately and with the dignity the position demands. To the extent that each of us from time to time fails the community's expectations, and fail ourselves, it is a matter of enormous regret.

I have informed Mr Hargreaves of my expectations of him, and indeed of each of my ministers in relation to their behaviour. I would only hope that you, Mr Stefaniak, have either censured yourself or that your colleagues have had the same conversation with you in relation to their expectations of you, your behaviour and your obligation to meet the community's expectations and not to break the law. I have had a conversation. I have received undertakings from Mr Hargreaves. With whom did you make your undertakings in relation to your behaviour, Mr Stefaniak?

MR STEFANIAK: Mr Speaker, I have a supplementary question. I would point out to the Chief Minister that I am talking about a later act than the one he mentioned. Chief Minister, why have you failed to discipline this minister when you warned him in June that there would be no further chances? Was it acceptable to abuse estimates committees?

MR STANHOPE: I find this almost a mind-boggling line of questioning by the Leader of the Opposition, to seek to upbraid and draw attention to the behaviour of members of the government. Mr Stefaniak, in your preamble to the question you raised an issue around the breach of a traffic law by Mr Hargreaves. So do not stand now and say, "Well, we were not talking about that," because all of a sudden it brings some exposure onto your own behaviour. Do not say that we are not talking about the extent to which we have transgressed the law, we are talking about—

Mrs Dunne: All we are talking about is behaviour in estimates.

MR STANHOPE: We are saying now, "We are talking about behaviour in estimates," but we prefaced the question around a reference to other behaviour involving the application of the law in a circumstance where Mr Stefaniak—and it was a humbling and embarrassing episode for Mr Law and Order—was filmed, no less, in breach of the law, and then seen to scuttle off and pay his fine and pretend it is all okay. As we all know—chuckle, chuckle—there is one rule for leaders of the opposition and another rule for everybody else, particularly law-abiding members of the community.

In relation to codes of conduct and expectations around behaviour, the government and the ministry respect a code of conduct. To the extent that we failed the code of conduct, or failed ourselves in our standards, is a matter of enormous regret. We seek always to ensure that we behave appropriately, that we meet our own expectations of ourselves and that we meet the community's expectations of us as elected representatives of the community. I think that goes not just to members of the government but indeed stands for members of the opposition as well.

If we got into the business of casting stones and aspersions, as I have said before, in this particular glasshouse of the ACT Assembly, I know of nobody in this place who could stand without threat of gross hypocrisy and claim that their behaviour is at all times exemplary and that there is nothing they have done or said that hasn't caused them a blush. Perhaps we all need to look at ourselves, look at our behaviour and strive to continue to meet the community's expectations.

It is an important issue, I do not trivialise it at all. This is an Assembly, a parliament, that has struggled, in its 17 years of existence, to excite the support or loyalty of the people we represent. From time to time I am concerned and regretful of the way in which we, as elected representatives, bring the place down and reinforce many of the negative perceptions the Canberra community has of us. I think, as I said before, it behoves each of us to ensure that we do not do anything in our own behaviour that does that.

Children—care and protection

MRS BURKE: My question is to Ms Gallagher, the Minister for Disability and Community Services, and is in regard to her responsibility for children, youth and family support. On 15 August 2006, an article appeared in the *Australian* newspaper regarding the care and protection of children in Western Australia who had died and who had had contact with the state Department of Community Development prior to their death. Have there been any similar cases reported in the ACT in the past two years?

MS GALLAGHER: I did not see the report that you are talking about. Your question is: are there children in the ACT who have been in touch with the care and protection system and who have died in the last two years? There are. I cannot give you the exact figure, but I can take that on notice. I am aware for certain that there have been children who have passed away and who have had, at some time in their life, some involvement with care and protection. I will take that question on notice and get back to you.

MRS BURKE: Thank you, minister. What is the government's current policy on ensuring the safety of children who are at risk and who remain with their family in often less than safe circumstances?

MS GALLAGHER: We have the law, which we work within, the Children and Young People Act, and a whole range of policies, procedures and guidelines on risk management in terms of the centralised intake system, which is where the calls come to. They come into the centralised intake system and then go out to the care and protection professionals for assessment. There is a range of things we put in place for particular families.

For a large number of families, it depends on the court outcomes, whether the courts determine that orders should be taken out and the nature of those orders, whether they should be temporary or final or who should have custody of the children, whether they should be put into care, or whether they go to Quamby if it is a juvenile justice matter. Whilst there are certainly procedures, policies and guidelines in place for care and protection, they have been very much strengthened since the Vardon inquiry, to make sure we are doing everything we can for children in the territory who are at risk.

The other part of the question is slightly out of care and protection's control, which is what the courts determine once the case has got to court; whether or not care and protection are successful to the point that they are happy that the outcome they were seeking was delivered through the courts. Even if the courts do not agree with the orders care and protection were seeking, care and protection are still in a position to put in support for the family, even if they have continued concerns about the level of risk for those children.

This is an area which presents enormous challenges to our community, because you cannot have someone in the house all the time, not even in the house of parents and their children. We cannot be in the living room of every child in Canberra to make sure that they are being cared for appropriately. For those children that we are aware of and know there are concerns about and that reports have been made—whether it be from the school, neighbours or other family members—once that report has come in, it is appropriately appraised and the support that needs to be provided to that child is provided.

I am confident that the changes we have made in care and protection in recent years have very much strengthened that response. We can see that in the number of cases going to appraisal, the number of those appraisals that are substantiated and the number of children in the care of the chief executive and the number of successful matters which are heard by the courts in terms of taking some action and response and making sure that those children are protected.

I will get back to you on the number of children who have died. It is not a large number by any means. As you can imagine, there are child deaths in the territory that are not related to care and protection. I have a rough idea of that, but I want to be very careful and make sure I give you the exact answer.

Education—funding

MS PORTER: My question is to the Chief Minister and Treasurer. Will the Treasurer please outline for the Assembly how the government has demonstrated its commitment to public education since coming to office and in the 2006-07 budget?

MR STANHOPE: This is an important question in the context of debate currently occurring within the community consequent on the decisions announced in this budget and the consultation the Minister for Education and Training has been leading and facilitating in the past two months. In the context of that debate, in the atmospherics or the discussion about education, much of what this government has achieved in office has been overlooked or minimised. It is important that we look at some of the quite massive

investment changes that have occurred in the delivery of public education since my government came to office nearly five years ago.

We start, of course, with the essential comparison of levels of recurrent expenditure. Recurrent expenditure has increased since we came to government by over 30 per cent. In this budget we are just nudging \$500 million in education spending in the territory for the first time, which is a 30 per cent increase in the expenditure we inherited just five years ago. That investment has been into an issue such as reducing class sizes. When we came to office class sizes in K-3 were 30. They are now 21. Let us never forget the significance of that major 25 per cent reduction in class sizes in years K-3 achieved by this government through that significant increase in investment in public education, a major achievement of this government.

We have invested heavily in the latest information technology. We implemented and funded initiatives such as the laptops for teachers program and technical support for student computing. We funded and provided opportunities for students through the smart boards and the latest educational software. We funded increased counselling services—significantly increased counselling services. We implemented a regime of college health coordinators. We have provided massive indigenous student support to a point where we now have, by far and away, particularly through that massive investment in indigenous education, educational outcomes for our indigenous students, who lead Australia in a massive way.

We have also invested heavily in physical infrastructure through major upgrades of laboratories, toilets, disabled access and specialist teaching areas. We provided a rolling, ongoing program of a million dollars per annum in increased repairs and maintenance, which we added to with a \$2 million per annum school building renewal fund and which in this budget we have added to with an investment of \$190 million. In a single budget—in this budget—we have appropriated and provided for an additional \$190 million of investment in public education in the territory. That is a massive injection of funds into public education—\$90 million on major upgrades and renewal, \$20 million for IT alone and an additional \$80 million for a state-of-the-art high school in Ginninderra and a similarly high standard, state-of-the-art new school for Gungahlin.

This is important in the context of the debate we are having about the essential imperative of advancing public education in the territory, a system that is under enormous strain, indicated most particularly by the move away from the system by our parents. The people of the ACT are voting increasingly with their feet. Forty-one per cent of all students now choose not to attend a government school, a drain we must continue to address seriously if we are to meet our obligation and our commitment to ensuring that we can maintain the best educational outcomes in Australia. That is not a commitment we can make or have any hope of keeping if we do not continue to reform and advance and make the investments this government has made in the five years it has been in government.

MR SPEAKER: The minister's time for speaking has expired.

Legislative Assembly—pairs

MR SMYTH: My question is to the Chief Minister. Chief Minister, in the Assembly on 16 August—that is, Wednesday of last week—during a debate on the order of Assembly business, in relation to the matter of pairs for members of Assembly committees, you said:

Mr Speaker, there was absolutely no justification or basis for refusing Ms MacDonald a pair ...

Chief Minister, did Ms MacDonald ask for a pair prior to her leaving Canberra to travel to Queensland? Why, as Chief Minister, did you become involved in this process?

MR STANHOPE: To the extent that I became involved in this issue, I became involved because of what I regarded as the unprecedented and unprincipled action of Mr Smyth, Mr Pratt and, I assume, Dr Foskey in refusing to allow a member of the Labor Party on parliamentary business in New Zealand a pair to obviate the need for her, at her own expense, to return to Australia to participate in a deliberative committee hearing. I think it is unprecedented, I think it is unprincipled, I think it is a retreat to the sort of petty personal politics that really does damage the reputation of this Assembly and actually is part of the reason that we are not in particularly good odour with this community.

That is why I became involved. I sought initially to prevent a member of the government, one of my colleagues, from the expedient of having to spend \$1,000 of her own money simply to return to Australia from New Zealand, where she was representing this parliament on parliamentary business; whereas, through the simple expedient of allowing a pair, she could have been spared that very significant personal expense. If members of the opposition somehow feel chuffed, feel it is a matter of some pride, that they have cost one of their colleagues \$1,000 because they thought that they could score some petty political point or advantage by refusing her a pair, I find that rather distressing. That is why I involved myself. I think it is petty, I think it is unprincipled, I think it is unprecedented that you would, for the purpose of making a petty political point, force one of your colleagues in the Assembly—there are only 17 of us—

Mr Pratt: Suddenly we are all brothers and sisters.

MR STANHOPE: We are colleagues. We expect a certain level of humanity and courtesy which we would hope we could extend to each other. That is all that was being sought, that you would act with a certain dignity, a certain courtesy, that you would not impose in that way on one of your colleagues. Just imagine any other workplace. This is a workplace. There are 17 of us. We are colleagues. We can act with a certain level of dignity and a certain level of courtesy towards each other. But you could not bring yourself to do that in a situation where to do otherwise has achieved the result which has been achieved, that Ms MacDonald is \$1,000 out of pocket because of your determination to somehow score a glancing political blow.

It is interesting, as the Liberals listen almost with bated anticipation to *Chief Minister's Talkback*, that Mr Smyth could not, of course, resist first, I think, an SMS, then a fax and then a phone call, hanging off every word in angst and agitation. Of course, Alex Sloan

insulted all adolescents when he said in response to Mr Smyth, “Mr Smyth, don’t you think you are being rather juvenile?” I instinctively and immediately thought that that was a gross insult to adolescents or juveniles. No, let’s not elevate it to being juvenile. It is childish—childish in the extreme. Let’s not elevate Mr Smyth’s behaviour to that of a juvenile. To do that is to accord to him a status that he certainly does not deserve. This is a tawdry, appalling episode in the Assembly’s behaviour and it is down to you, Mr Smyth. In fact, all of us on this side now know deeply and with absolute certitude why your colleagues dumped you.

MR SPEAKER: Order! The Chief Minister’s time has expired.

MR SMYTH: I ask a supplementary question. Chief Minister, who informed you or your office of the need for the pair? Will you refund Ms MacDonald her money? What is the approach adopted in granting pairs in committees for members in the House of Representatives?

MR STANHOPE: I am not sure of the avenues through which I was informed that-

Mrs Dunne: Surely somebody told you.

MR STANHOPE: Somebody did tell me.

MR SPEAKER: Order! The Chief Minister has the call.

Mrs Dunne: You should have known.

MR STANHOPE: I had no idea.

Mr Smyth: You do not recall?

MR SPEAKER: Order! The Chief Minister has the call. The Chief Minister is not responsible for what goes on in the House of Representatives. I will rule out of order that part of the question that relates to the House of Representatives.

Mr Smyth: Thank you, Mr Speaker.

MR STANHOPE: As to the second part of the question, whether Ms MacDonald will be reimbursed, I know of no capacity or way in which Ms MacDonald would be reimbursed.

Mrs Burke: You said she was on Assembly business.

Ms MacDonald: I was. I was representing the CPA.

Mrs Burke: So why are you paying then? What are you paying for?

MR SPEAKER: Order!

MR STANHOPE: Because she was forced to return, Mrs Burke.

Mrs Burke: Oh, right, was she?

MR STANHOPE: Yes. You know that she was forced to return to Australia, Mrs Burke. Do not be inane.

Mrs Burke: This is getting ridiculous.

MR STANHOPE: It is ridiculous. It is appalling, it is puerile, it is petty and it reflects incredibly badly on you. I do not know why you all feel so chuffed that you cost Ms MacDonald, a member of the government, \$1,000. What is it that amuses you about that?

Mrs Burke: Why did she go? The estimates were on.

MR STANHOPE: What is it that amuses you about the fact that Ms MacDonald is \$1,000 out of pocket because of your behaviour? What is so funny about that? Why are you pumping out your chests at what you have done to one of your colleagues?

Opposition members interjecting—

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

Mr Pratt: It is a disgrace.

MR STANHOPE: It is a disgrace, Mr Pratt. I rest my case.

Planning—EpiCentre lease

MR SESELJA: My question is to the Minister for Planning. It relates to the sale of EpiCentre. Minister, documents released by the planning and environment committee contained a file note written by the chief planning executive which referenced concerns over pre auction advice and expressed the intention of discussing this issue with you. You confirmed recently in the press that the chief planning executive met with you to discuss concerns raised by bidders over the EpiCentre auction. On 9 August you stated on ABC news:

... obviously Mr Savery brought to my attention the fact that bidders were making inquiries and that's quite a reasonable thing for Mr Savery to do.

Minister, did the chief planning executive raise his concerns over pre auction advice, as noted in his meeting notes? If so, what was the nature of those concerns?

MR CORBELL: Mr Seselja, I think, takes out of context the advice from Mr Savery, but that is not unusual in this whole episode. The opposition seek to construe comments in a particular context that is quite misleading. I cannot recall what occurred at a meeting some three or four—actually I think it was probably last year. I would have to check the records. To that extent, I will take the question on notice.

Education—funding

MR GENTLEMAN: My question is to the minister for education. Following the government's record investment in public education in this year's budget, can you please outline for the Assembly how this funding will be used?

MR BARR: I thank Mr Gentleman for his question and his strong interest in public education in the Brindabella electorate. Education is one of the most important foundations of our community. Citizens with the skills and knowledge to meet the challenges and opportunities of the 21st century will be integral to our city's prosperity and success. We have a narrow economic base, and our educated population is the key to our future. Education is the building block on which all other economic development is based.

We must, therefore, strive to create an education system that equips our students with a range of skills. There can be no one-size-fits-all model seeking to promote uniform outcomes. The ACT's education system should provide comprehensive pathways for all students, from preschool through to vocational education and from preschool through to PhDs.

The gap between public and private education in the ACT has widened too far. As the Chief Minister indicated, almost half of Canberra's parents now choose to send their children to private schools. Without reform, public education in the ACT will become the choice for a minority of students within a decade. We face the risk of it becoming nothing more than a safety net for those who cannot afford private education.

We have a system that was built in the 1970s. Like the buildings, it needs renewal and reform in order to meet the needs of students in the 21st century. We are faced with a stark choice: to remain stagnant and let our system decline further or strive to provide a better system for current students and for future generations.

The Stanhope government, through this budget, has seized the opportunity to embark on major reform. We believe that scarce resources should be directed on the basis of educational need, not on the basis of geography alone. We believe that every child in the ACT should have access to quality learning environments and that every student should emerge from our public education system with the skills and knowledge to achieve their potential.

That is why the Stanhope government is making the largest investment in our public schools in the history of ACT self-government. This investment includes a \$20 million outlay on information technology in our schools under the government's smart schools, smart students budget initiative. The ACT will lead the nation in the use of IT in teaching and learning. Renewal of our school IT infrastructure will ensure that students can enjoy all the opportunities that state-of-the-art access to the internet and cutting-edge technology can provide.

A diverse range of projects are currently under discussion, all of which will be delivered as part of this funding injection. Let me give you an indication of some of the outstanding projects under consideration: a major upgrade of bandwidth to all schools;

SMS messaging services, primarily providing anti-truancy capability as well as up-to-date information on school issues such as the cancellation of sporting events and excursion timetables for parents and students; electronic roll marking, removing the need for many hours of administrative staff time; in-school wireless capability, allowing full utilisation of ICT resources in schools; web-enabling the year 12 certification system, allowing on-line collection and assessment of web delivery of results; video on demand, video conferencing and video lessons; a podcast service; a parent portal, giving parents access to school and student material, including digital portfolios of students' work; and an on-line library, a centralisation of school libraries, on-line catalogues and on-line booking of resources.

Imagine parents being able to participate in on-line discussions and lessons, to check on line what homework has been set and being able to engage with their child's teacher through on-line video conferencing. That is why we are committed to providing the latest technology in schools, to create closer links between parents, children and teachers in the ACT and throughout the world.

Educational ICT is no longer the optional extra that it might have been some years ago. It is now an essential and vital component in curriculum delivery. This government's continued and sustained investment in ICT is critically important to the learning outcomes of our children. The smart schools, smart students initiative proves the government's ongoing commitment to educational ICT and to the provision of world-class, best practice technology tools and services for ACT public school students.

Planning—sections 84 and 89, Civic

DR FOSKEY: My question is to the planning minister. It concerns the development of sections 84 and 89 in Civic. This land was sold to Queensland Investment Corporation for about \$13 million, plus the replacement of community facilities, a cost of about \$18 million in all, in the late 1990s. In 2004, the permitted retail space was increased from 12,000 to 34,000 square metres and office space was increased from 16,000 to 49,000 square metres. In 2005, the minister called in a further development application, increasing office space to 64,000 square metres. In all, the increase of commercial space was from 56,000 to 103,000 square metres.

I believe that the total value of that land, with those permitted developments, is about \$60 million or \$70 million. I note that this year's budget papers refer to unbudgeted receipts from change of use charges for this development. Can the minister advise the Assembly of the valuation of these blocks before and after that expanded use and of the change of use charge use levied on Queensland Investment Corporation?

MR CORBELL: I thank Dr Foskey for the question. A change of use charge has been levied in relation to any lease variation for that site by the Queensland Investment Corporation. It has been levied at the statutory rate, which is 75 per cent of the change of use charge. The exact figures of before and after value and the level of change of use charge levy I will have to take on notice. I am happy to provide that information to Dr Foskey.

DR FOSKEY: I ask a supplementary question. Can the minister assure the Assembly that the proposed residential development in that section will go ahead and that the QIC does not simply run it as a car park until the political climate changes?

MR CORBELL: I cannot speak for QIC, but I can indicate what the government's preference is. The government's clear preference, as I have stated earlier in Assembly committee hearings, is that that site was sold with a residential component and we would expect to see the residential component developed.

Budget—surplus

MR MULCAHY: My question is addressed to the Treasurer. Treasurer, the *Canberra Times* of 15 August reports that the ACT has recorded its largest ever surplus—some \$176 million. This figure was calculated using the old accounting system and includes things such as Commonwealth grants and returns on superannuation investments. Treasurer, why do you persist in using, and why do you continue to allow, the reporting of the old misleading accounting system?

MR STANHOPE: As members know, last year's budget was prepared on the basis that it would be consistent with the Australian accounting standard. As members know, and as I announced in the recent budget, the last ACT budget to be compared was consistent with the Australian accounting standard. It is the standard that has been in operation, I think, since 1995, and it is the standard that was used for each of the budgets prepared by the previous Liberal government. The most significant difference between the budgets prepared by my government under the Australian accounting standard is that it produced five consecutive surpluses, whereas the Liberal Party produced four successive deficits, including an initial deficit of \$344 million.

The big difference is that it is the same standard. In fact, Ms Carnell introduced it in the Assembly for the purpose of accounting after a period during which the then Labor government used a system of accounts that essentially was the GFS. In the context of this continuing campaign Mr Mulcahy is attempting to differentiate himself from his predecessors, and most particularly from his predecessors who were once ministers in that government; that is, Mr Smyth and Mr Stefaniak. Mr Mulcahy continually makes speeches, puts out press releases and asks questions that enable him to differentiate himself, as the new Liberal Party, from the old Liberal Party. Who was in the old Liberal Party in this place? The old Liberal Party included two members of the opposition with ministerial experience. Mr Smyth, who was the Leader of the Opposition, is now a humble backbencher. Why is he now sitting humbly behind Mr Mulcahy?

Mrs Dunne: Because he chose to.

MR STANHOPE: Because he chose to? He chose to because of the accumulated weight of the 1,000 daggers placed in him by Mr Mulcahy.

Mr Mulcahy: On a point of order: under standing order 118 (b) I would like the Chief Minister to be drawn back to the relevance of my question.

MR SPEAKER: Order!

MR STANHOPE: In any discussion about the accounting standard utilised in the financial year that has just been completed it has to be said that the Australian accounting standard was the standard applied for seven years by Ms Carnell, and by Senator Humphries as Chief Minister. Mr Mulcahy casts this burley far and wide.

Mr Mulcahy: We are not talking about her budget.

Mrs Dunne: We are talking about yours. You have had four budgets.

MR STANHOPE: We are not talking about the previous Liberal government and we are not talking about former Chief Ministers or Treasurers. We are talking about this budget. Mr Mulcahy does this deliberately. He asks, “Why do you do this, Chief Minister? Why do you do this, Treasurer?”

Mrs Dunne: Because you are the Chief Minister, not Kate Carnell.

MR STANHOPE: He does not ask, “Why are you doing it?” or “Is what you are doing consistent with what Mr Stefaniak and Mr Smyth did in seven long years of Liberal government?” The accounting standard applied in the last financial year is the accounting standard that was applied for seven years by the former government. Under that accounting standard it produced a surplus of \$176 million. Why is it that Mr Mulcahy prefers us never to compare like with like? Why is it that he does not want me to reveal that, under the Australian accounting standard, there was a surplus of \$176 million in 2005-06?

It is the fifth consecutive surplus under the Australian accounting standard delivered by this government compared with four consecutive deficits produced by the Liberals when they were in government—deficit, deficit, deficit, deficit, deficit. Under the Australian accounting standard we have delivered five consecutive surpluses. We did not disguise the fact that it was the last Australian accounting standard. It will never be reported again under the Australian accounting standard.

We have moved to the GFS now and forever. Under the GFS, the budget papers reveal, unaudited, but a deficit of \$91 million. It is there and up-front, I think, on page 1 of the budget papers. Under the GFS the deficit is \$91 million, a significant improvement on the \$160 million that had been anticipated in the mid-year review. So we improved by \$70 million over the course of the first half of the year. The GFS deficit, which is reported on page 1 of the budget papers, is there for all to see. Under the Australian accounting standard, the standard under which the budget is prepared, there is a surplus.

MR MULCAHY: I ask a supplementary question. Why is the government asking Canberra residents to pay more and more through increased new rates and charges, given the Chief Minister’s claim of five consecutive surpluses, including a surplus of \$176 million?

MR STANHOPE: Once again I appreciate this question from the shadow Treasurer. Once again he has asked me this question. I think he has asked me this question almost every question time this year.

Mrs Dunne interjecting—

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

MR STANHOPE: Why does Mr Mulcahy keep asking me these questions? He keeps asking the questions: “Why is there a need to ensure that we have the resources? Why have rates been increased? Why was there an increase in the GFS debts?” He seeks to draw a distinction between the Australian accounting standard and the surpluses that have been produced. We know why they have been produced. The Australian accounting standard allows us to account very generously for land sales and superannuation receipts. Last year the international stock market in particular went gangbusters and we had a massive, serendipitous windfall into our superannuation account. Over and above that, there was fantastic management.

Mr Mulcahy: Oh!

MR STANHOPE: Now that you have drawn attention to it, I would never, self-effacing as I am, have drawn attention to the fact that since becoming Treasurer the bottom-line position improved by \$70 million.

Members interjecting—

MR STANHOPE: He was doing well. He picked up \$100 million. But in the past five months there has been another \$70 million turnaround, which is massive. Now that you have drawn attention to the change in the guard, who am I to deny the obvious conclusion that can be drawn from that? Mr Mulcahy invites me in response to his question to draw attention to the fact—

Mr Mulcahy: Explain the taxes.

MR STANHOPE: The taxes are there to meet the level of government service delivery, which is a feature of this government and has been for the past five years. We have increased recurrent education expenditure by 30 per cent. We have, as a result of the Gallop royal commission into your stewardship of disability services, increased expenditure on disability services by over 60 per cent. Since coming to government we have, as a result of your underfunding of emergency services, increased funding for emergency services infrastructure by 49 per cent, which is a doubling of that figure. We have allocated an additional \$26 million a year for emergency services, an additional 69 per cent in expenditure for disability services and an additional 30 per cent in recurrent expenditure for education. There has been a quadrupling of the number of child protection workers.

Mr Pratt: And you have wasted it, Jon.

MR STANHOPE: This is what gets me in this policy vacuum. Which of the expenditures on disability services would you not have funded? What are you going to withdraw? How many of the child protection workers will you sack? How much of the emergency services expenditure do you think is unwarranted? How much of the extra 40 per cent of expenditure in health service delivery would you not have committed? You

must answer these questions. Do you continue to think it is acceptable, as you did when you were in government, that the ACT had the lowest per capita level of expenditure on mental health in Australia? When this government came into office—and this is something opposition members know—the ACT had the lowest per capita level of expenditure on mental health in Australia by a country mile.

We filled the gap and the ACT now better than matches average Australian expenditure. In fact, I think we have the second highest level of expenditure in mental health. We went from bottom under the former government. Will opposition members withdraw that funding? Will the Liberal Party in government reduce expenditure on disability services? Will it reduce expenditure on mental health? Will it reduce expenditure on child protection? Will it not support emergency services? What cuts will it make? We are into the budget debate; we are up to the fourth line.

Mr Pratt: It is your budget.

MR STANHOPE: It is our budget. To date six Liberal members of this Assembly have stood up and said, “We want more money.” What do they want more money for?

Ms Porter: Mental health?

MR STANHOPE: No, for themselves. It consumed the first hour of debate today. Six speakers in a row said, “Increase our allowances; give us more money.” The Liberal Party wants more money, but it wants it for itself.

MR SPEAKER: Order! The Chief Minister’s time has expired.

Emergency Services Authority—headquarters

MR PRATT: My question is to the Minister for Police and Emergency Services. Minister, on 15 December 2005 your predecessor Mr Hargreaves announced that the ESA would establish the ESA’s headquarters precinct at Fairbairn. In fact, just over \$17 million has been identified in your government’s 2006-07 budget for the fitout of the buildings. Minister, will you be proceeding with the move of all ESA headquarters operations to Fairbairn as per your government’s original intention back in December 2005? If not, why not?

MR CORBELL: The government has made an allocation for the relocation of the emergency services agency to Fairbairn. That project is funded in the budget. That project is continuing, as apparently funded in the budget.

MR PRATT: I ask a supplementary question. Minister, I am not sure whether you answered yes or no to that move on time. If yes, will you ensure that this move occurs on time and on budget?

MR CORBELL: My intention is to see that the project is delivered on time and on budget.

Teachers—wage negotiations

MRS DUNNE: My question is to the minister for education. Minister, on Saturday the Australian Education Union made an approach to you in relation to its industrial action. It said:

... in the interests of public education the AEU is prepared to call off industrial action scheduled for next week—

that is, this week—

if—

you—

commit to meet with the Union, withdraw your demand for the cutting of school-based teaching positions, and engage in genuine negotiations.

Minister, why have you refused to withdraw the government's demand for teacher job losses? Why have you failed this test of good faith and why are you refusing to recommence negotiations with the AEU?

MR BARR: Yes, I did receive an email communication and some contact from journalists on the weekend in relation to some prompting from the AEU, I believe. In response to my statements in the media on Thursday of last week, when I indicated that I was prepared to meet with the union provided that they called off the planned industrial action and that I would not be meeting with them whilst ever they were taking industrial action, they met on Saturday morning, I understand, and prepared a series of demands that I must meet in order for a meeting to take place.

Those demands involved a requirement to meet with them by Thursday of this week and to withdraw the government's current pay offer. I was not in a position to accede to those demands. I have time available in my diary on Friday morning, the day after their deadline, and have offered up that date as a possible meeting time. I did indicate, as I have publicly, that I was more than prepared to negotiate alternative means of achieving both parties' ends; that is, from the teachers' perspective, a pay rise above three per cent per annum, and, from the government's perspective, some productivity offsets in order to meet the additional pay rises above three per cent.

I understand from some email conversations with the union that my response did not meet with their particular demands. I am sorry that that is the case, but I will not be blackmailed into meetings with the AEU on terms that are unacceptable to the government. I do not think that anyone should be blackmailed into meetings. If we are going to engage in this process in good faith, I think that both parties need to bring that good faith to the table. I have indicated to the union that I am available to meet with them on Friday morning and will be happy to do so, provided the campaign of industrial action and intimidation and the series of demands are taken off the table and we can have a sensible conversation about how we can achieve our mutual ends. I see that as being a fair and reasonable way forward.

The government certainly was able, with the CIT, to reach an agreeable productivity offset. We are now in a position where I hope to be able to see CIT teachers get their four per cent pay rise, beginning from 1 October this year. We were able to reach agreement there. So, on the basis that we are able to find agreeable productivity offsets, I am happy to continue that conversation, but it certainly will not be done and I certainly will not be participating in meetings where there is a series of unreasonable demands placed upon the government.

If we are to have a fair dinkum negotiation on that, we will do it on mutually acceptable terms and not in some sort of way that insinuates that the government will be held to ransom by a series of industrial actions. As I said, that does nothing to resolve this issue. All the industrial action does is inconvenience parents and students, and it costs teachers money. Every time they go on strike their pay is docked. That is a requirement of the WorkChoices legislation, and the government will not be breaching the law.

All I have said to the union is that the longer they delay this matter the further away they will be from achieving the pay rises that they want and the government wants to deliver to them. ACT teachers are the best paid in the country and they have the lowest contact hours. The government is seeking some productivity offsets in order to achieve the pay rises that we believe ACT teachers deserve, but there needs to be a return to the public education system, some increased productivity, and that is what the government is asking for.

I do note the mixed message that is coming from the opposition here, in that I understand that Mr Mulcahy has on many occasions berated the government for not seeking productivity increases in order to fund additional pay rises. I am seeking to ensure that there is a good outcome for the territory, that there is a good outcome for our public education system and that there is a good outcome for teachers. Of course I want our teachers to be the highest paid in the country, but we do require, if we are going to be able to deliver pay rises above three per cent, a productivity offset, and that is what I am seeking.

MRS DUNNE: I ask a supplementary question. Minister, what are your conditions for recommencing negotiations with the AEU?

MR BARR: As I indicated in my previous answer, I am willing to meet with the union to discuss a range of options where we might be able to find mutually acceptable productivity offsets, as we were able to do with the CIT. But I have indicated that a climate of industrial action, demands, threats and statements such as “we will only meet with you if” are not conducive to achieving a fair and reasonable outcome. I still have the time available in my diary on Friday morning to meet with the AEU. If they are prepared to come to the table without the threat of industrial action, without the blackmail and the intimidation, I will meet with them.

Health—midwifery program

MS MacDONALD: Mr Speaker, my question, through you, is to Ms Gallagher in her capacity as Minister for Health. The minister will be aware that I was on the health committee in the last Assembly which inquired into and brought down *A pregnant pause*,

the report on continuity of care for pregnant women. In that report we noted the excellent work done by the Canberra midwifery program, the CMP. Could you update the Assembly on the developments with the midwifery services offered in the territory?

MS GALLAGHER: I thank Ms MacDonald for her question. She is right: our midwives do a fantastic job. The midwifery services provided in the ACT are first class. Of all the letters I get in my office, I receive at least two a week on the Canberra midwifery program from parents who have used it, saying how excellent it is.

In the last few weeks I have received the demand/analysis report of the CMP which has come out of *A Pregnant pause*, the report from the Assembly committee, which has shown that there is significant unmet demand for that program in the ACT. You could probably double or triple that program in terms of some of the choices that women want to make and fill it every year. Currently, about 500 women and their partners use the program each year. There are often lengthy waiting lists. If you talk to most people, you have to join the program when you are about five weeks pregnant to get a spot on it.

That demand/analysis has shown that we need to look at how we can reorder the diversity of services within maternity services. This is in the context that our birth numbers will remain largely the same over the next 10 years. We are not going to see an increase in the number of children, although we have seen an increase in the 2004-05 year, with more babies than normal being born, but it is not expected to continue.

A budget of around \$23 million is provided to services in this area. I would like to get some advice on how we can shift resources around to expand that program but continue to provide the diversity of services that we need, because we need to maintain all the obstetric services at the Canberra Hospital to respond to those complex and difficult births and allow choice for women to have their children in the delivery suites because there are women like me who choose to go that way rather than through the midwifery program. It is a difficult solution. The demand for the midwifery program is increasing very quickly. The birth numbers are remaining the same. We still need to provide the full range of services across the hospital.

We have established a working group to provide me with advice. I am hopeful that that working group will provide me with that advice by the end of this year. That will allow us to take forward into early next year any changes that we could make to allow parents to have their choice of which way they would like to proceed when they are expecting a baby. We will explore the future options and look at how we can expand some of the services, particularly the services in the CMP.

MS MacDONALD: Mr Speaker, I thank the minister for that update. I have a supplementary question. Minister, could you also update the Assembly on what training is currently available for midwives?

MS GALLAGHER: I thank Ms MacDonald for the supplementary question. That is part of the puzzle which I did not cover in the first answer around the shortage of midwives, not just here but also nationally and internationally, and the fact that, even if we wanted to expand the CMP tomorrow or in the next couple of months, the chances are that we would not have the midwives available to staff that program. Training and retraining is certainly one of the areas we are having to focus on.

We provide postgraduate education programs for nurses and midwives in critical care and neonatal intensive care in conjunction with the University of Canberra. We have also established 11 single and multisite dedicated education units to provide a structured learning environment in partnership between ACT Health and the University of Canberra for undergraduate nursing and midwifery education and support. A dedicated education liaison nurse is assigned for each unit. This nurse supports and supervises students in the workplace.

We have also provided clinical placements for students enrolled in allied health, nursing and midwifery courses. We have allocated \$500,000 across four years to provide refresher re-entry programs for nurses and midwives who wish to return to work after a period of absence. The refresher nurse program was accredited in September 2005. Five registered nurses have completed the course, another four are progressing and a further 10 are new starters. The refresher work force program was accredited in April 2006 and the first midwife refresher started at that time. Two more midwives are currently undertaking the theoretical component of the program and are about to begin their clinical placements. Three nurses are currently undertaking the re-entry program at the University of Canberra.

Finally, the postgraduate nursing and midwifery scholarship scheme provides \$500,000 per annum to assist nurses and midwives to undertake postgraduate studies. Three hundred thousand dollars of this is provided for mental health, and \$200,000 for all other nurses and midwives. In recognition of the increased demand in the general scholarship scheme, the Positive Professional Development Pathway scheme was introduced in October 2005. This scheme provides advance payment of course tuition fees, which are then reimbursed through regular fortnightly payroll deductions during the course of the study. We have also included in the budget, which we will be debating this week, initiatives over four years to further address health work force recruitment and retention initiatives.

We are doing a range of things to encourage retraining and re-entry for nurses and midwives who may have been in other jobs or out of the work force for some time. That is part of the solution to how we provide maternity services in the ACT, how we provide enough midwives to staff the demands for choices the women in the ACT want around the CMP. As I said, even if we expanded the program in the next month or so, we would not have the staff to staff it. We need to work on that, as well as look at how we provide the full range of services to women who are having children in the ACT.

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

Supplementary answer to question without notice Planning—EpiCentre lease

MR CORBELL: In question time last Thursday, I took on notice a question that Mr Smyth asked me about an inquiry made by ING of ACTPLA in relation to discount outlet retailing. Mr Smyth asked, firstly, whether I could confirm that the LDA did in fact reply to ING; secondly, what the response said with regard to the request from ING; and, thirdly, whether I would table this correspondence in the Assembly. The answers to Mr Smyth's questions are: yes, the LDA did reply to ING; the LDA response was as per

its letter of 6 October 2006; and, yes, I will table a copy of that correspondence. For some reason, I do not have it with me in my documents, but I will table it later today.

In a supplementary question, Mr Smyth asked why ACTPLA's reply to Austexx provided clear indications as to permissible uses, yet the LDA reply was simply to leave ING to work it out for themselves. As I indicated in my response to Mr Smyth last Thursday, I do not accept his version of events in relation to this matter.

In relation to the ACTPLA letter to Austexx of 8 December 2005, ACTPLA responded as an appropriate territory authority to a potential bidder conducting its due diligence after the issue of the sales documentation, including the lease and development conditions and the indicative crown lease. I do not agree that this response provides clear indications as to permissible uses.

The chief planning executive responded to legal advice from Austexx advising that ACTPLA's "interpretation of the aspects of the territory plan relevant to the matters raised by Austexx did not accord with the company's legal advice, as that advice was understood," noting that the authority was not privy to the instructions the company gave its counsel. The ACTPLA letter went on to say:

However, our interpretation should not be taken to constitute any form of advice to you or the company and it should not be taken, necessarily, to be our interpretation in the future. Any proposal for development ... will be considered on its merits, having regard to our interpretation of the Territory Plan at that time. Your company should obtain further legal and commercial advice it considers necessary for the purpose of bidding at the auction, and, if successful, subsequently developing the land.

Mr Savery's handwritten note dated 8 December 2005 on a subsequent conversation with a representative from Austexx, when asked for a clarification, reads:

I said we felt a Brands outlet could be considered on merit, but our interpretation was open to challenge.

In contrast, ING made its request for information before the issue of the full suite of sales documentation, and this included before the issue of the lease and development conditions and the indicative crown lease. Notwithstanding this, I note that the advice to ING was, in effect, the same:

... the EOI document does not contain a set of lease and development conditions or a sample Crown Lease. These will be provided in the auction documents and clearly identify the range of permissible uses.

I note that you are familiar with the Territory Plan and specifically Variation 175, which related to Fyshwick Section 48. The range of permissible uses and their definitions is evident in the Plan. The onus lies with prospective proponents to consider the provisions of the Plan and formulate their own conclusions as to whether the permissible uses accord with their aspirations for the site.

The lease and development conditions and the Crown lease provided in the auction document will contain provisions relating to minimum and maximum development ...

Mr Speaker, I also note that the Canberra International Airport had the same opportunity to ask planning-related questions of ACTPLA and indeed took that opportunity. ACTPLA responded to the Canberra International Airport appropriately and consistently with other potential bidders conducting similar due diligence.

Human Rights Act—review Paper and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (3.38): For the information of members, I present the following paper:

Human Rights Act, pursuant to subsection 43 (1)—Twelve-month review of act, dated June 2006, prepared by the Department of Justice and Community Safety.

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

Leave granted.

MR CORBELL: The Human Rights Act came into force on 1 July 2004. From then, most of the civil and political rights that are guaranteed under the International Covenant on Civil and Political Rights were incorporated into ACT law. The aim of the act is to establish a dialogue model for the protection of human rights in the ACT. The long-term aim is to build a human rights culture of tolerance and respect for human rights, reflecting the shared values of Canberrans. The first year of the act provided an opportunity to consider how the dialogue model was working and how it was helping to develop a human rights culture in the ACT. Now, after two years, it is possible to draw some conclusions about a number of fundamental issues.

The review report is the product of a yearlong engagement with stakeholders in the local legal community and the non-government sector. It began with a framework document issued to the second community forum sponsored by the human rights office and ended with a discussion paper released on the web sites of the Chief Minister and the Department of Justice and Community Safety.

The statutory review requirement was the product of non-government amendments to the Human Rights Bill in 2004. Undoubtedly, they reflected some concerns regarding departures from the model proposed by the ACT bill of rights consultative committee. The main departure was the decision not to expressly incorporate rights guaranteed under the International Covenant on Economic, Social and Cultural Rights. Another was the decision not to include a direct duty and right of action to ensure compliance.

The statutory terms of reference prescribe a cascading focus for the review that is firmly rooted in the operation of the legislation, its impact on the judiciary, the legislature and the executive, and its effect in developing a human rights dialogue and culture in the ACT. Those terms of reference recognise that a sound performance in these areas will build the case for recognising economic, social and cultural rights but that it may be premature to consider this issue, or the issue of how to protect environment-related rights, if there are lingering concerns with the operation of the dialogue model and the

development of the human rights culture in the ACT. The 12-month review sheds light on these issues.

The review canvasses a range of issues related to the fundamental provisions governing the operation of the Human Rights Act. These include the obligation of public authorities to comply with human rights and the nature of the human rights dialogue in this place. The submissions to the review indicate that there is general agreement as to the nature of the existing obligations to comply with human rights arising out of the general requirement to interpret all territory laws, as far as possible, to be consistent with human rights.

It was always envisaged that the interpretive provision within the Human Rights Act would have a direct effect on the conduct of government officials through its effect on legislation. They would be required to consider human rights in their decision-making processes and would be required to exercise statutory discretions consistently with human rights unless the legislation clearly authorised action that was inconsistent with those rights.

However, since the passage of the bill there has been considerable conjecture within the legal community about the precise nature of the human rights obligation, and this is reflected in the submission to this review. As the review suggests, there is a case for introducing an express duty on government authorities to comply with human rights and for a direct right of action to the courts.

Put simply, much of the debate surrounding the operation of the Human Rights Act and some of the obstacles to the growth of a human rights culture within government and the wider community can be resolved through a direct duty to comply with human rights. For this reason, the review recommends that the government investigate the inclusion of a direct duty to comply with human rights.

As I have already noted, the other key issue raised in the review is the quality of the dialogue between the government and the Assembly on human rights issues. A key issue addressed by the review is the depth of analysis provided in explanatory statements issued by agencies sponsoring bills before the Assembly and the compatibility statements I am required to issue under the Human Rights Act.

The compatibility statement serves a significant role in the dialogue model. It reflects the internal dialogue among the various component arms of the executive and it is this internal process that has been most dramatically affected by the Human Rights Act. It also represents the public face of that dialogue to the Assembly and to the community.

There has been criticism that insufficient information is provided through this compatibility statement process. Whilst there may not be a case for legislative change, the review does recommend that agencies make greater use of the explanatory statements to establish compatibility. Where a bill raises significant human rights issues, I will undertake to provide a summary of reasons with the compatibility statement, focusing on the human rights principles and drawing on the case established by the sponsoring agency. For most bills, agencies could be encouraged to make better use of exposure drafts to make the case for compatibility.

Beyond these operational issues, a major focus for the review is the protection of economic, social and cultural rights and the treatment of environment-related rights. At the outset, the government accepted, in principle, the fundamental proposition that all categories of rights are universal, interdependent, interrelated and indivisible. However, it also acknowledged that the implementation of some of the economic, social and cultural rights would present more of a challenge than the civil and political rights.

It is evident from submissions that few people would disagree with the value of recognising social, economic and cultural rights. They inject into the human rights dialogue a wider vocabulary that reflects all of our shared experiences and aspirations. Around 70 per cent of the submissions on the discussion paper addressed the protection of these rights and over 80 per cent of those supported their inclusion in the Human Rights Act. However, few submissions addressed the threshold issues associated with these rights.

Whilst we have a clear appreciation of the sorts of rights that would be encouraged, we still do not have a clear direction about the way in which they would be enforced. Undoubtedly, the arguments for protecting economic, social and cultural rights are strong. However, despite the passage of 12 months or two years since the legislation was passed, there is limited experience in what effect those rights may have in the ACT.

As submissions to the review concede, the thinking on civil and political rights continues to be more developed overseas and there are rich sources of case law and debates on principles on these rights. Professor Paul Hunt, United Nations special rapporteur on the right to health, noted that economic, social and cultural rights are on the rising tide but conceded that the trend to take these rights more seriously is contested and uneven. Significantly, there has been no serious attempt to incorporate them into bills of rights in New Zealand, Canada or the United Kingdom. South Africa, the main jurisdiction to have incorporated these rights into its human rights regime, is largely an exception. Nor have they been included in the recently enacted Victorian bill of rights.

It is still the case that the inclusion of economic, social and cultural rights would make us exceptional amongst comparable human rights jurisdictions and it is still the case that the inclusion of these rights would have an unclear effect. The government contends that the territory has been courageous and groundbreaking in what it has done with respect to a bill of rights in Australia. Whilst we will not rest on our laurels, it is prudent to let other jurisdictions catch up before embarking on what, even in global terms, is unknown territory. Therefore, whilst we are committed to improving the operation of the Human Rights Act and the quality of the human rights dialogue within the ACT, the government will not be moving to incorporate economic, social and cultural rights in the immediate term, nor will it be developing options now for statutory oversight of environmental rights.

We will have the opportunity to reconsider these issues in the context of a five-year review of the Human Rights Act which is required to be tabled in this place by 1 July 2009. The government will, however, consider other ways to increase awareness and recognition of these rights. I commend the report to the Assembly. I move:

That the Assembly takes note of the paper.

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

Territory plan—variation No 256

Papers and statements by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): For the information of members, I present the following papers:

Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 256 to the Territory Plan—Kingston Group Centre Part Section 22, dated 10 August 2006, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

In accordance with the provisions of the act, this variation is presented with the background papers and copies of the summaries and reports. I also present for the information of members the following paper:

Planning and Environment—Standing Committee—Report 20—*Draft Variation to the Territory Plan No 256—Kingston Group Centre Part Section 22*—Government response.

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

Leave granted.

MR CORBELL: Draft variation No 256 was prepared in response to community concerns regarding the potential for the intensity of some businesses to have an adverse impact on the surrounding residential neighbourhood. The variation proposes to extend precinct B of the Kingston group centre to include part of section 22 Kingston along the eastern side of Jardine Street. The effect of the variation will be to incorporate additional land use restrictions and controls for certain activities into the territory plan.

The variation was released for public comment in March 2005 and attracted 25 written submissions. The exhibited draft variation was revised in response to public submissions and discussions with ACT government agencies. The main provisions included new precinct boundaries that do not allow clubs, drink establishments, service stations and indoor entertainment facilities in that part of the group centre adjoining the residential area.

Development applications for new restaurants will be required to prepare a noise management plan as a condition of approval. Noise management plans will need to demonstrate compliance with noise standards in the Environment Protection Act 1997 and be endorsed by the appropriate regulating agency. The common terminology for the definition of restaurant in the territory plan has also been deleted to avoid association with activities commonly related to alcohol consumption, such as a brasserie or bistro.

The Standing Committee on Planning and Environment, in its report released in June, made eight recommendations in relation to the draft variation, among which was a recommendation that the government proceed with its implementation. The government

has considered the issues raised and the government response that provides a detailed response to the committee's recommendations has been tabled today. I would like briefly to outline the government's response to the committee's report.

The committee's first recommendation was that favourable consideration be given by the Minister for Disability and Community Services and me to supporting a Canberra central or inner south community council, should such an organisation be incorporated in the short to medium term. This recommendation is supported.

The committee's second recommendation was that I should consider inserting an area specific policy into the territory plan, varying the leases for blocks 14 to 32 in section 22, and/or reviewing and amending, as agreed with industry, the ACT commercial waste industry code of practice and the waste minimisation regulation 2001, with a view to limiting commercial deliveries and waste collection to between the hours of 7.00 am and 7.00 pm in section 22 Kingston.

This recommendation is not agreed to as the territory plan is not the mechanism for addressing commercial waste management practices relating to hours of operation and leases cannot be retrospectively varied. The Department of the Territory and Municipal Services has been consulted on reviewing and amending the code and regulation relating to waste management. The government response provides more detail on the response from the agency on that matter.

The committee recommended that the Minister for the Territory and Municipal Services consider the need for a broader review of waste collection law and policy in view of the increased residential density around commercial centres in the ACT under the A10 residential core area specific policy. This recommendation is not supported at this time as it is considered that the approach should rather be on planning and designing new developments in a way that specifically addresses these concerns. The planning and approval process includes controls on these issues which should be strictly complied with. Existing developments need to be addressed on a case-by-case basis to ameliorate the effects of servicing businesses where concerns exist. This matter is explained in more detail in the government response.

The committee's fourth recommendation was that the Minister for the Territory and Municipal Services consider whether signs warning of the potential hazard of reversing trucks for pedestrians and cyclists, and particularly the frail, the aged and children, should be installed in block 33 section 22 Kingston. This recommendation was agreed to in principle. The committee's fifth recommendation—that the influence of the Human Rights Act be expressly addressed on the discharge of its statutory and non-statutory responsibilities, including when proposing variations to the territory plan—is agreed to.

The committee's sixth recommendation, which requests the bodies corporate in multiunit residences in section 22 to consider what investments might be necessary to ameliorate the perceived negative impacts of changing adjacent land uses, is noted. The committee's seventh recommendation that, subject to the earlier recommendations, the proposed variation should proceed is supported by the government.

The committee's final recommendation was about inviting stakeholders in dispute over residential amenity and commercial activities to consider the use of the services of

organisations such as the Conflict Resolution Service to facilitate the reaching of compromises that may enable conflicting land uses to coexist more equitably and harmoniously. This recommendation has been noted by the government. It is not a matter directly within the government's control or role.

I have tabled the response to the committee's report and the variation. I take this opportunity to thank the committee for its detailed examination of the variation and for its report.

Dr Foskey: Mr Deputy Speaker, I move that the debate be adjourned.

MR DEPUTY SPEAKER: There is no motion before the chair for debate.

Dr Foskey: Can I do something so that we can talk about it later, such as move that the report be noted?

Mr Seselja: You can ask the minister to move that the report be noted.

Dr Foskey: I ask the minister to move that the report be noted.

Mr Corbell: I am not going to do that. If you want to speak on it, you can do it through a disallowance motion.

Leases

Paper and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): For the information of members, I present the following paper:

Land (Planning and Environment) Act, pursuant to section 216A—Schedules—
Leases granted, together with lease variations and change of use charges for the
period 1 April to 30 June 2006.

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

Leave granted.

MR CORBELL: Section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislative Assembly outlining details of leases granted by joint grant, leases granted to community organisations, leases granted for less than market value, and leases granted over public land. The schedule I have tabled covers leases granted for the period 1 April 2006 to 30 June 2006. During the quarter, 11 leases were issued by direct grant. Of those, two were granted using disallowable instrument 220 of 2003.

The first lease was granted over block 14 section 228 Conder to Aldi Foods Pty Ltd on 18 May this year. The lease was granted to enable the construction of an Aldi supermarket. The second lease was granted over block 15 section 36 Deakin to the Croatia Deakin Football Club Inc on 29 June 2006. The lease was granted in accordance

with the terms of the deed of agreement between the club and the territory signed on 15 September 2002.

For the information of members, I have also tabled two other schedules relating to approved lease variations and change of use charge payments received for the same period. As an aside, I note that the information Dr Foskey was seeking in relation to the change of use charge levied on the Queensland Investment Corporation for sections 84 and 89 in the city also would be reported through this schedule which is tabled on a quarterly basis. I am not sure whether it is in a schedule that has already been tabled, but I would draw Dr Foskey's attention to the fact that this information is publicly tabled every quarter and she may like to review previous schedules that have been tabled to obtain the information she was looking for.

Greenhouse gas abatement scheme—compliance report Paper and statement by minister

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

ACT Greenhouse Gas Abatement Scheme—Compliance and operation of the scheme for the twelve months ending 31 December 2005, dated June 2006, prepared by the Independent Competition and Regulatory Commission.

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

Leave granted.

MR HARGREAVES: I bring to the Assembly today the first annual report on the operation of the ACT greenhouse gas abatement scheme. Rising greenhouse emissions pose a significant threat to the social, environmental and economic welfare of ACT citizens, present and future.

The scheme was established in the ACT under the Electricity (Greenhouse Gas Emissions) Act 2004 and commenced on 1 January 2005. The scheme is designed to reduce or offset greenhouse gas emissions associated with the production of electricity. The scheme requires retailers of electricity in the ACT to procure an increasing component of their product from cleaner and greener means of producing electricity, thereby effecting large reductions in associated greenhouse gases.

In the ACT, electricity use accounts for over 60 per cent of greenhouse gas emissions. Targeting electricity production and consumption is a key step to achieving meaningful greenhouse gas reductions in the ACT. There were 14 licensed electricity retailers in the ACT in 2005. This report confirms that all electricity retailers in the ACT have met their obligations under the scheme for the 2005 compliance year.

The compliance of these retailers in 2005 has achieved greenhouse gas emissions abatement of 316,362 tonnes, equivalent to the annual emissions produced by around 73,570 cars. The greenhouse gas abatement scheme is the single most effective greenhouse gas abatement measure currently available to the territory and demonstrates

how an interjurisdictional emissions trading scheme can work which could form the model for a national emissions strategy scheme in the future. I commend the report to the Assembly.

Dr Foskey: I ask the minister to move that the report be noted.

Mr Hargreaves: No, I am not going to do that.

Paper

Mr Corbell presented the following paper:

Legislation Act, pursuant to section 64—Remuneration Tribunal Act—Remuneration Tribunal (Fees and Allowances) Determination 2006 (No 1)—Disallowable Instrument DI2006-195 (LR, 14 August 2006), including an explanatory statement.

Mobile phone towers

Discussion of matter of public importance

MR DEPUTY SPEAKER: Mr Speaker has received letters from Dr Foskey, Mr Gentleman, Mr Mulcahy, Ms Porter and Mr Stefaniak proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Dr Foskey be submitted to the Assembly, namely:

The installation of 3G mobile phone towers in Canberra.

DR FOSKEY (Molonglo) (4.02): Mr Deputy Speaker, I would like to bring to the attention of the Assembly an issue of which many of you are already aware but which deserves more discussion than has so far occurred: the installation of third generation mobile phone towers around Canberra.

A poor consultation process has been undertaken and the ACT government has refused to safeguard residents' rights and health by putting in place ACT guidelines that would regulate the placement of mobile phone towers. It is important that we get this process right, because I believe that fourth and fifth generation towers are being rolled out in other municipalities. Furthermore, so far only Telstra with Hutchison has applied for a development application. What will happen when Optus and the others want to join the market as, of course, is their right in the deregulated telecommunications marketplace?

In February this year a network plan was lodged with the ACT government by Daly International on behalf of Telstra and Hutchison phone carriers. This network plan detailed the locations of around 100 phone towers planned to be converted from old technology or newly built to service the third generation mobile phone network around Canberra. Third generation mobile phone technology is a network that allows for high data transfers such as videoconferencing and streaming television and email. The reason for the high number of towers, I am told, is the nature of the technology. A large amount of data needs to be sent and therefore cannot be broadcast as far as a 2G tower allows.

After detailed consultation with the ACT Planning and Land Authority, Daly International apparently proceeded to inform communities that they would soon have a telecommunications tower within their suburb. And, of course, that information has occurred incrementally. We have not yet been publicly presented with a plan of where towers are going to be located all over Canberra, so we are dealing with these towers one or two at a time. Constituents usually first begin to contact my office after letters have been sent, on what seems to be an ad hoc basis, to residences in close proximity to the planned towers.

Time and again I have been contacted by angry Canberra residents who were not informed of towers being built over their back fence, or were given only a small amount of time to respond to the development applications. Many people found their concerns completely ignored by ACTPLA and Daly, and others were outraged to discover that they actually had no rights to be heard on whether or not they wanted a tower in their community. From what I have seen at public meetings, I believe that at times the attitude towards genuinely concerned residents has been quite patronising.

Interestingly, the first rush of notifications went out before Christmas, just after schools had broken up for the year. The Campbell primary school community was very upset that by the time they knew—that is, at the resumption of schooling in term 1 this year—the consultation period was already over. 3G telecommunication towers are being built near schools, playgrounds and aged care facilities. They are appearing in nature reserves, on top of bridges and within metres of private properties. Although the government was given a plan detailing where all facilities will go, residents are learning about their own tower only as Daly unveils units incrementally. The Canberra community is not being informed of where all the towers will be located in the city.

Residents have a multitude of concerns about these towers. Some are worried about the unsightly look which impedes the view out of their windows—the view for which they often bought their homes. They are worried about what they see as they walk on nearby nature reserves, especially as each tower does not stand alone but is accompanied by what is called an “outdoor unit”—a windowless box-shaped shed which, of course, is susceptible to graffiti. However, graffiti is probably one of the least of the problems because it can be thwarted to some extent by turning these unsightly boxes into public art spaces, of which we have now got quite a few around the city. Other problems are more intractable. For instance, there is concern about what having a tower near houses could do to property values.

Of paramount concern is the health impact of erecting 3G towers so close to where people live. Mobile phone towers, much like radio transmitters, emit electromagnetic radiation, the shorthand for which is EMR. There are many conflicting views as to whether the level of EMR emitted by phone towers is a significant health concern. Telstra and its experts will tell you that your microwave oven is more dangerous. Other papers, including one from the *International Journal of Cancer Prevention 2004*, suggest that, although it is currently too early to judge, a precautionary approach is needed.

Radio frequency radiation, such as that emitted by mobile phone towers, has been associated with a range of health problems, including brain tumours, lymphomas, memory and learning problems, memory and concentration problems, and changes to

brain patterns. Studies have found that adverse effects from very low levels of phone tower emissions include changes to cell proliferation, chemical mutation in the blood and breaches of the blood brain barrier, which can lead to diseases such as Alzheimer's and changes of brain patterns. We have heard of the clusters of cancers in an RMIT office just under towers similarly emitting EMR. This is not reassuring to ACT residents who discover that they live within 300 metres of a 3G tower.

3G towers operate at a much higher frequency than the old networks—that is, they create faster vibrations, which may increase the potential health risks. The towers radiate power at similar levels to radio and television transmitters—that is, three watts. Incidentally, the national allowable exposure limit for electromagnetic radiation was increased by five times in 2003 to allow 1,000 microwatts per square centimetre, just in time for the introduction of 3G technology in Australia. Whether this change was based on science or on commercial interests is unclear.

We know that the EMR levels do not decrease until between 100 and 300 metres from a tower, yet in many cases they are being or have been built close to places frequented by vulnerable sections of the population—for instance, close to Campbell primary school and the Australian Catholic University. For every piece of research saying that this radiation will not harm a person there is at least one other saying that it will cause significant health concerns. The fact is that we have not got enough evidence to prove that phone towers are safe or not, and 3G towers are of particular concern because of their density, their proximity to residents and residences and the frequency level at which they operate.

I am sure that Mr Corbell and others will stand here and tell me that mobile phone towers are not a significant threat to the health of the community but none of us can get around the fact that we have not had this technology long enough for the results to well and truly be in. I am afraid that we will have to watch people over a lifetime to know how this technology will impact upon us.

We know that the towers are only suitable for urban areas because they must be closely networked. I heard on radio this morning a misleading report in relation to the Telstra sale that the technology would be available to rural areas. If it is available we will have more phone towers than there are currently trees.

I have been urging and will continue to urge the ACT government to act responsibly in this matter by applying the precautionary principle. We do not know if this technology is safe so we need to take all reasonable steps to protect residents from any possible negative health effects. It is within the interests of Telstra and Hutchison to disregard potentially deleterious health risks but it is the role of the government to look out for the interests of the people of the ACT. I am not quite sure who will be the plaintiff in cases that are rolled out by insurance companies and affected individuals in the future but I suspect that Telstra will know how to step sideways. However, it will be harder for the ACT government to do that.

In this matter people have been fobbed off, treated to statutory consultation, with all its limitations, and told not to worry. The government's general line—and this is the answer I got to a question on notice—is that the ACT cannot put in place any guidelines outside of the federal government's laws. This is not necessarily the case because we have seen

local councils in other states, such as Woollahra in Sydney, New South Wales, put in place guidelines prohibiting towers from being built within 300 metres of places that are frequented by vulnerable populations such as schools and residential aged care facilities. I ask the government: if a small or local council can create guidelines, why cannot the government of the ACT?

Mr Deputy Speaker, there are other aspects to consider if we take a larger view of 3G towers. For instance, I believe that there are concerns about the cost of this 3G roll-out to Telstra, which is currently, I believe—and I have not heard the news today—the third during government ownership. This roll-out is in an already relatively well provided for urban area—I will put a caveat on that in a minute—compared to the many rural areas which cannot yet access even CDMA and which certainly do not have access to broadband. We know it is not need that drives the delivery of these technologies. If it were need then I know that all of Gungahlin would have access to broadband, yet there are parts of Gungahlin that do not.

Telstra has asserted to me that this will answer the demand of young people who are thirsty and hungry for this technology. That may or may not be true. Of course, as Hugh Mackay's work has shown, young people are definitely into communication in a way that is different from us. But there is also evidence that young people are not taking up this technology at the rate that has been predicted. Many of them are taking the precautionary principle to their own wallets and there are real concerns around this. I was at a meeting the other day at which David Tennant from CARE reported that people who had taken on one of these phones were suddenly presenting to his organisation once the three months period was up. These are phones that are practically given to people. Young people do not always read the fine print in agreements and can be totally unprepared for what they have taken on. In one case a person had a phone bill of \$2,000.

Although there are real concerns on a larger scale, the MPI that I have proposed deals with the ACT in particular. Our communities deserve to be properly consulted about towers being constructed within their areas. They deserve the right to have a say about whether they want their nature park disrupted by an ugly piece of infrastructure that they do not plan to use or their house devalued by a piece of equipment which has potentially deleterious health impacts. Our people deserve to be given the opportunity to decide whether they want their children exposed to electromagnetic radiation and, most of all, they deserve to be properly informed about construction near their houses. Consequently, they look to the government to provide safeguards. I think the 300-metre rule is a good one and, where there is an alternative to having one of these towers placed near residences, it should be taken up.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (4.16): Mr Deputy Speaker, today's matter of public importance, the installation of 3G mobile phone towers in Canberra, is just one aspect of the broader issue of telecommunication facilities that are continually being developed and implemented in and around the ACT. The ACT government supports the concept of all of its citizens having access to the latest technologies, and in the ACT the uptake rate is generally higher than in other localities in Australia. Consequently, new generation technologies are rolled out more extensively and more quickly here than in other places. We want to ensure that Canberra develops as a connected society, and this includes having the best access to telecommunications services. 3G services, or mobile

broadband, are new technology, offering users of mobile phones the broadband-type internet service which we increasingly are changing over to in our homes and offices. Canberra, as the capital city of Australia, needs to maintain advanced telecommunications and broadcasting infrastructure to maintain competitiveness with the major capital cities.

There is significantly increasing demand for more sophisticated mobile communications connectivity when we are not in the home or office—for example, the ability for our mobile phones to provide large volumes of text, data and video in addition to the more basic mobile phone services. The new 3G network will provide benefits for the broader community, including the small business sector; professional groups such as medical practitioners, who can obtain patient information away from the surgery; and consumers, including young people and other members of the public, who want to obtain real time information and/or services in the cultural, entertainment or leisure categories. 3G technology also improves emergency responses by allowing the precise location of handsets to be identified. It is worth highlighting that recent US research from the Massachusetts Institute of Technology and Carnegie Mellon University demonstrates that communities with broadband have more jobs, enjoy higher property values and form more new businesses than communities without it.

Mr Deputy Speaker, as has been indicated on previous occasions, the final 3GIS Telstra and Hutchinson consortium network plan was approved by the chief planning executive of the ACT Planning and Land Authority on 23 March this year. The draft network plan was prepared, notified and decided in accordance with the provisions of the authority *Guideline for telecommunications (mobile phone) networks*, which borrows as required from the Australian government requirements. And here I want to address the issue that Dr Foskey raised in her speech around the issue of safety.

The ACT government implements the national standards for protection of residents in relation to electromagnetic radiation. These are determined by respected and reputable bodies, independent of industry, who make assessments as to the appropriate safeguards in terms of potential exposure to EMR from mobile phone technology. That is what we implement. Other councils may have decided on other standards but they are clearly not based on any evidence or any robust analysis. We rely on the Australian government authority's national standards. That is an appropriate and responsible position and I reject absolutely any assertion that the government is negligent or is not having regard to proper standards and safeguards.

The network plan was determined to be the most appropriate way to manage the entirety of the 3GIS proposal and allow everyone to see its full extent. Again, I refute the claims made by Dr Foskey. Dr Foskey said that no-one knew the extent of the plan and where all the towers were going to be. Well, that is simply not the case, because the network plan was developed so that people did not just see one tower in isolation in their suburb; they saw the whole network. They saw in the network plan where every single tower was proposed to be located. The network plan identified every single site, and it was in one document that was publicly notified. So the suggestion that people could not see the entirety of the network is again wrong.

The draft network plan was publicly notified between 30 November 2005 and 22 December 2005. However, because of the Christmas school holiday period, late

submissions were accepted up until 25 January, the end of January 2006. The plan was publicly notified in accordance with section 229 of the land act, approved by this Assembly, and included a series of community information sessions which were convened by the representatives of the network proponents, Daly International, as the project manager for 3GIS. Included in the approved network plan is the 3GIS consortium consultation report. It is evident from the submissions made that the public had adequate opportunity to understand the proposal and comment on it. Following the network plan approval, authority staff have provided additional information and attended community council meetings on an as-required basis.

The network is now being constructed across the ACT and has a total of 23 sites. The approved final network plan included modifications in response to the range of issues raised. The approval includes the flexibility to make minor amendments in order to meet government agency requirements and site-specific conditions—for example, requirements for screen planting. A site in Fadden, near the tennis courts, originally proposed for inclusion in the network plan was withdrawn from the network plan prior to its approval by the authority. However, 3GIS would still like to complete their coverage in that part of the ACT and have been seeking a site in this locality that can fulfil technical requirements.

Another site, at block 27 section 375 Macarthur, within the hills, buffers and ridges land use policy in the territory plan, has been identified as suitable for this purpose. That land is used currently for a water distribution reservoir and is leased to the Actew Corporation. A development application is currently with the authority seeking consent to a change of lease purpose to permit the telecommunications facility. This is an application for a lease variation only and not an application to amend the network plan, therefore it will be publicly notified separately and considered as a separate DA. I am advised that there is no current proposal with the authority to amend the network plan. However, if or when such a proposal is lodged, this has a separate notification process and will provide opportunities for public comment.

It is important to realise that telecommunications facilities now exist all over the ACT and upgrading is constantly taking place with works that are so minor that they do not trigger an impact assessment, a network plan or even a development application. The current installation of the 3GIS towers is the latest in the upgrading of this complex network of facilities. The ACT government accepts the advice of the commonwealth agencies, which have access to the latest worldwide research, that there is no evidence of negative health impacts. The ACT government will adhere to and implement the legislative requirements of the commonwealth standards. It should be noted that this third generation of mobile phone services has fewer emissions and less electromagnetic radiation than second generation technology and it also has a lower visual impact.

The authority, through the territory plan, and the National Capital Authority, through the national capital plan, limit the potential impacts of towers and associated infrastructure of telecommunications facilities. The approval process in the territory is extensive, as it should be. Our requirements for such facilities combine the scientific requirements of the commonwealth government regulatory bodies in terms of emissions, the stringency of both plans on other impacts and requirements for consultation with the community.

In conclusion, telecommunications is an essential part of community and business life. Many small businesses and many householders now rely upon it. It is important that we maintain pace with this technology if we want our community to have the best possible technology available to it and if we want our community to be competitive in terms of business and other activity. For that reason, I have confidence in the process. I know the issue of mobile phone towers always causes some concern in the community but the substantive issues that Dr Foskey raises are not supported by the evidence. The health information is clear and is based on detailed assessments by Australian national authorities who have the expertise to make these judgments. The ACT government do not have the expertise to make those judgments. We rely on the advice of those national, independent authorities who do have that capacity. So any suggestion that we should impose extra standards on health grounds when there is no evidence to support those standards is not one that I can agree with.

The other issues around visual amenity, aesthetic amenity and those sorts of concerns are, I believe, well addressed through the planning process—through the opportunity for people to make comment, for the network provider to take those comments on board, to make adjustments where they feel they can do that within their technical limitations and through the network plan itself, with the regulator saying what is and is not acceptable. I think that is an appropriate way to manage this process. I think at the end of the day the benefits that our community receive from having access to this technology are strong and positive, and the negatives that Dr Foskey highlights are not of a level to warrant a disruption to the installation or roll-out of this technology in a way that will hinder the ability of members of our community to access it.

MRS BURKE (Molonglo) (4.27): The Liberal opposition welcomes Dr Foskey's MPI, namely the installation of 3G mobile phone towers in Canberra—albeit a literal statement, as 3G mobile phone technology has already been rolled out and will, no doubt, continue to be rolled out by the relevant telecommunication providers who, in effect, are responding to the demand for improvements in the delivery of, amongst other things, mobile telephone technological advancements.

Mr Deputy Speaker, we need a balance to be brought back into this very emotive debate. I am not here today to defend Telstra or, for that matter, any other carrier per se. On behalf of the Liberal opposition I will continue to seek as much information as possible during consultative periods and subsequent community consultations. I must say that my office and I have already spent an inordinate amount of time liaising with key personnel from relative telecommunications authorities. We have lobbied on behalf of the communities who have concerns merely about the location of some mobile phone towers across the territory and associated equipment.

Overall, this process was undertaken—as far as I can see, this has been and continues to be the case—in an open manner by the telecommunications groups. They responded in often difficult circumstances to the demands of affected neighbourhoods. Ian Peters, from Telstra Countrywide, has always met with groups when asked to do so. However, one might well ask: where has the planning minister, Mr Corbell, been in all of this process? I have to say that it was quite noticeable that at most, if not all, of the public meetings, instead of the minister we saw his departmental staff, oftentimes struggling to

answer the many questions put to them and often unable to provide any satisfactory responses.

Rather than simply trying to make political mileage out of this issue, I wrote to every affected neighbourhood across the electorate of Molonglo that could have possibly been directly affected by the roll-out of the 3G technology. I asked my constituency to contact my office to put forward concerns and I made sure that they were given adequate consideration when any party was set to reconsider the location of certain mobile phone towers as part of the 3G roll out across the ACT.

Given my concerns for the welfare of residents, I sought out the relevant studies and counsel from the telecommunications industry representative bodies to ascertain a very solid position about the impact on our community that these towers would have. To be frank, I am generally satisfied with the evidence presented to me and would encourage other members of the Assembly to take the time to seek out specific evidence as to the effect that EME, or electromagnetic emissions, pose to public safety. I think the minister has quite clearly outlined the guidelines that are in force here.

I must qualify my remarks by saying that in some circumstances some of the towers were clearly going to be co-located in public spaces that were simply not practical and could easily have been moved, if even ever so slightly, to ensure that any specific community was satisfied with the outcome. I believe that the relevant telecommunications companies have sought to do so to the best of their ability. To answer Dr Foskey's confusion about the plan changing, of course it will change, and to date several of the proposed towers have been relocated to more appropriate sites after public lobbying.

The Liberal opposition undertook genuine consultation, as this was a grassroots electorate issue that could affect not only the people living nearby to the proposed towers but also the growing number of mobile phone users who in fact are continuing to demand an improved and heightened level of service. We endeavour to take a balanced approach to this issue and we have consistently provided such an approach when attending community consultation meetings or direct consultation with the telecommunications industry.

I must pose a question to all my colleagues in this Assembly: who are we to impose any restrictions on the Canberra community and seek to overtly or negatively impact the roll-out of the 3G technology, thereby possibly impacting upon the overall effectiveness of the service that Canberrans deserve and certainly are increasingly demanding? In this day and age, people's access to such technology as broadband, blackberry, email, et cetera are now considered the norm. Would we all as members personally wish to hold back a roll-out of technology that, as assessed by all the relevant telecommunications providers who have a presence here in the ACT, is something Canberrans now want and should be available to them in full form? I ask whether there are any members in this Assembly who have no desire to embrace new technology.

Members who have sought out any balanced viewpoint on the impact of towers associated with the delivery of 3G technology would be aware of the negligible impact of any emissions these towers may produce. The emissions issue is somewhat neutral in this debate. Telecommunications organisations have provided the evidence and have given a firm commitment that emissions fall well below the Australian standards and

certainly fall well below the World Health Organisation's set standards. For example—I know that the minister has alluded to this—the tower at Fadden emits 0.45 per cent at full power of the Australian standard, a figure that falls below the World Health Organisation's standards.

Another point to note is that Telstra commissioned a study on the emission of radiation at any one time at several sites across Canberra—for example, the proposed siting of a tower at Campbell shops where, from my understanding, AM transmitter outputs by far outstripped outputs from mobile phone towers, which really did not figure on the radar, so to speak. The new 3G network will allow data to be sent at rates of up to 40 times quicker than earlier networks, which will mean that in addition to audio, graphics and text, it can also send and receive video, email and live footage.

Mr Deputy Speaker, I should say at this point that, quite disappointingly, Senator Kate Lundy, I believe, was quick to attack the people responsible for the roll-out of the 3G technology here in Canberra. After receiving comprehensive briefings from the relevant organisations, she apparently chose to ignore some of the facts and, rather, sought to utilise such advice in a questionable and highly political manner. To be fair—not again to defend Telstra but just to present the facts—over the past two years Telstra has spent some \$50 million to deal with the problems Canberrans were experiencing with broadband technology.

I am confident that all the telecommunications carriers who operate in the ACT are working within the broad framework of the legislation and standards set by the federal government and are demonstrating that the telecommunications industry is highly regulated by every level of government. I would say again at this point that the absence of a high level of government consultation was disappointing and noticeably obvious, and I think Dr Foskey alluded to that. However, this has not been the case with the carriers. Maybe, minister, we can learn that there needs to be a crossover of communication between the carriers, ACTPLA and you.

As I have said, I am confident that the carriers have done everything that they can do within their power to comply. I am informed that there will be a total of some 200 towers finally running in the ACT. As these towers run on very low frequency and at reduced power levels, naturally there will be a need for this number of towers to be rolled out across the territory in order to offer the best possible service without seeking to impact negatively on the health and wellbeing of Canberrans. I am not sure if you mentioned this, minister, but many people may not be aware that a lot of these antennae already are on top of high buildings, well away from communities and schools and so forth. Understandably, there are issues that need to be worked through and I think the carriers are doing everything within their power to do exactly that.

In closing, whilst we must ensure as far as is humanly possible the safety, health and wellbeing of society, technological advancement occurs in all facets of our lives every day. This, I have no doubt, will continue to be the case. Anyone in disagreement with this simple fact is not displaying a conscious awareness of the world in which we live.

MS MacDONALD (Brindabella) (4.36): I thank Dr Foskey for bringing this matter to the Assembly today. It gives me an opportunity to address this issue. I have been involved with this issue for the past several months because two resident groups in

Brindabella have raised their concerns with me about the proposed installation of towers. Some residents are concerned about the health consequences of the electromagnetic energy emitted by the towers. Others are concerned that the towers are not aesthetically pleasing and therefore diminish their view, while other people are concerned that the towers may reduce their property values.

Most people concerned with the installation of these towers agree that they are necessary. Technology is moving rapidly and the ACT government needs to ensure that Canberra develops as a connected society. This includes having the best access to telecommunications services. There is a significant increase in demand for more sophisticated mobile communications connectivity when we are not in the home or office; for example, mobile phones that provide large volumes of text, data and video in addition to the more basic mobile phone services.

The new 3G network will provide benefits for the broader community, including the small business sector, professional groups such as medical practitioners that can obtain patient information away from their surgery and consumers, including our youth and other members of the public who want to obtain real-time information and/or services in the cultural, entertainment and leisure categories. Also, 3G technology will improve emergency response by allowing the precise location of handsets to be identified.

I believe, however, that it is the responsibility of the telecommunications companies to consult widely with everyone that may be affected by the installation of a 3G tower, or any telecommunications facility for that matter, in their neighbourhood. Unfortunately, in one particular case relating to the 3GIS network plan, the telecommunications provider did not acknowledge the residents' concerns and did not answer their correspondence. In fact, when I wrote to the area manager of a particular telecommunications company on behalf of these residents, it took some three months to receive a reply, during which time work had already begun on the installation of the tower. I would add that during those three months my office and I did not wait for a response. We were in constant contact, asking when we were going to be getting a response on that issue.

To his credit, at the beginning of August the area manager attended a meeting I organised with the concerned residents and assured them that he would investigate the possibility of relocating the tower. While I am still waiting on an announcement of the final outcome, I acknowledge that the residents' concerns have now been taken into account and they are being kept informed of the investigations.

The installation of any telecommunications facility is a contentious issue. For every person that opposes it, there is another that demands that it is necessary. I do not disagree with that. As I said previously, however, I do believe it would save a lot of angst and concern in communities if telecommunications companies kept residents informed. I am aware that ACTPLA approves the sites for such facilities, but the companies need to ensure that they meet with residents before approval is given and listen to their concerns. They need to provide them with information about health consequences and any other issues residents may be concerned about.

In most cases this does occur. Unfortunately, however, for a number of reasons, some communities remain unaware of a proposed tower installation or development or only

become aware of the issue after the consultation period has ended. It is then that we see communities fighting to have decisions reversed. It is, of course, a lot easier for them to raise their objections before approval is given, and these objections can then be taken into account when a decision about the location of a telecommunications facility is being made. I know it is difficult to reach everyone and inform them about proposed developments. Some people just do not realise or pay attention to what is happening until they see something being built. I know I fit into that category, Mr Speaker.

This is why it is important for all avenues of public consultation to be utilised. Homes need to be letterboxed, advertisements need to be taken out in local papers and aired over the radio, and local meetings need to be arranged and advertised. It is through such consultative avenues that more people will be informed, giving them the opportunity to comment on any proposed developments.

There are some people who will not notice until the last moment. We put up posters around the area about this meeting and we now have a contact person who may have letterboxed around the area. But on Monday of last week, I think it was, I got a phone call from somebody. That lady had only just noticed that the tower was being erected. She had not seen anything before. This lady was absolutely upset, and she would probably be one of the few people in Canberra who does not have a mobile phone. She wanted the opportunity to express her concerns, and I was happy to provide her with the opportunity to express those concerns.

I do not necessarily agree with her that towers should not go up at all, but she does have the right to express those concerns. I think it is important that the telecommunications companies and the authorities make sure that as much information as possible is put out there. It leads to fewer problems down the track and avoids a situation where concerns are not being responded to or members of the public are saying, "We do not want it there, but we also do not want it on such and such a hill." They are given a guarantee by the area manager that it will not go next to the water tower that they are concerned about, and the next thing they find is that it is going next to the water tower that they have been told it will not go next to. Obviously, the reaction is going to be negative. The people who are trying to roll out the telecommunications towers have to deal with problems as they come and explain things to people, and that does take time. But it is part of their job to actually make sure that they are addressing those concerns.

So I thank Dr Foskey for raising this issue. It is an important issue that affects many constituents in all of our electorates. I know that it is one that has raised concerns. I do not necessarily share the concerns that have been raised, and I do take the points that Mr Corbell has raised about agreeing with or accepting the assessments that have been made by the federal government, but we do need to deal with the concerns that are raised in a sensitive fashion. I will continue to work with the community and take to the telecommunications company the concerns that they raise with me.

MR PRATT (Brindabella) (4.44): I note the points raised here by the minister about the characteristics of the 3G microwave transmission tower. My understanding, too, is that this tower is a shorter tower. It has a far different characteristic of transmission wave. I am no expert on communications; I know a little bit about it. I understand that, because this 3G tower transmits a soft wave, therefore it has a shorter reach. It is understandable

that these towers have to be put a little closer perhaps to residential areas than the 2G towers.

Other authorities have raised questions about the high frequency of this soft wave. Nevertheless, if the Australian standard says that a 3G tower with microwave transmission is quite safe to locate within 100 metres or so of houses, then that is an issue that has to be taken seriously. That is not my concern. My concern is about the consultation, the planning and the warning. I would like to talk about the Fadden-Macarthur tower that is being planned by Telstra on the 2.7 hectares of land rezoned by ACTPLA. The residents of Fihelly Street in Fadden have told me that only 19 residents, out of the hundreds in the vicinity of this site who perhaps should have been notified regarding the rezoning of this site, have been notified and their requests to extend the consultation period have been rejected.

I wrote to the minister on their behalf. My request to the minister was that, given that only a small number of the people likely to be affected either by the visual amenity issue or by other factors have had the chance to be consulted and given that people have not had the chance to make their voices heard, would the minister please arrange for ACTPLA to take steps to extend the consultation. Unfortunately, the minister advised that, in accordance with regulations, ACTPLA are well within their rights to proceed as they have. I would have been much more comforted if the minister had said, "I take your point, Mr Pratt, and I take the point raised here by the residents of Fadden. I have the power to step in and ask ACTPLA to step beyond those regulations and to put in a 30-day caveat." Regrettably, that has not been the case.

The minister says that a draft network plan has been notified. That is fine, and I am sure that as a general notification that is useful, but I do make the point again. One would have thought that, in addition to promulgating a draft network plan to a range of suburbs about what Telstra's and ACTPLA's intentions are, the government, through its agencies, would have also directly notified the residents that live close to where the work is going to occur. Yes, the draft network plan has been promulgated, but not everybody can read a newspaper or pick up on how these notifications are carried out. One would think that the government would at least go to the front doors of the 100 or so residents living in close proximity to this 2.7 hectare site and say, "Look, folks, it is our intention to rezone that site to allow that site to be used by telcos to install communications towers. Do you have a problem with that? Would you like to talk to us about that?" That would have been a very important task to carry out, and in this case that has not occurred.

At a community meeting on 9 August this year in Tuggeranong, attended by my colleague Brendan Smyth and me, a large body of residents voiced their quite deep anger over the Macarthur-Fadden proposal. They were justifiably angry about the insufficient consultation, the nonexistent warning, the likely visible pollution affecting the residential area and what they saw to be—whether I agree with this or not is another matter—the far from satisfactory assurances that radiation issues had been addressed. All government agencies, the minister directly involved and all partnering commercial entities were invited to attend that meeting. The only authority that bothered to attend that meeting was Telstra. It was the only one of four or five. Its commercial partner, ACTPLA, did not attend. Actew did not attend. There was a government staffer there, but that was the total government presence.

ACTPLA has decided to rezone a 2.7 hectare site at the water tower next to the Karralika centre. This rezoning decision, which clearly stretches the ridges, buffers and hills caveat in planning, allows the installation not only of the 3G Telstra tower in question, but also potentially more communication towers, either for Telstra or for other telcos. This 2.7 hectare site literally sits 80 metres from the nearest houses. Technically, and in radiation terms, that may not be a problem, but the residents have not had the chance to be consulted beforehand to have those questions answered and to be reassured. This site was previously part of the Canberra Nature Park, so there is another issue. We see 2.7 hectares of what is part of the Canberra nature park simply rezoned without any prior notification, consultation or warning—

Mr Corbell: It is not being rezoned, Steve. You are wrong. It is not being rezoned. The territory plan is not being amended.

MR SPEAKER: Order!

MR PRATT: The advice to me is that that site—

Mr Corbell: It is not being rezoned.

MR PRATT: is being rezoned so it has the capacity—

Mr Corbell: There is no change to the land use policy.

MR PRATT: to carry more than one particular tower. I will be happy to discuss that with the minister separately. If he can put my mind entirely at rest, then hallelujah!

Mr Corbell: It is already an allowed use.

MR PRATT: I wait with bated breath.

Mr Corbell: It is already a permitted use.

MR PRATT: The fact is, minister, we are talking about a rezoning and the installation of a tower and the commencement of works where the residents have not been consulted. While the government is not responsible for Telstra, the government does have a responsibility to residents to facilitate proper consultation with all the parties. The minister and ACTPLA are ultimately responsible for that, not Telstra. You cannot blame Telstra if they seek to take a few shortcuts. Could Telstra perhaps have sited this particular 3G tower 200 or 300 metres north of the Karralika centre, higher up on a tree-shrouded ridge out of sight and out of mind and still achieved its technical objectives, or did it not do that because it was cheaper to put it down next to the water tower? These are the sorts of questions that the residents are entitled to ask, and they are asking them, but what we now know is that this decision is a fait accompli. Why did the residents not have the opportunity to ask those questions and to have those questions answered months out?

Mr Corbell: The development application has not been approved, Steve. The development application has to be publicly notified.

MR PRATT: According to Telstra this is the best place for them to put that tower.

Mr Corbell: That is their view.

MR PRATT: They have said they are prepared to walk around and look at an alternative site, but Telstra have advised me that they have no confidence that ACTPLA would be happy with any other decision. That is interesting, isn't it, minister?

Mr Corbell: You believe Telstra but not—

MR PRATT: Well, minister, the only person who turned up to a community meeting was Telstra, the only body—

Mr Corbell: They are the proponent.

MR PRATT: Your agency ACTPLA was invited.

Mr Corbell: They are the proponent.

MR PRATT: If ACTPLA had turned up—

MR SPEAKER: Order! Mr Pratt, direct your comments through me. Mr Corbell, cease interjecting.

MR PRATT: Thank you, Mr Speaker. ACTPLA could have turned up at that meeting on the night and said to the residents, "We have not yet reached the decision point. This is what Telstra might be saying, but what we are telling you residents is that we are yet to go through a phase of consultation." I can tell you, Mr Speaker—and you might like to inform the minister—that the residents who attended that meeting clearly were of the view that the decision is a fait accompli. That is the point, Mr Speaker. The residents feel that, as with the school closures program, they have been steamrolled; where they should be consulted, they are not.

MR SPEAKER: The member's time has expired. The discussion is concluded.

Appropriation Bill 2006-2007

[Cognate papers:

Estimates 2006-2007—Select Committee report

Estimates 2006-2007—Select Committee report—government response]

Detail stage

Proposed expenditure—Part 1.4—Chief Minister's Department, \$36,418,000 (net cost of outputs), \$35,653,000 (capital injection), totalling \$72,071,000.

Debate resumed.

MR MULCAHY (Molonglo) (4.55): I will take up where I finished off before lunch. I was commenting on the inappropriateness of the government attempting to get into

non-core business activities, given that the track record in this regard was less than impressive. I would like to dwell on several issues that were raised during the estimates committee process on the Chief Minister's office and the commitments to productivity, business interests and the relationship with the commonwealth. It has been established in estimates that the ACT government is committed to furthering joint efforts at the state, territory and federal levels to improve productivity and work force participation through the COAG national reform agenda. It was the chief executive officer who stated in estimates:

The major components of that agenda are attempts to increase productivity by increasing work force participation and the health of the work force as well ... The components of the reform agenda are agreed, and at official level we are working our way through the detail of that process ... What is not agreed at the moment is how the states, territories and commonwealth will share in both the costs and benefits of the process.

It is of fundamental importance that these efforts are pursued with vigour as it is only through cooperation with the commonwealth and our state and territory colleagues that meaningful progress and productivity reforms can be made.

It is not only in the area of industry and workplace reform that the ACT/commonwealth dynamic is significant; interests much closer to home, such as the success of Canberra's centenary celebration, depend on positive collaboration between the Chief Minister's office and the commonwealth government. That is a relationship that has been less than satisfactory in the two years I have been in the Assembly, and we have seen it reflect itself in a range of different areas. I do not think that it has been to the advantage of the territory that there have been apparently so many areas of conflict. The Chief Minister stated in estimates:

We are absolutely indisputably aware that the success of the centenary celebration of Canberra 100 depends on the celebration being embraced by the commonwealth. We are doing everything within our power ... to engage the commonwealth.

Likewise, with reference to the ACT's pursuit of overhauling the Canberra Convention Centre, the Chief Minister also stated in estimates:

Cabinet has directed the Chief Minister's Department to now appropriately, through its good offices and contact, develop a way forward in the establishment of a genuine joint ministerial convention centre steering committee comprising appropriate commonwealth/territory representation.

Let us hope that this results in a positive and economically beneficial result for the Canberra Convention Centre or a new facility.

Finally, the estimates committee provided the Chief Minister with an opportunity to reinforce his rhetorical commitment to the promotion of business in the ACT in the context of his economic white paper. The Chief Minister said in estimates:

The economic white paper and its underlying philosophy still underpins and will continue to underpin the ACT government's commitment to economic growth in the territory. Having said that, as I indicated, we have taken the opportunity, I think quite appropriately, to reflect and to focus on the issues identified by business to the

government as the most significant issues that they face, that is, skills and labour force issues, general support, and a reduction in regulation.

This lies in stark contrast to the latest business expectations survey released by the ACT Chamber of Commerce and Industry in July. Indeed, that survey showed that overall business expectations of the ACT's economic performance were in fact weaker than those of the national economy and that the outlook for the ACT's general business conditions declined more than was expected in June.

From these survey figures we can see that the general trends going into September are signalling an expected deterioration in business conditions, reduced profits and labour costs increasing. This means that there is a growing lack of confidence by Canberra business in the local area and the management by the territory government. This was an area where Mr Quinlan repeatedly got up here, had questions asked and responded in this fashion: these Sensis surveys and chamber surveys were wonderful and, as soon as they started deteriorating, suddenly they went off the agenda and were no longer an area of interest. These surveys are hardly a glowing reference for the government's economic white paper and its business-friendly credentials.

When you take into account the department's failing and administrative waste, its ongoing merry-go-round of portfolio responsibilities and lack of focus on commitments to business, the arts and even its own people, this funding allocation, seems—certainly to me—to be a mere shot in the dark in terms of what is truly required to run an effective and efficient Chief Minister's Department.

I also take this opportunity to dwell on one or two other areas. I have raised this previously. I am troubled always by the ever-growing role of the communications unit within the government. It has become increasingly, in my view—and I think it is a view shared by many in this place—an arm of promotion of the ACT government. We have heard Mr Lasek explain to us that this is supposed to promote and that we have got to have these things. Mr Quinlan said it would be a boring place if I were ever the Treasurer because there would not be all the circuses and the like.

The fact of the matter is that the cost of this group has gone up by another half a million dollars. It is pumping out propaganda, holding events and telling people in Canberra that we have to go out and enjoy ourselves because this group says we have to, rather than rely on more community-based activity. Instead, it has been tied in with promoting the territory government rather than, in my view, simply confining itself to the legitimate process of conveying important communications to the electorate at large.

I do not remain very convinced that the size and scale of this particular unit are appropriate. I have had these concerns for a long time. It seems to be almost in the area of an untouchable icon within the government. I am not surprised at all, because it is an icon that is doing a wonderful job in promoting the Chief Minister and his ministers. It takes on a function that is way above and beyond the normal process of getting out official messages. In a period of time when we are told that we are expecting too much in the way of services and that the people of Canberra expect vastly more than the people in the other states and territories, we ought to be seeing the situation where costs are reined in. They certainly have been in areas that are critical to us, but they do not seem to be

reined in in areas such as this where there has been, in my view, great opportunity to reduce the cost to the taxpayer.

The description under the output is that they provide an information and protocol service for the Chief Minister, delivery of the key ACT government community events and whole-of-government communication and support, including whole-of-government emergency responses. It is well and good to have the emergency response side, but I question whether all the other functions that seem to be welded into this agency are really appropriate and absolutely necessary in a time when we are being told that the people of Canberra have got to pay massive increases in their taxes and charges. Many people will not be able to afford those increases. I know property taxes can be attached to the property. The view will be: if the people end up having to sell up, the government will get its cut. But I fail to see, when we have got that level of pressure on those on fixed incomes, retired folks or young families trying to manage their budgets with all these new charges, outlays of this magnitude as part of this process of promoting the government.

I have also raised in the past concerns about industrial relations—I know that is handled by another minister—and how that area of policy is handled by the territory government. Embarking on politically inspired court actions, as we have seen federally, costing, I think, \$100,000, and the skill in negotiating on the industrial relations front, which we will touch on further, I am sure, have certainly left me with a lack of confidence in the capacity which we have to undertake those areas of activity. I will finish on that remark and leave it to other members to expand the comment.

MRS DUNNE (Ginninderra) (5.04): There are some elements of the Chief Minister's Department that I wish to dwell on in my comments. Particularly, I wish to touch on the areas of expenditure on the environment. Mr Mulcahy touched on them earlier when he spoke about the rearrangement of the environment portfolio out of the Chief Minister's Department into the Department of Territory and Municipal Services. This will be the third change for some parts of that area in just over a year. I think it was on 1 July 2005 that Environment ACT came formally into Chief Minister's and brought with it those areas of land management that used to be covered by ACT Forests. Now they are out on their pink little shell-like and back into what used to be urban services.

This is enormously disruptive. It is disruptive for the staff. The staff are going through a big number of reorganisations. Some of the reorganisations, on the surface, on the face of it, if they were carried out effectively, would be good for the environment. But it needs to be a one-in-all-in thing. It is a mistake for us to have some aspects of policy still resting in the Chief Minister's Department. In many ways, I do not mind where the environment is, under which minister the responsibility rests, but there should be clear lines and some certainty. We have seen over the last few years, under the stewardship of Jon Stanhope, Bill Wood and John Hargreaves, anything but certainty. We have had chopping and changing; we have had most of it in the old Department of Urban Services; then it was all gradually brought into the fiefdom of the Chief Minister when he became minister for the environment. Now it is all being cast off because it is, quite frankly, too difficult for the Chief Minister.

Some of the really crucial policies are still there. The areas of water and energy are still resting in the Chief Minister's Department, but the area that used to be the Chief

Minister's flagship, the Office of Sustainability, has been removed into the new Department of Territory and Municipal Services. It is a hotchpotch. People in the territory do not know where to go. The false demarcation between energy and water policy on the one hand and everything else is bad policy. It is bad public policy and it creates an environment where no-one knows what is going on. The resources have dissipated. We are going to spend a good part of this year having people work out where the resources are, where they should be, and how many resources will remain in the Chief Minister's Department and how many will go to Mr Hargreaves's department, where they can be dissipated further.

We have also seen over the period of time that this Chief Minister has been in many ways the minister responsible for the environment—at all times he has had some responsibility for the environment; more or less, as times go by—a complete undermining of the environment budget. We have seen before this budget, over the previous four budgets, \$6 million taken out of the environment budget. It is almost impossible to tell at the moment how much money has been taken out of the environment budget, but we know more has been taken out simply because you cannot compare like with like. There is no year-on-year-comparison effectively made, because every year the cost centres and the output classes are different.

I will speak further on that when we get to territory and municipal services. But I want to dwell on the areas of environment the Chief Minister has retained to himself and look at the litany of failure that we see here. The Chief Minister was going to have an Office of Sustainability; he was going to have the first piece of sustainability legislation that this country had ever seen. Like all the other trophies that the Chief Minister likes to collect, it was going to be the first of something. But all of those things have failed. The Office of Sustainability has always been underfunded. Now it has been shifted out, because it is just too much of a problem for the Chief Minister.

But we have areas of energy policy, or the non-existence of energy policy, still resting within the Chief Minister's portfolio. We have been sitting, waiting since the election in 2004, for an energy policy, which is still not forthcoming. We have seen a rather thin discussion paper that ended with some very unhelpful messages from the Chief Minister's Department about how people could make submissions on energy policy, but frankly the message was "we will disregard anything that we do not want to hear" and it was the right of the Chief Minister's Department energy area to disregard anything that people said was inconvenient to them. We have an energy paper like that.

Once upon a time this territory proudly boasted a policy on greenhouse gas abatement. Of course it could have been better; it may have been that we should have put more resources into it earlier to get some of those measures under way quicker and sharper. But we had a policy and it was something that we would work to. If we did not achieve it, at least we were making progress. But we found with this Chief Minister that we threw out that policy.

It was interesting to hear the commentary from people in the scientific arena who work in practical areas addressing greenhouse gases, greenhouse emissions and energy efficiency and to hear the critique that they ran of this government and their failures on greenhouse policy. When this minister started to speak slightly of the policy and how it was too difficult and too expensive, and we were not going to do it, and we were not

going to try to do anything, the critique that came from the scientific community was devastating. If this Chief Minister could have heard the comments that were made about his lack of policy and his lack of courage, he would have been ashamed of himself.

He was there puffing himself up, saying he was doing the righteous thing, but no-one apart from this Chief Minister, this erstwhile minister for the environment, actually believed that he was doing the right thing. The opposition, the crossbenchers, the scientific community and the conservation community saw a Chief Minister and an erstwhile minister for the environment who was abandoning the environment in one of its most important areas. Once upon a time this territory was at the forefront of policy; we have now come to the back of the field. We do not even have a greenhouse abatement policy. We have a very flimsy discussion paper, which is not making very much progress.

It was good to see the first report on the greenhouse gas abatement scheme, which the opposition supported, tabled in this place today. It shows that we have a lot to do and a long way to go. I also noticed that the states brought out an emissions trading scheme discussion paper last week which, although it is quite fat, at 265 pages—most of which I have read—is still pretty light on detail and the way forward. It is still a talk-fest paper rather than an actions-based paper.

Most of the policy failings on greenhouse abatement in this country rest with groups who think that there is one big answer to the question. One of the things that we are starting to see more and more is that people who are practically involved on the ground know that there is not one big answer and that there is not one silver bullet. While ever there are people in the policy debate who refuse to look at all the options, we will never make satisfactory progress.

You can criticise the commonwealth government for only talking about clean coal and geosequestration, but the Labor states have only come up with a trading scheme which is an all-right effort—and if it is modelled on the basis of the proposals that we agreed to here in late 1993, it will be a good start—but is not everything. Very few people in policy areas in this country talk about energy efficiency with any particular strength of conviction because, in many ways, it is not sexy enough; there is not enough in it that they can be the first. I would like to take my extra 10 minutes and contribute to the debate on the greenhouse effect even more.

MR SPEAKER: Continue.

MRS DUNNE: Very few people talk about energy efficiency and the cutting of emissions through using less energy, whether that be in our houses or in our cars. On that subject, we now have an ACT government policy that says that, as far as practical, all vehicles in the fleet should be four-cylinder. Again, this is a one-size-fits-all policy. Instead of giving people an array of options and allowing them to choose from an array of options, it is four-cylinder or nothing. It does not take account of the innovations that are being made by car manufacturers across the world and does not take into account simple things.

For instance, most members who drive sedans have Ford sedans. Every one of those members could, next time they replace their Ford sedan, get an LPG car off the factory

floor, out of Melbourne, that gives much better fuel consumption than most four-cylinder cars and will have a longer life because you are not putting so much stress on the engine because it is a bigger engine. But that option is not available to us or will not become available to people in this territory because of the one-size-fits-all thing. We are not looking at the array of dual-fuel vehicles and we are not looking at any of the smart diesel options that are coming out of the European manufacturers and give us spectacular fuel economy; we are just looking at four-cylinder, petrol. This is not the way an innovative government who is really interested in greenhouse abatement would deal with it.

The other area is water policy. This area has been an area of spectacular failure on the part of the Stanhope government. It is a wing-and-a-prayer policy. We got out of jail a couple of years ago. While the drought is still on us in many ways, we had a couple of good seasons and the dams started to fill again. Our long-term water security is not being addressed by this government, which has made it very clear, as a shareholder of Actew, that it does not want to be told anything about major infrastructure and does not want to be told that really the answer in the long term is that we will have to build another water storage.

One of the reasons we will have to build another water storage is quite simply that all the climate projections tell us that we will have less rain and it will come in much larger episodes, so that we will have big, torrential downpours, with big spaces of dries between them. If we do not have the capacity to collect the water and store it when it arrives in big, torrential downpours, we will constantly be faced with more and more stringent water restrictions which will be, generally speaking, a bind on the operation of every person in the ACT. It will be a brake on the economy and will be a brake on the economy not only in Canberra but also across the region. We do not have a Canberra water strategy, an ACT water strategy, let alone a regional water strategy.

I note that eventually everyone signed off on the cross-border MOU on Canberra water. The Chief Minister gave an undertaking during the estimates process that, when it was signed off and finalised, members of the Assembly would be provided with a copy of that. If the news reports are correct and it is now finalised, I ask the Chief Minister whether he could live up to that commitment and provide members of the Assembly with a copy of that, as he undertook. That will save me writing him a letter.

The other issue that we need to look at—and I think Mr Mulcahy may have touched upon this—is the water extraction charge. For as long as I have been a member of this place, I have been asking questions of the ICRC, successive Treasurers, the Chief Minister and the heads of the utility about the legality of the water extraction charge. One of the major tax planks this year is an increase in the water extraction charge of some 30c, taking the water extraction charge up to 55c per kilolitre. This is a huge charge, and a huge fixed charge, for all ACT taxpayers. It does not matter whether you are a homeowner, a business owner or a renter, you will pay that charge. It will be a big impost, depending on your water usage, particularly on families.

To date, I have never had a satisfactory explanation as to the government's use of the water extraction charge. The Chief Minister almost came clean in estimates, when I asked him how he would be spending the proceeds of the water extraction charge and he said, "Very carefully." I thought that he might be getting the message that there are

some constraints on what he can do with the proceeds of the water extraction charge. If the money goes into consolidated revenue, it is most likely to be an excise and an illegal tax. If the Chief Minister does not spend the water extraction charge for the purposes set out in the Water Resources Act, he is putting the revenues of the territory in jeopardy.

I have put on record—I have said it over and over again—that I am not satisfied that the uses being made by this government, and perhaps even the previous government, of the water extraction charge are legal. We have seen cases about this in the past. I know the Capital Duplicators case and the case on cigarette and petrol excise, the name of which I cannot remember, have both shown that states and territories may not levy taxes of this sort. The water extraction charge comes very close, at least, to being an excise. We know that this is a matter that has occupied the minds of the ICRC, because they have, by their own admission, sought advice on a number of occasions on this.

One of the concerns that I have is that some of that advice is not publicly available, and it seems to me that, if people are not prepared to make this advice publicly available, they have something to hide. I know that previous ministers have attempted to obtain that advice, as is their right, on documents for which they had responsibility when they were ministers, and they have not succeeded in obtaining that advice. The challenge here and now—and the challenge has been made on a number of occasions—is that this minister who is responsible for the water extraction charge should provide to this Assembly all of the advice on the water extraction charge so that we can fully scrutinise the thinking that goes into the formulation of this tax. If I am wrong, I will be very pleased. But if I am right and the water extraction charge is an excise, then it is illegal, and the revenues of the ACT are at risk because of the lack of transparency of this government.

It is unprecedented that former ministers can seek to inspect papers for which they were responsible and be told that they cannot have them; that they may look at them but they cannot take them away. On other occasions, previous ministers have asked for copies of documents off files and they have been forthcoming—a bit slowly, but they have been forthcoming. But suddenly, on this issue, it is all no-speakies; it is all behind closed doors; you may look at the file but you may not take notes and you may not take it away.

That says to me that there is something to hide. If this Chief Minister is not prepared to come clean on his water abstraction regime and provide all of the advice that has been collected since about 1996 or 1998 on the water extraction charge, I think he has something to hide. I put this minister on notice now that, if we do not see these advices by the time that this debate is concluded, we will have to take other measures to obtain these advices. If we do not see these advices by the time this debate concludes, we will have to conclude that he has something to hide.

It was interesting that in the last election, of all the parties, all the groups that were consulted by the conservation council on the water extraction charge, only the Labor Party was not prepared to say that they would use the water extraction charge for water purposes only. All of the other parties were prepared to say that the water extraction charge was obtained for the purposes of maintaining our water infrastructure. That might be catchment management and all of those things. They are legitimate things that we could spend it on. But if you do not spend it on that, the risk is that it is an excise. It was only this Chief Minister who would not make that commitment.

MR SPEAKER: The member's time has expired.

DR FOSKEY (Molonglo) (5.28): I accept the need to address some underlying problems with the funding of government services in the ACT. I might question the benchmarks being applied and the criteria used. I certainly believe that the government's priorities are not farseeing and have all the hallmarks of a panicked response, rather than the thorough analysis of the report from the Costello review should have been subjected to. I would have preferred this issue to have had community and expert input.

If there is one core commitment that the government has abandoned in this budget, it is the social plan. It is worth reminding the government what that is; that is, the recognition that, while Canberra is generally a wealthy population, not everyone has shared in this success. We as a people, and especially our government, have a duty to assist those amongst our community who need our help. Indeed, as the public response to the threatened eviction of the Narrabundah long-stay park residents indicates, many Canberrans see it as part of our core value system that we tackle the hard social problems such as homelessness, real and potential. I commend the ACT government on taking that one up. That indeed is the spirit of the social plan.

The Chief Minister says in his forward to the social plan:

With so much going for us, it would be easy to rest on our laurels. But that would be a mistake.

Yet this is the basis of his budget, reiterated over and over again: "We are so healthy, wealthy and wise that the government can afford to spend less on maintaining these standards." Why not let our standards fall? Our high standards have, until now, been called our strengths. This budget is squandering the strengths of the ACT rather than building on them.

We are apparently being benchmarked against the lower spending states, without regard to the quality of services they provide and perhaps without the realisation that our economic, not to mention our social and environmental, sustainability rests on precisely that investment in our greatest resource, our children and communities—the investment which is threatened by many of the cost-cutting measures apparently recommended by the Costello report and adopted in this budget. Yet the government says we need to do this to ensure the financial viability of the ACT government. The Chief Minister says that our children will thank us for it. I doubt that they will be thankful for the lower standards they inherit, be they in education, health or the environment. I think they will be saddened that their parents and the people they elected did not take greater responsibility and care for the community and environment which they inherit.

In the context of the social plan, the most alarming element of this budget is that there seems to have been no analysis of the social impact of the changes that the budget will make. I will address some of these impacts under particular lines later in the debate, but the cuts to SAAP, the supported accommodation assistance program, and the fact that even those people making the cuts did not know the depth of the impact they would have, are one example among many and are damning.

I asked for and received briefings from the government both on triple bottom line accounting and on poverty proofing. I thank them for that assistance. The problem with the ACT government's current approach to triple bottom line budgeting is, as I understand it, that it is left up to the CEOs. The process is nullified if those same CEOs are given a list of recommendations that have to be met and are in no position to explore the implications of them or to plan alternative responses with others outside their own department.

Similarly, poverty proofing is an ineffectual exercise if it is applied after the event. For instance, I understand that the homelessness strategy was chosen as a pilot project for poverty-proofing analysis, to be managed by the Community Inclusion Board. In this case, there has been a slashing of SAAP and community housing funding, and a massive efficiency dividend is to be extracted from ACT Housing. Not only will the poverty-proofing analysis come too late, it will tell us without a doubt that things will be made worse, despite the strategy.

Furthermore, the Community Inclusion Board itself and its programs will terminate after next year. It is little wonder that the community sector, which has worked in partnership with this government for many years, is becoming increasingly embittered, disheartened and increasingly doubtful of this government's stated commitment to social justice.

When the estimates committee came to its last recommendation, to consider whether the budget be passed, I moved unsuccessfully that the Assembly not pass the budget if the functional review is not released. That is because this budget largely reflects the recommendations of a review that has been kept secret. I do not believe the ACT community has been given enough information in the budget documents to have confidence in the decisions. This will become more obvious in later discussion of particular programs. The lack of any real insight into the reviews process is a weakness. While we are told that the review was largely based on a benchmarking exercise, the details of that exercise are being kept hidden. We do not really know what is being compared to what, nor do we know whether there has been any assessment of the long-term impact of any proposed changes.

The cost of public servants is one obvious example. New ACT government employees will only get nine per cent super, while commonwealth public servants will continue to receive 15 per cent. Over time we will lose even more of our best ACT bureaucrats to the commonwealth than we do at present. Where is the cost-benefit analysis of that decision? What risk management strategies are being put in place to address the unfair competition the ACT government will face? Was a less discriminatory approach to changing the level of superannuation considered? These are all obvious questions that this government either cannot answer or prefers to keep hidden.

There were no community or environmental experts on the functional review committee. This means that effectively the commitment to triple bottom line accounting has been abandoned and the government has treated community organisations with contempt, badly damaging in the process any trust those organisations had in a Labor government. Clearly this government is very afraid of something that is said in the review; otherwise it would have put all the information on the table and worked with the people who will be affected, to make the best decisions possible.

Mrs Dunne talked about climate change strategies. That is fortunate. It means I do not have to say a great deal. There is now almost complete consensus that unless there is a concerted attempt, starting now but ideally long before, the impacts of human-induced climate change will be irreversible, with impacts that may change the way we live and the world we do it in. This was admitted by the Chief Minister in annual report hearings last year.

Yet we do not see that understanding reflected anywhere in this budget, although the author of the functional review heads up the body which delivers water to the ACT and which will bear the brunt of the drought which seems to be upon us already and which climate change is predicted to exacerbate. Instead, we see the body, which was charged with the responsibility of delivering us a strategy for mitigation and adaptation, the Office of Sustainability, broken up between two departments, reduced in numbers and with a number of important tasks it was undertaking removed from it.

Yes, we are told that we will see a greenhouse strategy before too long. As so many individuals and community organisations spent many hours writing submissions and attending consultations, we are glad that they will see something for their efforts. But what? I fear that the expertise that is needed for this crucial document is sorely depleted by the fragmenting of the Office of Sustainability. There is a crisis of leadership when the Chief Minister does not bother to deliver on an issue which he recognises is one of the greatest threats before us.

Another task charged to the office was the development of sustainability legislation. Indeed, if my memory serves me well, this was one of the promises of the government prior to the last election. I believe that the work was well advanced. Again, a number of community groups made contributions. I believe that members of the sustainability expert reference group were very keen on seeing this project reach completion.

I now address some specific projects and responsibilities in the Chief Minister's Department. Firstly, I congratulate the Chief Minister on the establishment of an affordable housing steering group as a priority project. Housing unaffordability is an important and intractable problem for people in Canberra who are not at the top of the income tree. The Chief Minister has made the point that average income in Canberra is high and that, consequently, buying a house here can be said to be easier for people earning an average Canberra income than Sydney people on an average Sydney income. The reality in this city, however, is that people trapped in the bottom two quintiles face persistent housing stress. It is a tremendous pity this affordable housing initiative will run concurrently with major cuts to SAAP funding and to public and community housing. I wish to take my second 10 minutes.

MR SPEAKER: Continue.

DR FOSKEY: I imagine the steering group, in advising the Chief Minister of concrete steps that could be taken to improve housing affordability for those in the most need, would recommend that SAAP be maintained, not cut, and that public and community housing be grown, not constrained, no matter what benchmarks a functional review might choose. The Chief Minister to date has avoided referring to the private rental market, the biggest supplier of housing for people living with housing stress. I trust that

he will bring that sector into the terms of reference once he has put the steering group together, perhaps beforehand so that he can choose appropriately.

I also use this opportunity to remind the Chief Minister that the ACT government makes large superannuation investments and that there would be substantial benefits for the Canberra community investing some of our money into community and public housing. In this context, the functional review, or what we have been allowed to see, has shown itself to be entirely inadequate. Because we have not been allowed to see any of it, I am guessing here. It has laid down a framework for a budget that is all about cutting expenditure and raising revenue but has failed to look creatively at how those expenditures and revenues are used.

In respect to some of the more discrete projects, I note that the arboretum has been put on the backburner. I believe it would make sense to proceed more cautiously with the dragway as well, particularly as all government analysis to date has shown it to be economically unviable and socially and environmentally dubious, at best.

The Assembly would be aware that the Greens also oppose the construction of the Gungahlin Drive extension. The \$100 million-plus that is now going on a two-lane freeway that is likely to relocate, rather than remove, the places of traffic congestion, at a time when a real improvement in public transport is most viable and vital, seems more and more like a mammoth waste and a missed opportunity.

In the lead-up to the 2004 election, at an ACTCOSS conference, the Chief Minister promised to establish a community sector task force. That task force made recommendations on community sector viability, including pay, superannuation and leave, and sector development. It was wound up in February this year. It recommended that its term be extended in order to contribute to the implementation of the next steps. It is no surprise that recommendation was not accepted. The final report sat quietly for several months before it was finally released in June.

In the budget handed down in the meantime, there were cuts to a number of community organisations without consultation or any discernable policy base. Not everyone in the ACT government has a real fondness for the community sector because community organisations, naturally, focus on their clients and concerns and are much more responsive to those individual needs, rather than the broader responsibilities that ministers and executives see themselves as bearing.

The realities are that innovation in individual support and service delivery comes through the community sector, particularly some of the smaller organisations. That is partly because they are used to doing more with less, but there is a limit to how little that less can be. The quality of outcomes can only be improved, and the cost of services reduced, through strong, collaborative partnerships. That is why this task force and, before that, the community sector funding agreement and the social compact are so important to the future of our society and why the failure to keep faith with those commitments, which this budget represents, is so profoundly destructive.

The problems facing the community sector in the ACT are well known. It faces a turnover rate twice that of the Australian average, due to poor conditions and pay, and a local and national public service quickly snatching up their best and brightest once they

are trained. That is primarily because people need to earn a reasonable income at certain times in their lives. The community sector lacks sustainability.

I am glad to see the task force report finally made public. By delaying the release of the report, the government has avoided pressure to fund the implementation of its recommendations this year. The viability of many of the community services and their capacity to work together is being further eroded in the meantime. In the short term, that might suit the government but, in the longer term, it will not. I look forward to its full response to the task force report.

There have been big changes in the business and economic development portfolio, and I am sure the Liberals will expand on this. The cuts in Business ACT staff by two-thirds appear drastic.

The cessation of the Small Business Commissioner is disappointing. Professor Schaper was only given a year. From my meetings with him, he seemed extremely enthusiastic and keen to develop his role. I well recall the scoffing when his position was created and this government's emphatic reply that it was an important position that would deliver real benefits to small business. It seems very clear to me that either the government was just making it up at the time and it was all hot air or it did not know what it was doing, or both.

In the context of supporting small business, I note the comments made by the minister for education at a consultation meeting in Gungahlin. Hall public school supporters—or was it Belconnen?—raised their concern that, in closing the school, the ACT government might be sounding the death knell to the shops and, thus, much of the life in the village. The minister's response was that he is not here to support business.

Even if the ACT government has got rid of most of its business support, it is obliged to consider the impact of its other actions on businesses and communities. The big budget-related initiatives in this area are the ACT Skills Commission and the Live in Canberra campaign. It is worth questioning what increased effort the government is putting into training our own residents in areas where there is a skills shortage. Importing skilled labour may be needed but we should also be looking to the long-term utilisation of our current residents, particularly those at risk or currently enduring unemployment and underemployment.

I will return in more detail to these issues under education, but they run across government. Cutting CIT funding and pushing it into a university model with the University of Canberra will disadvantage those students who cannot afford a HECS debt and who need more immediate work-related, post-school options, particularly in Tuggeranong and Gungahlin.

We have seen several full-page advertisements projecting the government's rationale in its disputes over schools and teachers' salaries. It is another of the Howard government strategies that this government has picked up. While significant cuts are being made to portfolios like housing and homelessness, there has been an increase of \$469,000 for the communications section in the Chief Minister's Department, including \$100,000 for additional corporate overheads due to a larger staff complement, despite the department as a whole losing 500 staff, or as near as we can guess. Perhaps it is no surprise.

After all, last year, funding for community infrastructure was removed to pay for Groovin' in Garema lunchtime entertainment. It makes me question this government's priorities and wonder what secret recommendations the functional review made about the Chief Minister's communications budget. Despite this enthusiastic expansion of the communications section, up to 500 public servants are to be lost in the Chief Minister's Department.

I understand that big changes like this need to be worked through, but it is alarming that the Chief Minister was unable to advise the estimates committee in any detail from where those jobs would go. It does not appear to be from the executive level, however. The estimates committee was advised that there has been a growth of more than 30 per cent in senior executives across the ACT service. Indeed, keeping a track of employment numbers in general across government agencies has proved to be a challenge.

Comments in the estimates committee report go to the heart of the matter. I am quoting from 4.7 and 4.8:

4.7 Also of concern is the way in which staff movements are recorded in the Budget documents. Some units of the Government did not include staff numbers in the Budget document, making it almost impossible to reconcile the number of individuals employed by the ACT Public Service.

4.8. The Committee is concerned that this discrepancy and lack of clarity throws doubt on the Budget's bottom line.

This reflects on the whole process of this budget, its secret report, its contested information, and the lack of scrutiny and detail.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (5.44): I thank members for their contribution to the debate today. I want to take the opportunity to respond now to some of the positions that are being put by members in relation to the government's commitment and priorities and to rebut the rather bland sweeping statements about the government lacking commitment to this and to that by pointing to the government's determination through major structural change, reflected particularly in the Chief Minister's Department and other departments, to ensure that we have an efficient structure that is best able to deliver the government's priorities and to deliver, essentially, on its philosophy.

The sweeping statements that I have been listening to over the last hour or so in relation to things such as climate change, the environment and the Office of Sustainability and the government's abandonment of all of the principles and all of the initiatives there are really, I guess, what one has come quite reasonably to expect in a wide-ranging budget debate, but the statements are enormously far from the truth. The Office of Sustainability retains its essential structure and functions. It has been transferred from the Chief Minister's Department to the Department of the Territory and Municipal Services. That in no way denotes a change in commitment, a lack of leadership or a fracturing of our commitment to sustainability or the environment in any way whatsoever.

There is a responsibility within the Chief Minister's Department, vested in me, in relation to water and energy policy, and that is quite reasonable. At the level of policy determination in relation to those issues, accepting, of course, the responsibility which I hold, too, as a shareholder in and minister responsible for Actew and ActewAGL, it is quite reasonable that the Chief Minister, or the holder of that position and that particular responsibility, would retain overarching responsibility for major policy in relation to both energy and water. That reflects indeed the seriousness with which I and the government take issues about climate change.

It is said often, and it is a statement with which I essentially agree, in the context of issues facing the world from time to time in recent years or recent times that the greatest issue or threat facing the world is the emergence of international terrorism; but I see more and more the suggestion that perhaps the threats posed to the world by climate change are equal to or greater in essence than the threat the world faces from terrorism, and that is a suggestion that I think has some force. I accept it. I believe the great threat facing the world and its future are the implications of climate change, and I believe it is overdue that we as a nation respond to those implications.

Mr Mulcahy: And terrorism is the second, is it?

MR STANHOPE: Yes, and I think that in the context of the world there are probably a few other issues that we might add to that list. I am responding simply to the statements that are made from time to time that the most important issue facing the world is this or that. It has been oft mentioned in recent years that terrorism leads the list, but I think as well of climate change, issues around poverty, and water and its availability.

There is a whole range of other subjects that we might add to the list, but, for the purposes of a discussion about sustainability, the environment and climate change, I think it does give some force to the importance of the issue of climate change to put it there as one of the great issues that the world faces currently. It is an issue which must be dealt with at a national level first and foremost, but each jurisdiction, of course, has its role to play. We are a non-emitting jurisdiction in terms of big industry or the generation of power—the great greenhouse emitters in Australia, of course, are the power generators and heavy industry, which we do not experience—but, of course, we are users.

Mrs Dunne: As a result, transport is our second biggest user.

MR STANHOPE: Absolutely. We are major users of transport, major users of electricity and major users of the products of the generation of power. Indeed, as we know from a report which I tabled 18 months ago or so, our ecological footprint is the largest in the nation. We, as a community, do have a very strong moral obligation, despite our own fantastic environment, to respond as consumers of energy to the greenhouse gas emissions for which we are personally responsible, and we have done that. In its first year of operation, the ACT greenhouse gas abatement scheme reduced, we believe, CO₂ emissions for which we are responsible by 316,000 tonnes, equivalent to annual emissions produced by 73,000 cars.

I think the single most significant initiative pursued by the ACT, certainly indeed by any jurisdiction in Australia, is the ACT and New South Wales greenhouse gas abatement scheme, an outstanding success which we pursue and which we implemented, yet there has been no mention of that here today on the scoreboard—

Mrs Dunne: I did speak about it.

MR STANHOPE: I beg your pardon, Mrs Dunne; you did. I was overborne by a subsequent contribution of sins for which I need to accept responsibility. It has been a major initiative, the single most significant initiative undertaken by an Australian government: a reduction of 316,000 tonnes, the equivalent of 73,000 cars, in annual emissions through that single initiative. Residential building initiatives include the recent introduction of mandatory five-star energy efficiency, the ACT energy wise program, the ACT home energy advisory service and the commitment to purchase for ACT government purposes 23 per cent of green power. The highest level of green power purchased by any government in Australia is being purchased for the ACT by your very own government.

We utilise in the powering of this building 23 per cent green power. No other jurisdiction in Australia, no other government in Australia, purchases for the purposes of its operations anywhere near that amount of green power. It is at a cost, a quite significant cost, but it is at 23 per cent and we will incrementally ratchet that up. We are committed to the purchase of electrical appliances with low standby power usage. We are on track to meet our commitment to increase fuel efficient, low-emission vehicles to 10 per cent within two years, and we have just announced the progressive move from six-cylinder to four-cylinder cars across the entire fleet. We have 52 ACTION buses that now run on compressed natural gas, at a cost of \$22 million.

These are some of the initiatives which we have pursued in a practical sense in relation to climate change and energy. In addition, we are in the process, despite the scorn and the scoffing, of developing a major climate change strategy, one on which we are consulting, on which we have sought responses from across the community and to which I hope quite sincerely that the ACT Greens have made a major submission and contribution. I must look at that and see exactly what it is that the Greens suggest that we might do in relation to climate change and energy that is achievable and affordable. That, of course, goes to the long lost and lamented greenhouse strategy which the Liberals continue to boast about and which was seriously flawed, unscientific, unachievable and would have cost a bomb—a cost, of course, that they were never prepared to invest in. The last costing I had on it, at the time of the last election, was that to implement the recommendations within the greenhouse strategy—

Mrs Dunne: Yes, it was a doctored costing. None of the scientists believed you.

MR STANHOPE: I notice that this always excites Mrs Dunne because of the promise she made before the last election that, when elected, a Liberal government would fully implement the long lost and lamented greenhouse strategy of the Liberal Party. It was costed objectively by excellent officers—

Dr Foskey: On the back of an envelope.

MR STANHOPE: Actually by an ex-senior member of the Greens.

Dr Foskey: Yes, on the back of an envelope. That is how I know.

MR STANHOPE: I have the details. You are always after submissions to be tabled, Dr Foskey. I can put the lie immediately to that suggestion. It was a detailed submission to the minister which costed it at \$114 million, I remember, and which was an election promise of the Liberals, an immediate injection of \$114 million by Mrs Dunne. That was over and above, getting back to something else which Mrs Dunne raised and which I cannot ignore the temptation to debate, the other great promise that the day after the election—it could not wait until the actual election of the Chief Minister—construction would commence on the Tennent dam. That was another promise in the suite of promises around water, climate change and sustainability. Isn't it ironic as we talk about sustainability that it was said that the day after the election construction would commence on the Tennent dam, at a cost of \$350 million and in a location—

Members interjecting—

MR SPEAKER: Order! Everybody will cease interjecting, including you, Mr Pratt. Treasurer, direct your comments through the chair, please. It would be less provocative if you did.

MR STANHOPE: I was provoked most outrageously, but I had the capacity not to respond. I simply did not respond to the outrageous provocation. Of course, there is the rub! As to keeping that promise of construction commencing the next day on the Tennent dam in the identified location, I am now advised by the engineers and hydrographers that Actew engaged that it would leak, that the hydrography and the geography probably would not be suitable for the retention of water in the \$350 million dam that the Liberals were going to start constructing the day after the election.

Those are some of the issues that were raised in relation to this item. But to suggest that we have abandoned the Office of Sustainability or the sustainability expert reference group, or that we are not committed to climate change and we do not have a significant record of achievement in most of these things is simply to deny the truth and the facts of the matter. These are important issues and they are being pursued.

The debate we have had avoids and ignores, too, the significant streamlining structural changes that are reflected through the budget and reflected in the current structure for the Chief Minister's Department. There was a conscious decision taken. We do change our administrative arrangements from time to time to suit certain circumstances and arrangements. There was a change in the administrative arrangements in relation to the environment, reflecting the departure of the previous minister, Mr Bill Wood, upon his retirement. The opportunity has now been taken by this government to look seriously and in depth at how best to meet the community's needs and expectations in relation to government service delivery in a streamlined way.

Rather than having a mishmash, as it has been described, in relation to the environment, with the policy function here and a mystery function or a responsibility for delivery being invested in the Department of the Territory and Municipal Services, we have

actually created in the Department of the Territory and Municipal Services, rather than the fragmentation or splitting of responsibilities and the creation of false barriers and efficiencies, a single land manager through the Department of the Territory and Municipal Services that will provide a far more streamlined and far more seamless delivery of services than was being achieved across the previous departmental structure and arrangement.

A number of other issues were raised. There is almost a fetish with the communications unit within the Chief Minister's Department and the delivery of events. I recall members of the opposition reviling the government from time to time over the last number of years in relation to a lack of governmental support for events such as New Year's Eve and Australia Day. We now provide significant resourcing and funding for New Year's Eve, Australia Day and Canberra Day, and these events are delivered through the communications unit, or the events unit, within the Chief Minister's Department. Today, for the first time, I heard a suggestion from the opposition that these events should not be supported, that we should leave it to the community, generally speaking.

Mr Mulcahy: I have said it before.

MR STANHOPE: That is not the position of your predecessors or of your party, Mr Mulcahy. Once again, we have this delineation, this differentiation. The Liberal Party's position now is that the government should not support New Year's Eve fireworks or a New Year's Eve celebration. The Liberal Party's position, as expressed by the shadow Treasurer, is that we should not be supporting, to the extent we are, Australia Day. The shadow Treasurer's position, as expressed on behalf of the Liberal Party today, is that we should not be supporting Canberra Day.

Mr Pratt: This is a verbal.

MR STANHOPE: No, it is not. The position was put in this debate less than an hour ago by the shadow Treasurer that an area of objection which the Liberal Party has with the government's budget is that we are supporting the funding of events on New Year's Eve, Australia Day and Canberra Day and of other events which celebrate our community and which, as you all know and which is the issue, are very successful programs and projects that are wildly supported by the people of Canberra. Of course, in the line of all scrooges forever, you have killjoys such as Mr Mulcahy threatens to become that would have no support and would use that as a device for attacking the communications unit and attacking the fact that the government wishes to communicate with the constituency. How often, and I hear it particularly from the Greens, are we criticised and condemned for not taking the community into our trust, not consulting with the community? Here we have the Greens today condemning a unit designed to facilitate and enhance communication and consultation.

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

Adjournment

Children—food choices

DR FOSKEY (Molonglo) (6.01): I am sure that most members, like me, have on their shelves a very thick and useful cookery book authored by Stephanie Alexander. However, people might not be aware that Stephanie Alexander has taken her passion for food to the educational level through the Stephanie Alexander Kitchen Garden Foundation. It began at Collingwood College in Victoria, the state in which Stephanie lives. She writes:

Over the last few years I have found myself thinking more and more about the ways in which children learn about food. For many children there is no way they can relate the food they see in bottles, packets and jars with soil, sunshine, ripeness and satisfying activity ...

I am convinced that changes in food choices do not come about as a result of cautionary advice, charts or pyramids, but by example and by positive experiences.

This debate is relevant to the continuing so-called obesity debate. Stephanie wanted to investigate whether, by creating and caring for an extensive vegetable garden and then preparing and cooking the harvested produce, young people could develop greater enjoyment of flavour and texture, a better understanding of culture and culinary difference, and an increased understanding of the relationship between growing things and caring for the environment. An equally important part of such an experiment would be sharing around the table and talking about what was being eaten.

In May 2001 Collingwood college created a kitchen garden for students from grade 3 to grade 6. Students range in age from between seven and 13. Each child in the group spends a single period each week in the garden and a double period in the kitchen. The kitchen manager and the gardener, who are not teachers, are assisted in each class by the classroom teacher and by some of the wonderful volunteers that have become interested in the project.

On 10 August the Premier of Victoria announced that he had teamed up with Stephanie Alexander—he had probably bought her book years before—to expand a successful school program to help tackle childhood obesity and encourage healthy eating. It was announced that grades 3 to 6 schoolchildren from across Victoria would soon be growing, cooking and eating their own delicious, healthy food at school under a unique \$2.5 million joint program. Forty schools will be able to apply for \$62,500 two-year grants to help children grow into active, healthy adults.

So that is the outcome of Stephanie Alexander's passion for good food. That pilot program in Collingwood college, which is what it turned out to be, is now being rolled out across primary schools in Victoria. I think \$62,500 for two years is adequate funding to establish such a garden. Even if we instituted that pilot program in the ACT, schools would need to feel that they had security of tenure so they could see out the two years and beyond for such a garden.

I commend this program as something that could be considered in the ACT. When I was president of Yarralumla primary school parents and citizens association we did

something small along those lines. It was a great way of bringing in parents with passion, not necessarily the bookish sorts of parents, engaging them with kids and giving kids the joy of growing and eating their own food. How many kids of this generation have seen vegetables grown in their own backyards?

Planning—EpiCentre lease Archbishop Mark Benedict Coleridge

MR MULCAHY (Molonglo) (6.05): Before I comment on the main matter that I wanted to raise this evening I want to draw the attention of the Assembly to the fact that I understood Mr Corbell had agreed to table a letter from the LDA to the ING, and that that would be undertaken today. I am advised that the letter in question has not yet been tabled.

Last Thursday morning I had the honour of attending the installation at St Christopher's Cathedral of the sixth archbishop of Canberra and Goulburn, the Most Reverend Mark Benedict Coleridge. In the past I have used this forum to pay tribute to the retiring archbishop, Francis Carroll. Archbishop Francis Carroll served the archdiocese of Canberra with distinction since 1983. His leadership and guidance have had a significant impact on the Canberra community. I again take this opportunity to wish him well in his retirement.

I also take this opportunity to welcome publicly and congratulate his successor, the Most Reverend Archbishop Mark Benedict Coleridge. Archbishop Coleridge was born in Melbourne in 1948. After early schooling in Adelaide he completed his secondary studies and university degree in Melbourne. From 1969 to 1974 he attended the seminary at Corpus Christi College, Melbourne. Since his ordination as a priest of the archdiocese of Melbourne on 18 May 1974 Archbishop Coleridge has studied, taught and served the Catholic Church around the world. He served as an official of the first section of the Vatican secretariat of state and in 2001 was named a chaplain of His Holiness.

Archbishop Coleridge has also served as auxiliary bishop of Melbourne, and bishop of the western region of Victoria. Only this year the archbishop was elected a member of the Australian Bishops Commission for Doctrine and Morals, and chairman of the Australian Bishops Commission for Liturgy. The archbishop provided an indication of what motivates him and the sort of guidance he will give to the people of Canberra and Goulburn during his homily last Thursday at St Christopher's Cathedral, when he said:

I have been a priest for thirty-two years, and in the journey of those years there have been extraordinary twists and turns. In many ways, my life as a priest and now Bishop has turned out to be very different than anything I expected when I was ordained to the priesthood in 1974. Yet one thing that has never faded in the midst of all the flux is the sense that I am called by God to this.

The apostolic nuncio in Australia, who is the papal representative of this country or, more accurately, the representative of the Holy See, His Excellency Most Reverend Ambrose De Paoli, was also in attendance on this important occasion. The nuncio, who has served the Pope in Australia since late in 2004, was the man who relayed the Pope's request to Archbishop Coleridge to undertake this role in Canberra, and his presence as the Pope's representative clearly added to the occasion.

Once again I take this opportunity to welcome Archbishop Coleridge to Canberra and to wish him every success for his term as archbishop for the diocese of Canberra and Goulburn. I am sure he will bring experience, wisdom and compassion to the role and continue the excellent work of his predecessor.

Death of Mr Glenn Parry Industrial relations

MR GENTLEMAN (Brindabella) (6.08): Tonight I received word of the passing of a well-known Canberra union activist, Glenn Parry. Glenn was a proud man who would not necessarily have wanted us to talk about him and his efforts; rather, he would have wanted us to celebrate unionism, so I will talk about the Hungry Mile. Darling Harbour wharves three to eight—or the Hungry Mile, as it has been known to the Australian labour movement since the Great Depression—are now set to become a massive parkland and commercial centre under current plans by the New South Wales government.

The Hungry Mile is where as many as 24,000 maritime workers were forced by their employers to work in appalling conditions, sweating below decks and moving goods in and out of the harbour prior to the advent of containerisation. The Hungry Mile is a labour icon and a part of Australian history that has been the inspiration behind many films, songs and literature. During the years of the Great Depression, the Hungry Mile was a casual labour source where fit men would desperately assemble and wait at the wharf gates while bosses selected the biggest and the strongest.

Prospective maritime workers would trek from wharf to wharf, through hunger, until they found a job where their earnings would be used to keep themselves alive. Many were unsuccessful. The lucky worker who found employment was then subject to the dog collar act, or the Transport Workers Act 1928, which, under the mask of freedom of contract, allowed bosses to subject workers to around the clock 24-hour shifts without rest and in hazardous conditions.

This Australian labour icon has been selected as the site for the construction of the new harbour headland precinct—22 hectares of wonderful gardens, public parklands, cafes, bars and restaurants all backing onto the harbour. Although this development, a piece of Australian history, may be lost, the Maritime Union of Australia is on a campaign to have the precinct named the Hungry Mile out of respect for all the workers during the Depression who struggled for a crust, and to acknowledge more than two centuries of maritime labour in the area.

The New South Wales government established a panel to recommend a new name for the precinct. Former Prime Minister Paul Keating and Museum for Contemporary Art director Elizabeth Ann Macgregor are two of the names present on the panel that is due to come to a decision by the end of this month. That will then be forwarded to New South Wales planning minister Frank Sartor. I wish the MUA the best of luck in its campaign. Mr Speaker, I leave you and Glenn with the powerful words penned by Ernest Anthony in his poem *The Hungry Mile*:

They tramp there in their legions on the morning dark and cold
To beg the right to slave for bread from Sydney's lords of gold;
They toil and sweat in slavery, 'twould make the devil smile
To see the Sydney wharfies tramping down the hungry mile
On ships from all the seas they toil, that others of their kind
May never know the pinch of want or feel the misery blind
That make the lives of men a hell in those conditions vile
That are the hopeless lot of those who tramp the hungry mile.
The slaves of men who know no thought of anything but gain
Who wring their brutal profits from the blood and sweat and pain
Of all the disinherited who slave and starve the while
Upon the ships beside the wharves along the hungry mile
But every stroke of that grim lash that sears the souls of men
With interest due from years gone by shall be paid back again
To those who drive these wretched slaves to build the golden pile
And blood shall blot the memory out—of Sydney's hungry mile.
The day will come, aye, come it must, when these same slaves shall rise
And through the revolution's smoke, ascending to the skies,
The master's face shall show the fear he hides behind his smile
Of these his slaves who on that day shall storm the hungry mile.
And when the world grows wiser and all men at last are free
When none shall feel the hunger nor tramp in misery
To beg the right to slave for bread, the children then may smile
At those strange tales they tell of what was once the hungry mile.

Thanks, Glenn, for your hard work and your inspiration.

Schools—closures

MRS BURKE (Molonglo) (18.13): I take the opportunity this evening to read large portions of a letter that I, and I think all members, received from Jenni and Warren Bucton from Banks, addressed to Ms Katy Gallagher, Australian Labor Party, member for Molonglo. The letter reads:

Dear Ms Gallagher,

I am P & C president of Kambah High School and my husband is the Board Chair at Village Creek Primary School, and our three children attend both of these schools which are targeted for closure at the end of 2007 by the ACT Governments 2020 proposal. We have been looking closely at the 2020 proposal and have been busy attending the many meetings and forums over the last two months dedicated to this subject. We have endeavoured to hear all the information that we can of this proposal. Unfortunately, all of these meetings, forums and personal meetings with Mr. Barr himself have not allayed our fears and concerns regarding this proposal.

I'd like to say at this point, that I have never protested (until recently) in my life and have also been a staunch labour voter since my 18th birthday. I personally am feeling very betrayed by the present labour governments stance on this proposal and believe I have very good reasons to be concerned for my children's future. I believe that the 2020 proposal does not address the education needs of my children who unfortunately come under the category of 'Special Needs'. My three beautiful children, Corinne 14, Marnie 12 and Tom 10, have a diagnosis of Autistic Spectrum

Disorder. I believe that children within this and other categories have been overlooked by the Governments 2020 proposal.

The letter goes on to state:

... our challenge has been that our children grow to achieve all that life can give them, without stigmas of social boundaries and reliance on welfare systems. This involved placing them in schools that gave them experience with mainstream children to help them cope with everyday situations that they will encounter throughout life but we also needed to be mindful of their heightened anxiety in many social situations that mainstream children take in their stride. On our return home from England we sought out assistance with the Education Dept, and they were extremely helpful in advice and guidance. We were offered a number of schools to visit but Village Creek was highly recommended. They already had programs in place for children with my children's difficulties and they had a range of highly skilled teachers with lots of enthusiasm. The school was small enough that their anxiety was kept to a minimum but gave them enough diversity to keep them engaged. We were never sorry with our choice and have never grumbled about the 40 minute round trip every morning and afternoon to take them to and from school.

We were blessed and our life improved every year. When it was time for Corinne to move on to high school, we went through the process again of where to go and what were our options. Kambah high was the natural selection. Again the school was a small, community-minded school that already had programs in place that suited my children. The school's size ensured that every teacher was aware of my child's disability and what difficulties were involved. Obviously there were teething problems but with the dedication of the teachers and a good working balance with parents, these problems were kept to a minimum. Obviously we still have problems, but the ethos of the school keeps parent relationships as a priority. I feel involved in my children's education ...

The letter then states:

Children with disabilities need to have a balance that schools like Kambah and Village Creek can provide ...realise that we need to have the answers to all of our questions before we can agree with this proposal. To date, we have been given no assurance that this government understands the complexities of children with special needs and the difficulties that transition to other schools will create, not only within the school environment but in their home life ... The last few weeks have been rather difficult and my youngest son Tom is currently being assessed ... for depression. The ACT Governments 2020 proposal is hurting families NOW.

Members are well aware of the many problems arising in the community. This brave family continues to speak out for and on the behalf of many other parents who are involved. It is not a question of small schools versus larger public schools, but I know the minister is aware that the needs of small schools are extremely high. The minister is compassionate and this is a difficult issue for him.

Mr and Mrs Bucton made some strong points in their letter. I ask the minister to have regard to those comments. We must ensure that we do not disrupt children with disabilities any more than we have to. I will continue to call on the minister and I will work with him, but I will lobby him as hard as is necessary to ensure that children with disabilities, particularly autism spectrum disorder, are not put out anymore or set back

for years. The public education system in Canberra has served these children well. We must ensure that it continues well into the future.

Indian friendship festival

MS PORTER (Ginninderra) (6.18): Last Sunday evening I was privileged to attend an event on behalf of the Chief Minister; that is, the finale of the first ever Indian Friendship Festival in Canberra that spanned a total of nine days. The festival, which placed an emphasis on both health and fun, was spearheaded by Indian community leader Mr Aggarwal. He, along with his wife and other members of his community, planned and executed the nine days of celebrations, music, yoga and meditation, lectures on aging and health, and opportunities for young people to get involved, such as a talent competition, a quiz and Bollywood.

On the final day the fair was held at Thoroughbred Park, the Canberra racecourse facility, and it was a great success. The families attending the fair and the finale took advantage of the wide variety of stalls, including food stalls offering delicious curries, et cetera. It was wonderful to see so many children there. A number of my Assembly colleagues attended the finale of the Indian Friendship Festival. I am sure that many more took the opportunity to attend some of the other events during the nine days of celebration. When Mr Stefaniak spoke after I had spoken at the finale he revealed to us all that he had some Indian ancestry.

The aim of a friendship festival is fairly easy to understand: to promote and build friendship between the Indian community in the ACT and other members of the community. That aim is to be commended, as is any event that seeks to educate us all about each other's cultures, and build understanding. That can only be positive. Mr Aggarwal and all those who helped to put the festival together—they worked tirelessly to bring it to the community—are to be congratulated. We are all fortunate to live in Canberra, a city with such a diverse population, and to have so many in the community who want to share their culture and to work together in harmony.

Schools—closures

MRS DUNNE (Ginninderra) (6.20): I take up a theme referred to earlier by Mrs Burke—the ill-thought-out ramifications of the *Towards 2020* program. I wish to dwell on a group of constituents in my electorate who, for a variety of reasons, have been working hard to save their school. On this occasion I want to dwell on the heritage and architectural significance of Giralang primary school. Mr Speaker, I know you have visited Giralang primary school, and I suggest that those members who have not should take the opportunity to do so. Without doubt it is a jewel of a school in the ACT.

The school is beautifully designed, which creates a great environment that is much loved by the children who attend it. A huge preponderance of children who live in Giralang attend their local school. I want to dwell on the architectural and heritage significance of the school, which I think is important. Often we tend to downplay things but I think Giralang Parents and Citizens Association and the Giralang primary school community have worked hard on all aspects of their proposal and endeavours to keep their school open.

I pay tribute to Kelly Hayduk, who worked on maintaining the heritage elements of Giralang primary school. It is worth noting that over the years Giralang primary school was one of four schools designed by Enrico Taglietti. Giralang is considered his best architectural work in the ACT. Enrico Taglietti, a widely known and acclaimed architect, has designed many structures in the ACT. It is worth noting that, in addition to being highly applauded at the time the school was built, the institute of architects has a “21 years on” award. Often it will go back and look at buildings to see whether they stood the test of time over generations. When Giralang primary school turned 21 it received the award that year because it had stood the test of time. It is also worth noting that in 1978 the *Architectural Review* had this to say about Giralang primary school:

Giralang design applies a genial expressionism to the fabric of Australian Primary Education. It is like an adventure playground turned to educational use. The total effect is both charming and appropriate; and must be accounted one of the very rare occasions when ‘Architecture’ has been used to reinforce an educational idea.

It is a great shame that, rather than closing down the school, this government—and previous governments are probably also to blame—is not looking at ways in which it might take advantage of this architectural jewel and keep it for the purpose for which it was designed. That is not to say that heritage has to stay the same forever, but when the fabric of a school works so well we should be striving to maintain it rather than confronting the Giralang community with “we are going to close the school at the end of the year”.

Some members in this place have been working with the Giralang community to help find a way through this. This school in the Giralang community should be saved from the chopping block of *Towards 2020* because of the spirit in that place, its geography and the architectural merit of the building that works to this day. The building is in splendid condition and has been maintained by the education department and by the school community.

It is a sorry reflection that little or no thought has been given to the merits of the building and whether it is serviceable for the purpose for which it was built. There is no doubt that Giralang primary school is a jewel amongst primary schools. For that reason and many others it should be maintained. This proposal should be thrown out and the government should start again.

The Assembly adjourned at 6.26 pm.