



Debates

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Wednesday, 22 November 2006

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Wednesday, 22 November 2006

The Assembly met at 10.30 am.

(Quorum formed.)

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

Petition

The following petition was lodged for presentation, by Ms Porter, from 206 residents:

Schools—closures

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

The petition of the residents of Kaleen and surrounding areas, draws to the attention of the Assembly, that at the general meeting on Friday, 9th of September 2006, the Kaleen Primary School Parents and Citizens Association unanimously agreed that before changes, including school closures, are made to the ACT Government school system, further community consultation and discussion regarding a number of issues, is required.

Your petitioners therefore request the Assembly to, as urgent priority, review the decision to close schools in neighbouring suburbs, specifically Giralang Primary, due to concern about the detrimental effects on issues such as: class sizes, school infrastructure, potential need for introduction of demountable classrooms, hall/gymnasium overcrowding, impact on support facilities, traffic congestion, parking and safety, and the gifted and talented program.

We further request that if closures are to go ahead, that the Assembly extend the amount of time given to Kaleen Primary, in order to plan and implement the necessary changes.

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.

Crimes Amendment Bill 2006

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

Title read by Clerk.

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

That this bill be agreed to in principle.

It is disturbing to hear in recent statistics that 50 per cent of offensive weapons used in the commission of various offences are, in fact, knives. We have had some rather

tragic incidents in recent times in Canberra. It is a real problem. We had a recent fatal stabbing outside a nightclub in Civic some months earlier and then, in the space of about two weeks, there were five other incidents involving knives being used to commit offences and, indeed, people were injured. It is a real concern, especially around our nightspots but further outside as well, that a number of people are carrying knives almost as a matter of course.

Some months ago, I think in late August, Mr Pratt and I had the opportunity of going out with the police on a relatively quiet Friday night. I thank the attorney and the minister for police for allowing that to occur. It was interesting to talk to officers on the beat and also to talk to various people we came across in Civic.

In talking to one fellow who is a youth worker but also doubles as a bouncer at a nightclub near Garema Place, I was concerned to hear, although it does not surprise me, that more and more people—usually young men—are in the habit of carrying knives. He was telling me what a problem it is. If you carry a knife, invariably if something happens and there is a problem and you pull a knife, someone might get injured or you, yourself, might get injured.

This is not something that occurred 20 or 30 years ago. It is becoming more prevalent. He was concerned. He indicated that one young fellow he was helping out produced three knives. The youth worker told us that, more and more frequently, knives are used in fights. That was his anecdotal evidence. You only have to look at the incidents that have been occurring in the last few years to see that knives are being used frequently in relation to a wide range of assaults and a wide range of incidents.

There have always been problems when there is alcohol. Of course, these days it is fuelled more by drugs, especially the amphetamine-type drugs. Drugs like ice make the problem much worse. There have always been some problems, obviously, around licensed premises. Twenty, 30 or 40 years ago people who had had too much grog would often engage in a punch-up using fists and you might have a few boots being put in. At worst—and I saw this from time to time as a prosecutor—a broken glass might be thrust into someone's face. That was regarded as particularly horrendous. Going back to my days as a prosecutor, you rarely saw incidents of knives being used in those types of situations. Sadly, for whatever reason, that is no longer the case today.

Some knife legislation was introduced by, I think, the previous government as a result of concerns Mr Rugendyke had. Police indicate to me that, whilst that is obviously of some assistance and covers a broad range of incidents, including the occasional person taking a knife to school, for example, and knives outside of the main trouble spots, which tend to be around Civic, and other licensed establishment areas, there seems to be a reluctance of police, or they are not able, to enforce the law as well as they could.

My bill, apart from bringing us into line with other states and rationalising the penalty regime, which is important, I think more importantly introduces a new offence. It gives police some additional powers to counter the problem and, hopefully, to nip potential trouble in the bud. We have been told quite clearly that the current ability of

police to search in all instances, whilst adequate in some, needs to be enhanced and the police need to have additional power to be able to do their job effectively.

I thank parliamentary counsel for the wonderful support they always give private members in developing legislation. Indeed, in New South Wales and Western Australia there is some pretty relevant legislation which I have picked on for this bill now before the Assembly. I think it is important that I go to that in terms of what this act will be achieving.

Firstly, clause 5 deals with the power to conduct a search of a person for a knife. That is new section 193 (1A), which should be read in conjunction with another new section, 382A, “possession of knife in licensed premises etc”.

The new section—section 382A in clause 12—inserts an additional offence in an attempt to counter the problem we are experiencing. In subsection (1) it makes it an offence if a person is in licensed premises and is in possession of a knife; or, subsection (2), is in the vicinity of licensed premises and is in possession of a knife.

Clause 13 in the dictionary section describes “vicinity of a licensed premises”. It says that, “a person is in the vicinity of licensed premises if the person is within 200 metres of the premises.” Defining an area where certain things occur is something which has been done in legislation before. Even in the area of planning we had the A10 zones, which I think were meant to be 200 metres around shopping centres. I recall that in some liquor legislation there is a 50-metre area in terms of defining “vicinity”. I felt 200 metres was an ample, reasonable area to define for the purposes of this legislation.

That is an important new section. Fundamental to that is clause 5, where, under new section 193 (1A), a power to conduct a search of a person for a knife is included. It states that if a person is in, or in the vicinity of, licensed premises, a police officer may—

- (a) conduct a frisk search or an ordinary search of the person; and
- (b) seize any knife found as a result of the search.

That is left deliberately to the discretion of the police officer. If the police officer felt there was a need to conduct a frisk search or an ordinary search, they would be able to do that. That is certainly something the AFP were very keen to see included. I have great faith in the police to exercise any discretion given to them wisely. I think they will do that.

Police, of course, already conduct random breath tests. They also conduct a number of random activities in terms of other unlawful acts. This is, I think, a very important, fundamental section to this piece of legislation. It is something that is used interstate, particularly in South Australia, I recall, and to an extent in New South Wales. These provisions are of assistance there.

Hopefully that will enable the police to nip potential problems in the bud. It will give them the ability to conduct searches when necessary, without unnecessary constraints, so knives can be confiscated and any action flowing from that taken. It will certainly ensure that potential incidents may well not occur as a result. The ability of police to

do this will act as a very real deterrent in itself to people who are carrying knives in these areas who should not be. I think that new section and that new power is the most fundamental part of this legislation.

The legislation also concurrently amends existing legislation to acknowledge the fact that we have that new section and that new power. Accordingly, we have new subsection 382A. There are consequential amendments throughout that.

As well as that, the penalty regime has been enhanced. It brings us into line, again, with New South Wales and South Australia, although I note that New South Wales has an even higher penalty when a knife is used for a serious offence. There is an additional offence for that. I am not going down that path, but in terms of possession of a knife for the purposes of this exercise, the penalty structure has been brought into line with other states—specifically New South Wales and South Australia.

This bill also rationalises the penalties. We had a situation where here it was \$1,000 or six months under the Crimes Act for possession of a knife, yet in the Prohibited Weapons Act it was, I think, \$10,000 and one year imprisonment. There were other offences of \$5,000 and six months imprisonment. The penalties were all a bit higgledy-piggledy.

I appreciate that the penalties are by no means the be-all and end-all. They are important. They are a deterrent. I heard the government on the radio yesterday indicating that they would be increasing the penalties for people leaving the scene of an accident from a maximum of six months imprisonment to two years imprisonment. Funnily enough, that is exactly the same as I have here.

Whilst they are important, penalties need to be rationalised. That is what we have done. But I do not see the increase in penalties as being the most fundamental part of this legislation. Of more fundamental importance is the additional ability of the police to take action—and the new offence in relation to being in licensed premises or near licensed premises. That said, the penalties go up to 100 penalty units, with imprisonment for two years or both.

We then come to the Prohibited Weapons Act, where the penalties are out of kilter with the Crimes Act at present. That act is amended to correspond with the amendments made to the Crimes Act. Some new sections are added in the schedule to bring the penalties into line with the Crimes Act again.

Previously I think the penalty was 100 penalty units and imprisonment for one year. It has gone to two years for consistency. Previously the penalties in the Prohibited Weapons Act were 50 penalty units and six months. That is now 50 penalty units again, but imprisonment for one year. That occurs firstly in clause 5 and clause 6 in relation to the one year. In clause 8, again for consistency, the 50 units and six months goes to 50 units and one year.

I think it is a better piece of legislation. It consolidates and improves the penalty structure and makes it more logical between the two respective acts. But, most importantly, it gives police the ability to randomly search people in, or in the vicinity

of, licensed premises for knives and to take action as a result of that. It creates that new offence.

There are of course the normal safeguards in terms of people who need a knife for the purpose of their employment. But no-one needs to carry a knife unless they are engaged in their trade or eating in a restaurant, or something like that, where the establishment provides the cutlery. No-one should be walking around Civic with a knife in their pocket when they are going to licensed premises unless they are there to do a job which requires them to use that knife in the course of their employment or trade. There is no excuse for that.

It is saddening to see especially young people carrying knives as a matter of course. I am told you only carry a knife because you intend to use it for self-defence or whatever. But that leads to tragic circumstances. Surely we want to do all we can to nip that in the bud.

The first piece of legislation was a good start. This improves on it. This enhances the ability of the police to do their job. It gives them the necessary power. I would hope the package before the Assembly serves in some way to deter people from carrying knives. I certainly think that if this is passed and police are utilising the power to do random searches, that will have a significant effect, like random breath-testing has had a significant effect, on driving habits. I commend the bill to the Assembly.

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

Commonwealth powers and ACT legislation

MS MacDONALD (Brindabella) (10.47): I move:

That this Assembly:

- (1) recognises the ACT Legislative Assembly's right to make laws for the people of the ACT;
- (2) calls on the Commonwealth Executive to:
 - (a) recognise Members of the ACT Legislative Assembly are democratically elected by the residents of the ACT; and
 - (b) respect the rights of the people of the ACT by allowing their democratically elected representatives to enact legislation and govern the ACT on their behalf; and
- (3) calls on the Commonwealth Parliament to amend the Australian Capital Territory (Self-Government) Act 1988 to remove the Commonwealth Executive's power to call on the Governor-General to disallow any Act which has been enacted by the ACT Legislative Assembly.

This motion raises an issue seminal to this Assembly and the people of the ACT. It appeals to the commonwealth to entrust this democratically elected Assembly with legislative authority. This motion expands on what Senator Bob Brown attempted

with the introduction of the Australian Capital Territory (Self-Government) Amendment (Disallowance Power of the Commonwealth) Bill 2006 in June this year. Time ran out for debate in September but the bill is unlikely to be passed, with Liberal members being unsupportive of the bill.

The ACT government welcomed Senator Brown's bill, as well as the support of the federal Labor Party. This motion acts to continue the discussion in this place and focus on what the people of the ACT are entitled to: equal democratic rights. Section 35 of the Australian Capital Territory (Self-Government) Act 1988 needs to be amended to remove the federal executive's power to disallow acts of the ACT Legislative Assembly.

While this power remains, residents of the ACT will remain second class citizens. The members they democratically elected in 2004 to govern the ACT on their behalf have only a qualified power. Any decision made in this place and any legislation debated, voted on and enacted, may be overturned by the commonwealth executive. Any law the federal executive does not agree with or feels uncomfortable with runs the risk of being overridden.

I look forward to listening to the debate from other members in this place. I will listen with particular interest to the comments from opposition members. I hope they will be mindful of their responsibility to represent the residents of the ACT as they were elected to do. I hope they will not show the disdain that their federal colleagues showed for this place.

I found it particularly disheartening to read the speech made against Senator Brown's bill by Senator Gary Humphries. It is depressing to read that a senator for the ACT, a former member, minister and chief minister for the ACT, believes that his former colleagues can rightfully have their legislation overridden.

Only the members of this Assembly and the federal representatives from the ACT can claim a legitimate mandate to represent the views of the people of the ACT. We know members of this place are elected by the people of the ACT in a democratic election on the basis of policies made known to the electorate.

In the 2004 election, the 209,749 people who voted elected the members in this chamber today. Prior to the 2004 election, the Stanhope government stated its intention to legislate for recognition of same-sex relationships. The people of the ACT went to the polls knowing this, and a majority Labor government was returned. In electing the members of the Legislative Assembly, the people of the ACT have indicated who they wish to have exercising power on their behalf to make laws for the peace, order and good governance of the territory.

Members of the present ACT Assembly have debated and passed a great number of laws since the establishment of self-government in 1989. This process has been a lawful exercise of the legislative power of the various parliaments of the Australian Capital Territory, made in pursuit of political mandates given to the Assembly by the people of the Australian Capital Territory. The commonwealth executive—and, for that matter, the unelected Governor-General—have no claim that they represent the views of the people of the territory.

It is a direct attack on the democratic principle for the commonwealth to substitute its own views for those elected to represent the people of the ACT. By convention, the Crown seldom intervenes once a law is made so as to delay or frustrate the commencement of the law, save in unusual circumstances where the law, because of its exceptional circumstances, might be beyond the power of the parliament or is otherwise defective.

The autocratic action of the commonwealth executive to quash the law of an elected parliament is constitutionally suspect and politically bad. If the commonwealth has concerns with a territory law, it has other options that do not involve such an overbearing exercise of power.

Rather than asking the Governor-General—elected by no-one—to disallow enactments, the commonwealth could choose the option of passing an inconsistent or overriding commonwealth law. This would subject the law to scrutiny in the parliament even if not by the elected representatives of the ACT.

If the commonwealth has legitimate concerns about the constitutionality of an ACT enactment, it also has the option of testing the matter in the courts. The Howard government chose to do none of these things, opting instead to overbearingly overrule, using the Queen’s representative, to quash the law made by an elected parliament.

The Howard government has treated the ACT Assembly as though it is an errant child, or a wayward colony. I found it particularly telling when Senator Humphries said, “It is the child of the federal parliament, do not forget.” While this approach may have been the norm with Britain’s treatment of the colonies, even then the executive arm of government did not have *carte blanche*.

The common law developed a series of constitutional principles, enshrined in the law of public trust, which provides protections against arbitrary executive action. The actions that might amount to a breach of public trust include neglect or breach of a public office, oppression or extortion, but the law has not attempted to describe all of the circumstances in which a breach might be found.

While the commonwealth executive may appear to have broad discretion to use this old autocratic process, the action itself may still be a breach of the public trust. It is an area of law that, over the years, has quietly slipped from the memories of modern constitutional lawyers because it has been some time since a governor or the executive chose to attack a law made by a parliament. The actions of the Howard government in instructing the Governor-General to override the Civil Unions Act set a dangerous precedent and should give us, on all sides of this chamber, a sense of unease.

The significance of the Australian Capital Territory (Self-Government) Act 1988 to the ACT is obvious. The passing of the act by the commonwealth government effectively established the ACT as a political body. The act, which has been amended a number of times, is the founding constitution of the territory. It recognises the fundamental right of the people of the ACT to govern themselves—that is, to enjoy the same democratic rights and responsibilities enjoyed by other Australians in other jurisdictions.

Although a significant proportion of Canberrans had some doubts about self-government when it was first established, I believe there is now an acceptance of self-government by the people of the ACT. As we all know, a system of self-government is unique, combining the roles and responsibilities of both state and local government. It does so with remarkable economy in terms of the numbers of elected representatives.

The self-government act is also unique, in that there is no governor or administrator whose function it is to appoint a chief minister and executive. Rather, the Chief Minister is elected by the members of the Assembly from among their own ranks. This is indeed a unique political system that functions well, commands popular support and should continue to enjoy the autonomy established by the self-government act. However, while the self-government act may give the Governor-General the bare power to disallow an ACT law, the mere existence of a statutory power does not excuse the exercise of that power, particularly when constitutional convention has been for the Crown to not interfere with the law-making activities of an elected parliament.

This Assembly has proven itself to be capable of making laws for the people of the ACT. That capability needs to be formally recognised and total legislative authority given to this Assembly. Amending the self-government act would achieve this and give ACT residents the same democratic rights as other Australians.

I would like to turn to some of the comments made during the debate in the Senate. Given that Senator Brown's bill would have removed the ability of the Governor-General to disallow the laws of the ACT parliament without proper debate and passage through the commonwealth parliament, it was with much interest that I followed the debate in the Senate on Thursday, 14 September.

The lack of support and, in some cases, pure contempt for the ACT shown by some of the Liberal senators who spoke to the bill was very telling. Senator Gary Humphries, having previously crossed the floor in relation to the ACT's Civil Unions Act being overridden, seems to have changed his mind on the right of the ACT government to govern for the people of Canberra.

During the debate on 15 June, Senator Humphries told the Senate that the ACT government is entitled to pass laws in an area of its legislative competence to effect an explicit promise made to the ACT community. Yet, while speaking against Senator Brown's bill on 14 September—a few months later—Senator Humphries said:

... I state very clearly my view that I think in this particular case Senator Brown's legislation takes too far the principle that the territory government ought to exercise this power untrammelled by intervention from the federal government in this way ...

It would seem that Senator Humphries supports the right of the ACT government to govern for itself, just as long as we do not get too carried away with ourselves. What is more, these views were supported by the ACT opposition as reported in the *Canberra Times* on 14 September. This is a dreadful admission by the Liberal Party

that they do not support the democratic rights of Canberrans. It is an indictment on their party and reflects their contempt for the democratic rights of all Canberrans.

Opposition members interjecting—

MS MacDONALD: I wonder that those opposite can expect themselves to be taken seriously by the electorate. They belittle themselves and demean the Assembly with these views. For too long federal members have spoken about Canberra with contempt and condescension. The federal Liberal Party's newest recruit, Senator Julian McGuaran, now a Liberal senator for Victoria—

Mr Mulcahy: And a good one.

MS MacDONALD: Yes. He is a real bright spark. He took this disdain one step further by stating during the debate, when he said:

In the ACT they live a very comfortable life—some would say even a tattslotto lifestyle. And they would be very loath to separate themselves from mother's milk. When they look up from their homes in Forest or wherever and see the parliament on the hill, they feel very comfortable. They feel very comfortable that the federal government, sitting on the hill looking down on their most junior of parliaments, as a last resort, have the authority to override—let alone the prestige that they see in us all. I do not single myself out. I stress that.

These are outrageous comments. I trust that those opposite do not concur. Certainly I am glad he is not a member of the Labor Party, I would say, because he is a real bright spark.

Only the members of the Assembly can claim a legitimate mandate to represent the views of the people of the territory. The commonwealth executive—or, for that matter, the unelected Governor-General—cannot pretend to represent the views of the territory. We—every member sitting in this place today—represent the views of the people of the ACT. I urge all members to support this motion.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.00): Mr Speaker, I think we need to get this motion in perspective. I will be circulating an amendment which I will speak to as well. The self-government act came into being in 1988, during the period of the Hawke government. Clyde Holding had a lot to do with it. Paul Whalan had a bit to do with it. I see his handiwork in one area of section 44. It was very much a creature of the Labor Party, the Hawke government, and was supported, might I say, by the Liberal and National parties, the Democrats and the Greens, because the commonwealth government wanted to ensure that they did not have to pay for the ACT. They were putting the ACT in a financial straitjacket from about 1985-86 onwards, weaning us off mother's milk, to use a term Ms MacDonald used. Self-government was all about saving money.

Continuing the history lesson, if the federal government had really wanted to intervene, it probably had some very good reasons to do so in the First Assembly. We were worse than the Italian parliament. We had, I think, three governments, five different groupings, people who wanted to abolish the place, and a minister—a good mate of mine, actually, Craig DUBY—who was a bit of an opportunist. Craig became a

minister and he thought this self-government thing was pretty good. He was a very fine minister, might I say. But the First Assembly was a bit of a farce. The Assembly has settled down. But you have to remember that it was set up by the Labor government.

There is an element of hypocrisy in this regard. I recall that several years ago—it must have been under a Liberal government—certain Labor members of this place went to see their colleagues federally in relation to Gungahlin Drive. They were very keen to see what their colleagues could do to help—perhaps by invoking some federal powers there—because they did not agree on a particular point.

Mr Speaker, the principle here in terms of the self-government act is that the Australian government does not normally intervene in the democratic government of any self-governing territories. Apparently, the disallowance of our civil unions legislation on 13 June 2006 was the first use by that government of a disallowance power in the ACT. I thought there had been two. I am mistaken, apparently, as that was the first time.

The commonwealth's law-making powers over the territories under section 122 of the constitution are largely unconstrained. The commonwealth also has specific powers to disallow or recommend amendments to ACT legislation under its self-government legislation for the ACT. Section 35 of the Australian Capital Territory (Self-Government) Act 1988, a commonwealth act that is referred to as the self-government act, provides that the Governor-General may, within six months of an ACT enactment being made, disallow the ACT enactment in whole or part under section 35 (2) or recommend amendments to the ACT Legislative Assembly under section 35 (4). An instrument of disallowance is itself disallowable by either house of the Australian parliament; so there is actually another check and balance there. That instrument is disallowable in itself.

I turn to whether the ACT can overturn the disallowance power. The authority for the power of the Australian government to override legislation of a self-governing territory derives ultimately from section 122 of the constitution, the territories power. The Australian parliament has enacted the self-government act for the ACT. If the ACT Legislative Assembly made a law that purported to override the provisions of the self-government act, that ACT law could be disallowed by the commonwealth, using section 35 of the self-government act.

We are a territory, as defined by the constitution, and section 122 of the constitution does cause a bit of a problem in itself. We are unlike the states. Of course, even the states can have things overridden by legislation being enacted in the federal parliament which is inconsistent with state legislation—just as, indeed, that can occur in the ACT, and it does occur. In relation to the case in point here, the catalyst for all this, the same-sex union bill, must have been the first time the commonwealth actually intervened and used the disallowance power.

Mr Corbell: The first time ever.

MR STEFANIAK: The first time ever; you are right, Mr Corbell. But there were problems with that bill. There were problems that we pointed out to you and we put

on the table a bill—the Tasmanian model, which is now accepted in South Australia and, I think, Victoria—which would actually overcome those problems. Clearly, you have a problem with that bill in relation to the federal Marriage Act, so you are snookered either way there.

Unfortunately, this motion today really is a stunt. It is a stunt because of what Ms MacDonald has read out. She has read out a series of comments by Senator Humphries, who did cross the floor but who then made some measured statements in relation to this issue. It is a stunt because this power has only been used once. In Australia, we have a whole series of checks and balances. Most parliaments have two houses—God forbid, the people of the ACT would hate to see that—but we do not. We have a unicameral legislature, just like Queensland.

Federally, you have got the House of Representatives and the Senate. Are you saying that the Senate should be abolished too? There are checks and balances and this power was put in by a Labor government as a check and balance. Ms MacDonald, if we had seen this power used more than just once in the 17 years or so of self-government, I would agree with you. I think that the federal government would be overstepping the mark.

I, too, cringed at some of the stupid comments made by federal members on all sides of the political equation about Canberra. They have no idea. They just go from the airport to Parliament House and then to nice little apartments in Kingston or Manuka and have a meal in those areas—they could go to Griffith; I have seen quite a few eat at the Vietnamese restaurant there—but they do not see much else. It does not matter what political party they are from; all of them are quite capable of making stupid comments from time to time, some more so than others. That is certainly something that we resent. But, looking at what we are debating here, methinks you doth protest too much, Ms MacDonald. Methinks that this is very much a political stunt.

Your government has made a habit of bashing the federal government. That is fine, but often you go that one step too far. The civil unions issue is a case in point. You are actually leaving yourselves a bit behind there because even South Australia and Victoria have adopted the Tasmanian model, which is something that is acceptable Australia-wide. Of course, that was a catalyst for this disallowance.

It would be a problem if this disallowance had happened on, maybe, five or six occasions, but it has happened once since 10 May 1989 when this place started. It is part of the checks and balances. There are still people in this territory who long for the old days when we did not have self-government. That is never going to change and it never was going to change from 1985-86. There are no great altruistic reasons for having self-government here. It is a question of money. I think all major parties, indeed even minor parties, have realised that in terms of the territory governing itself.

For better or worse, generally for the better, this territory has under all governments done a very good job of governing itself and, no doubt, will continue to do so. We can argue in this place about how best to do that and we can argue in this place about whether you should be closing 39 schools and silly things like that, for example, but fundamentally at the end of the day, despite various hiccups along the way, this place has been governed probably no better or worse than any other state or territory in the

Commonwealth of Australia and, no doubt, that will continue over time. We can always argue about how we could do it better.

Ms MacDonald: So the commonwealth should let us do it, then.

MR STEFANIAK: The fact is, Ms MacDonald, that they are letting you do it. At this stage, this is part of the checks and balances. You are seizing on one issue, one disallowance only, to change everything. I think you are being premature. You are being premature, but it is also quite clear to me—I can read it in what you have actually said—that this is very much a stunt and part of your ongoing personal war with this particular federal government.

My amendment simply seeks to delete paragraph (3), so it leaves the guts of the motion intact, reinforcing the point that we are here to do a job and the commonwealth should respect our right to do so, which, based on the facts—and they speak for themselves—they do, apart from this one incident. Maybe, Ms MacDonald, if we had more incidents like that, there would be a lot of strength in what you say. But I do not think you have made your case.

Look at some of the things that have occurred since self-government. I hark back to the First Assembly. I hark back to a number of other issues. I hark back to a number of things that ACT governments have done that the federal government certainly did not want it to do, such as former Chief Minister Kate Carnell's shooting gallery, the heroin injection room she wanted to see, and various issues like that which were quite abhorrent to the majority of people in the Howard government at the time that they were being mooted.

I am sure that there were a number of things done by former Labor governments which were not exactly terribly popular with the powers that be when there was a Hawke-Keating government, but nothing happened. Nothing even happened when we had high farce in the First Assembly over fluoride. Fluoride was in, then it was out and then it was back in again. That was quite entertaining, but nothing happened then. This is the first time that something has actually happened and I think it is quite clear that what you are doing here is a stunt. Accordingly, I commend the amendment I have circulated. We are very happy to support the points in paragraphs (1) and (2) of Ms MacDonald's motion. I formally move as an amendment:

Omit paragraph (3).

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.11): Mr Speaker, I am pleased to rise to support this motion today. I think the Liberal Party need to be a little more circumspect about their approach on this matter, because there are more fundamental issues at stake than the petty partisan point scoring that we have from those opposite in their attempt to defend the indefensible.

First, I draw members' attention to a bit of background. On 19 June this year, as we know, Senator Brown introduced into the commonwealth parliament a bill to amend the self-government act. That bill was pretty unexceptional. It proposed to amend section 35 of the act to remove the provisions that appear to give the

Governor-General the power to disallow ACT laws. However, it retained the power of the Governor-General to suggest changes to ACT laws and it also retained the power of the commonwealth parliament to debate and pass a law which might overtake an ACT law.

The bill was, I think, a foreseeable consequence of the damage that the Howard government did to the office of the Governor-General in breaking with constitutional convention earlier this year. Just over 30 years on from the controversy surrounding the then Governor-General's involvement in the events of Remembrance Day 1975, the current Governor-General was once again forced into the public arena.

Earlier this year the Howard government, as we know, instructed an unelected Governor-General to disallow a law made lawfully by a democratically elected parliament. That is the issue at stake here today. The Civil Unions Act 2006 was disallowed by a simple stroke of the Governor-General's pen, repealing the act without this duly elected government having the merest opportunity to put its case to the commonwealth.

This action by the Howard government reignites an age-old controversy about the role of an unelected representative of the crown in the political affairs of a democratic state. The commonwealth threw 300 years of constitutional convention out the window and injected a new and worrying lease of life into an unelected office which has no business countermanning the acts of a democratically elected parliament. That is the issue at stake here.

Whilst the self-government act may give the Governor-General a bare power to disallow an ACT law, the mere existence of this power does not justify its exercise in such a summary way. This is particularly the case when constitutional convention has been for the crown not to interfere with the law-making activities of a democratically elected parliament.

It is a matter of considerable regret to this side of the house that the government has chosen to involve the Governor-General in this way. The commonwealth had at its disposal a number of means for dealing with this matter, means that did not involve the Queen's representative.

I will not go further in chiding the commonwealth for the way it has chosen to act in this manner. There will be ample time to reflect on that. But I think it is important that we take the opportunity today to call on the commonwealth parliament to remove the possibility of the Howard government, or any future government, adopting this approach again.

The constitutional and legal framework in which the Queen's representative must act is a framework often overlooked because of the reluctance over the past 200 years for the Queen's representatives to become embroiled in controversies of this nature. But the convention is worth revisiting today. So what is the convention? The convention is that only members of this parliament, the ACT Legislative Assembly, can claim a legitimate mandate to represent the views of the people of the territory in relation to territory matters. We and only we can legitimately claim that mandate.

The commonwealth executive, or for that matter the unelected Governor-General, cannot pretend to represent the views of the people of the territory in this regard. It is a direct attack on the democratic principle for the Howard government to substitute its own views for the views of those elected to represent the territory. We are a body politic, we have a plenary grant of power, and we are elected by free election on the basis of policies known clearly to the electorate.

Members of this Assembly have debated and passed a great number of laws since self-government and this has been a lawful exercise of the legislative power of the various parliaments of the Assembly, made in pursuance of political mandates given by the people at democratic election. By convention, the crown seldom intervenes once a law is made so as to delay or frustrate the commencement of the law, save in unusual circumstances where the law, because of its exceptional circumstances, might be beyond the power of the parliament.

By longstanding convention, the Governor-General does not send back to the commonwealth parliament advice to the effect that he or she has chosen not to enact a law passed by the two houses of that parliament. Imagine the uproar if the Senate and the House of Representatives passed an act of parliament and the Governor-General said no. Imagine the uproar, and rightly so. But that is what happened to us, that is the convention that has been broken and that is why this power should no longer be available.

Mr Speaker, the autocratic action of the commonwealth executive to quash the law of an elected parliament is constitutionally suspect and politically bad. As I have indicated to members and to the broader community, the government will not be giving up on the issue of recognition of civil partnerships and we will introduce a new bill to provide for a new way of recognising these relationships.

It is interesting, I think, to draw members' attention to the commonwealth's reasons given for the disallowance of the Civil Unions Act. They said:

The Civil Unions Act 2006 ... created a statutory scheme for the recognition of relationships which bore a marked similarity to the Commonwealth's scheme for the regulation of marriage. This legislation appeared to—

not “did”; “appeared to”—

undermine marriage, attempted to circumvent the Marriage Act ... and may—

“may”—

have created ambiguity between civil unions and marriage.

Nobody in this Assembly is seeking to undermine, to circumvent or to blur the distinction between marriage and civil union. What we seek is the power to determine that we will make a law that recognises the rights of all people in relationships, regardless of their sex, age, religion, ethnic background or any other characteristics that they may have which are not adequately recognised or nurtured by the laws of the commonwealth. That is what we seek to do.

Mr Speaker, this motion should be supported today and it should be supported by each and every one of us in its totality. The challenge for those opposite is to explain why an unelected official should have the power to overturn the law made by a democratically elected parliament. That is your challenge today. Your position is an untenable one and it is one that goes against the rule of democracy—unelected officials overturning the laws of democratically elected parliaments.

Absolute power is vested in parliaments, as it should be. Parliaments make the laws. Unelected officials, particularly those based on hereditary descent, should have no role in determining what the rules are in a democracy. Only the people's elected representatives should do so. Mr Speaker, this type of approach has been out of use for centuries in the civilised world. When you go looking for examples of this type of behaviour, you have to go back more than 300 years to find an instance where an unelected official has had the power to overturn the law of an elected parliament in the way that we saw earlier this year.

The law and conventions concerning the role of an unelected governor or governor-general have developed over many centuries and the law and conventions remain an essential part of our democratic system of government. Indeed, the courts developed a branch of the law, known as the law of public trusts, to check the abuses of governors sent to administer the first settlements in the Americas—colonies and plantations at first, states and commonwealths in time.

Both the law and the convention derive from a time when the executive arm of government, generally the governor of a remote colony, acted in an autocratic manner, sometimes against the express wishes of an elected legislature. But even then the executive arm of government did not have *carte blanche*. The common law developed a series of constitutional principles enshrined in the law of public trust which provided protections against arbitrary executive action. So there is well-established law on the issue of the Queen's representative or the crown's representative intervening in the law-making power of elected legislatures. It is longstanding and the principle is important. The principle is fundamental in a democracy. The position of those opposite is untenable. The Governor-General should not have this power.

DR FOSKEY (Molonglo) (11.21): It is hardly surprising that I will be supporting Ms MacDonald's motion today, and I thank her for raising it. It is interesting that this debate has become a debate primarily between the government and the opposition. Whilst it was my colleague in the Senate, Bob Brown, who first brought this issue before an elected house, I feel as though I have been relegated to the role of bit player in this debate.

Mr Mulcahy: I don't disagree. Ha, ha!

DR FOSKEY: I am glad that people laugh. I like to see laughter in this place. On Monday, 19 June, in response to the federal government's disallowance of the ACT's civil unions legislation, Greens Senator Bob Brown tabled the ACT (Self-Government) Amendment (Disallowance Power of the Commonwealth) Bill 2006. As we know, the federal parliament's power to disallow territory laws comes from sections 52 and 122 of the constitution. Section 122 specifically gives this power

to the federal government. However, the ACT's self-government act could be seen to be unconstitutional, as it gives the power to disallow ACT legislation to the federal parliament and the federal executive.

The Greens' legislation sought to remove this power from the executive and to leave no doubt that disallowance of any ACT law should be by legislation passed by both houses of federal parliament. Unfortunately, due to a majority of Liberals and their coalition supporters in the Senate, it did not receive the Senate's agreement. I think that we all know and value the role that the Senate has played in our commonwealth parliament. It is seen by most Australians as a house of review and in this case a positive vote in favour of Senator Brown's motion would have made the difference.

I acknowledge the pro-executive argument that the federal parliament can delegate powers to the executive, as it did in the ACT (Self-Government) Act, but one is still entitled to question whether this is democratic and fair. That, I believe, is what we are debating today. There is a good reason for having two houses within the federal parliament. That was very thoughtfully planned by our forefathers, who argued for years about the constitution which would eventually govern us. We have two levels of government as well. We have a federal government and we have state and territory governments. We actually have a third level, the local government system, which we are inclined to forget about here.

Our democratic system was designed in this way in order to protect minorities from the tyranny of the majority. How ironic is it, then, that legislation passed in a small territory to recognise the human rights of a minority could then be overturned by a centralist majority government, the very thing that I believe our forefathers set out in the constitution to avoid? Liberals can well argue that the process for overturning the Civil Unions Act was democratic, as the Howard executive placed the notice on the list of disallowable instruments and it was then up to members of parliament who so choose to move to disallow the notice. In this case, and the only such case, it took a disallowance motion from the Greens, supported by Senators Ludwig and Stott Despoja, to ensure that a public debate was held on the subject. If that had not occurred, the Howard government, without reference to the national parliament, would have overridden the civil unions legislation.

There are arguments for both sides but, to take the precautionary approach and to ensure the rights of a minority are protected from the majority in a democratic manner, should we not ensure that all disallowances of territory legislation are debated and voted on by the federal parliament so that the public can scrutinise the opinions of those who have the power to suppress legislation democratically arrived at? Note that in the case of the Northern Territory euthanasia legislation in 1996 the government did take the step of supporting a private member's bill to overturn that legislation.

What makes it worse in the case of civil unions is that had the Howard government genuinely believed the ACT had overstepped the constitutional powers of the federal parliament it would have had no problems in drafting legislation and ensuring a debate was held, let alone debate it within the Liberal Party. We do not know what debates occurred within the Liberal Party. They may have been very carefully circumvented by Howard using executive powers.

Whether or not the civil unions disallowance was a populist or a moral decision made by the Howard government is irrelevant. If anyone here supports the Howard government's decision on this basis, be warned that they are also supporting a dangerous precedent in ACT governance history. Removing the ability of the federal executive to disallow ACT legislation does not compromise the capacity of the federal government to exercise its constitutional authority over the ACT.

Since we are not able to become our own state, we cannot avoid the constitutional power that the federal parliament holds over us. As Senator Carr rightly put it in the debate on 14 September regarding Bob Brown's bill, the ACT self-government act has been in operation for 17 years and, just like any other act, it would be a good idea to review it. Perhaps the performance of the ACT in governing itself warrants progression in our independence.

Mr Stefaniak said, and said it a number of times, that the ACT was given self-government purely for pecuniary reasons on the part of the commonwealth. Whether or not this is true, and there is obviously some truth in it, we must remember, however, that it was also in response to a very strong and growing movement in the ACT for self-government. I believe that we have in our practice transcended that particular model for self-government and I believe that our highly educated and informed community has a model of democracy that is commensurate with that.

We all complain—I complain a bit more—that ACT people are much more focused on the federal level at the expense of the local level, even though it is at the local level that most of the services that make their day-to-day lives possible are delivered. It is up to us then to show that having independence, having self-government in the ACT, is of benefit to people and makes their lives more worthwhile, whether we do engage with those issues that the federal parliament is focused on, such as climate change and human rights.

I believe that the Liberals in this place are trying to have their cake and eat it too. They enjoy the benefits of being elected members of this Assembly and in election campaigns they tout all the things that they might be going to do when they are elected—don't worry, I have heard them—with absolute certainty that they will be allowed to do so and not be overruled by a commonwealth government. They have the wonderful security at the moment of knowing that their decisions will not be overturned, if they do ever make government, by a Liberal federal government, but what would happen if the boot was on the other foot and there was a Labor federal government and a Liberal majority in this house? I do not think that the Liberals would like that very much. In fact, I think that they might be arguing the other way. Just remember that there is a certain amount of self-interest in this debate and declare it, own it. Let's all work together to make this territory a place where our ability to govern ourselves is respected.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (11.31): At its heart, as we all know, this motion is about the democratic rights of the people of the Australian Capital Territory and whether the people of the Australian Capital Territory should be accorded the same respect in the context of

their right to govern themselves and their right to have their democratic rights similarly respected.

We can each refer to particular examples. This is an appropriate moot to do that and, of course, we do have the example of the civil union legislation, we do have the example of threats made to our anti-terrorism legislation, we do have the example of mumblings that were made previously in response to our decision to pursue a human rights act or bill of rights for the territory, and we do have the example, very explicitly, of the legislation that was introduced in the federal parliament in relation to the Northern Territory legislation about euthanasia. Those are examples that each of us can use to point to the obvious lack of respect for the democratic rights of the people of the Australian Capital Territory portrayed by actions which the federal parliament has taken over the years.

I think it is a simple and clear-cut issue. The issue is: do the people of the Australian Capital Territory deserve to enjoy the same democratic decision-making rights over the same range of subjects that other Australians enjoy? How is it possible to argue that the people of the Australian Capital Territory do not have the capacity, the wit and the wherewithal to make decisions for themselves in relation to issues such as euthanasia, civil unions or criminal law in the form of laws to combat terrorism or laws around human rights? It is an intellectually and morally unsustainable argument to seek to sustain.

Nobody should stand and oppose this motion on the basis that ours is a unicameral parliament and there is no house of review. There is no house of review in Queensland. Would anybody seriously suggest for one minute that the people of Queensland should have to bow in deference to the Senate if they wished to pursue laws in relation to civil unions or euthanasia, criminal law around terrorism, human rights legislation or a bill of rights?

Interestingly, the threats and the mumblings from the Prime Minister in relation to this government's decision, this parliament's decision, to pass a human rights act were not repeated when Steve Bracks and the Victorian government chose to adopt our legislation. No, the threats were directed at the ACT government. The scoffing in relation to bills of rights and the threat to intervene were in relation to this particular parliament as the capacity was there to do it, of course, because of the operations of section 122 of the constitution.

What happened when a state, Victoria, stumped up and said, "Gee, that is good legislation that the ACT parliament has introduced, debated and passed. Let's replicate it?" There was no threat to Victoria that the commonwealth would in some way seek to intervene to render inconsistent the Victorian human rights act, based absolutely, as it is, on the ACT's legislation. If any state chose to pursue the civil unions legislation which the Assembly introduced and passed but which was then overturned, there would be no suggestion of intervention. The commonwealth would not pursue the matter constitutionally. We all know that the commonwealth would not seek to have it rendered inoperable as a result of inconsistency with the Marriage Act because they know they would lose.

To the extent that this motion is regarded by Mr Stefaniak as a stunt, or alleged to be a stunt, by Ms MacDonald and the government in its support for the motion, one might equally respond that the commonwealth is here engaging in a range of stunts. It chooses the commonwealth Liberal Party's political position on issues to posture, to beat its chest, and to show its opposition to issues such as civil unions legislation as a simple philosophical, ideological position of opposition which might be utilised, with a bit of luck, to wedge the federal opposition on a difficult and potentially divisive social and political issue such as respecting the relationships of gay and lesbian couples within this community.

That is the stunt and it is an odious stunt. It is an odious stunt to the extent that our democratic right would be impugned for the sake of political posturing around a potentially divisive issue such as an issue involving a minority and, more often than not, a marginalised minority within this community and within the broader Australian community, namely, our decision to respect and to be prepared to celebrate the relationships of gays and lesbians.

That is the stunt and it is an odious stunt. It is odious to the extent that any parliament or any political party would seek to further marginalise a marginalised group for the sake of a political position when it is none of their business. It is no business of the commonwealth parliament what this parliament decides to do in relation to the recognition of the relationships of gays and lesbians. It is none of the commonwealth parliament's business. They made it their business because in the first instance they wanted to posture around their so-called support for marriage and, in order to show how strong and muscular they were on that issue, they sought to further marginalise a marginalised minority within our community. That is the stunt.

You can restrict this debate to that, but at its heart—and I am sure it is a position that the Liberal Party is not prepared to stand and oppose—the people of the ACT have every right to expect that every member of this particular Assembly will fight to the death for their democratic rights. Members opposite, by not supporting this motion, are sending the signal that they are all for democracy, but wish to make a few exceptions to that. That is what they are doing. They are saying, “We are here as the democratically elected representatives of the people of the ACT, but we are prepared to trade away this or that little bit of your democratic right where it does not suit our particular philosophical position.”

I used previously the example of euthanasia. I am one of those that does not support euthanasia. I do not support it. It is not a position that I have spoken about publicly, but if somebody were to introduce into this parliament—were we able to do so—legislation to legalise euthanasia in the Australian Capital Territory, I would oppose it. But I will not have the opportunity to do so. I, as the Chief Minister of the Australian Capital Territory, I, as a democratically elected representative of all the people of the Australian Capital Territory, cannot vote on a subject of some public importance. I do not have the capacity because the commonwealth has decided that we cannot be trusted.

The rest of Australia can be, except the Northern Territory and the Australian Capital Territory. New South Wales can be trusted, Tasmania can be trusted, South Australia

can be trusted, but the ACT cannot be trusted. According to the commonwealth, Canberrans do not deserve the same democratic right, authority and respect as the rest of Australia; they cannot be trusted. I oppose euthanasia, but I should have the right to debate it. I should have the right to represent the people of the Australian Capital Territory on this issue. I should have the right to represent the views of people in this community on this issue.

If members of the Liberal Party, the opposition, in this place do not support this motion, they are saying that they agree that the people of the ACT are second-class citizens, that they accept the judgment of the commonwealth that they cannot be trusted on some issues. Those are issues, of course, on which the commonwealth can decide we cannot be trusted. We cannot be trusted on euthanasia. We cannot be trusted on gay and lesbian relationships. There was a suggestion we could not be trusted on human rights generally. We cannot be trusted on the criminal law. They have selected one aspect of the criminal law. But let's not elevate that. We are talking about amendments to the Crimes Act to deal with terrorism. It is just another aspect of the Crimes Act. The commonwealth is saying that the people of the Australian Capital Territory cannot be trusted on the Crimes Act. That is what it is saying and members opposite cannot walk away from that. They must support this motion. (*Time expired.*)

MR MULCAHY (Molonglo) (11.41): The abiding message and basically the theme that comes through this debate—it was interesting to hear what was just said by the Chief Minister and the former Attorney-General—is that there should be unfettered power for this legislature, that the legislature should not be accountable and that there should not be any constraints whatsoever. We are told that as democratic representatives we should, if we so wish, be able to do what we like on any issue. One might well argue that people on the Queanbeyan council might feel that their roles are constrained and that they ought to be able to do what they like too. If you apply that line of logic to the whole system you could argue that we should toss out the checks and balances.

I support the first elements of the motion but I do not support the third. I support Mr Stefaniak's amendment. The first two points of the motion are probably not really necessary. The commonwealth executive does recognise the Assembly and respects the rights of the ACT. We pass and enact legislation with regularity. Since the election in 2001 we have seen this government put in place laws and provisions that directly impact on and control the lives of the people of the ACT. But it is important at the outset to recognise that the Australian Capital Territory is just that: a territory, not a state. We do not have the same powers as a state. I know that this fact irks some of those opposite but this arrangement was put in place to check the power of the Assembly. At the federal level and in most state jurisdictions the legislature contains an upper house and in a sense this provides an additional check on the legislature and the government of the day. Proportional representation in the upper house of the federal parliament means that minor parties, such as the Greens, which represent the fringe of society can achieve representation and check the power of the government of the day.

One could mount exactly the same argument in respect of the House of Representatives, which is democratically elected on a population basis. Why should anybody have ultimate power to override the House of Representatives? If you apply

the same line of logic that is contained in the motion you would be saying that we should get rid of the Senate and the Governor-General—the whole lot. But, of course, that line of logic does not work when applied to the commonwealth because such an outcome would not suit those opposite.

The premise of democratic governance in Australia is a system of checks and balances. I was staggered to hear a former Attorney-General say that this does not exist anywhere else but the ACT. I have to draw attention to the fact that there is a power of disallowance in the text of the parent instrument of every single polity in the Australian federation, not just the ACT. Indeed, it exists in section 59 of the Australian constitution, which states:

The Queen may disallow any law within one year from the Governor-General's assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known.

By convention this has not been enforced or applied. Conventions have developed around these rather textual provisions—the flesh on the bones, as it were—in the traditional way that Westminster derivative government operates. As a result, the power of disallowance of the Queen or her representative has rarely, if ever, been used in Australia. However, this is only as a result of convention, and the beauty of this is that there is flexibility in terms of the actual functioning of a polity, depending on its particular nature.

When we consider the particular of the nature of the ACT as compared with all the other Australian legislatures, we know that the territory is quite distinctive because it is the place within which the commonwealth parliament sits. An important point flows from this difference. Any legislature with control over the ACT could potentially control the commonwealth parliament, which sits within the territory. Surely Labor can see that it is contrary to any notion of democracy, no matter how vague, that the constituents of the ACT could potentially control the parliament which legislates for the whole of Australia. The result is that the commonwealth must have some supervisory role over any ACT legislature in order to preserve its independence and cut off the possibility of an ACT legislature, the local legislator of the ACT, holding the rest of Australia to ransom. So there are eminently logical reasons relating to the good governance of Australia that make it essential that these provisions exist.

I found it extraordinary that Mr Corbell should say that it is 300 years since an unelected person overturned a law made by a democratically elected legislature. I do not know if the Attorney-General has forgotten anything about the separation of powers and the role of courts. I am quite well aware that a week ago the Labor Party in this place was hoping against all hope that the High Court of Australia would overturn one of the democratically passed laws of this nation. How can they subsequently say that the unelected officials who make up the High Court, who may ultimately have the capacity to disallow a law, should be disregarded? The fact is that Mr Corbell said there should be absolutely no control once a law is passed though a house of parliament—or an assembly in this case. He talks about things being constitutionally suspect. I have talked about the provisions that exist at the

commonwealth level and in all the state jurisdictions. We do have checks and balances in Australia and they are there for good reasons.

The system of checks and balances means the three tiers of government in Australia—the executive, legislature and judiciary—work independently of each other to balance decisions and ensure that none operates beyond the reaches of its power. We have constantly seen efforts to try to blur opposition to the civil unions legislation. We are told that it is all some political or social agenda that has been driven by the Howard government. It is not really relevant what John Howard's personal views might be on these matters. The fact of the matter is that, whether you accept it or not, what prompted these events was the belief that this Assembly had passed legislation that may have been in conflict with commonwealth law. As was pointed out in documentation that we saw and was published, this is what activated the response by the commonwealth. It was not simply a case of saying, "I don't like that particular law."

You may argue with the constitutional legal advice that was presented—and that in itself can be a debate—but you have to accept the fact that this was based on this legislature going beyond its scope. For that reason, you have to have checks and balances; we have the capacity for people to go to the courts and seek to overturn legislation that we pass. We do not have a situation where we have a totalitarian state and the majority in this institution can decree what will happen. We have checks and balances in the system and they are very important if we are to preserve the democratic system.

We saw the circumstance in 1975—which members opposite and their colleagues keep reviving—where Australia was threatened with a scenario in which appropriations would be denied to the then government. The government of the day declared that they would bypass the parliament and secure funds from financial institutions. Whether you like it or not, after exhaustive attempts to secure a budget, the appropriate check was brought into play and this led to the deadlock being broken. Indeed, it is interesting to note—and this also seems to have been forgotten—that at the next election the people of Australia delivered a 55-seat majority to the incoming government, which, as unpopular as it may have been to some people, must have been a pretty clear indication that democracy came into play and this vindicated and confirmed the appropriateness of that decision.

I do not in any way suggest that we should stifle the representative quality of the ACT legislature but we have to recognise that there are checks on our role here as elected representatives and as a legislature, and that there are checks on the government of the day. These are powers that need to be exercised appropriately. We need to accept the fact that, while the ACT government does have the power to legislate, the commonwealth's executive power to disallow legislation serves as a check on that power. These checks and balances are a foundation of our political system.

I am sorry that Dr Foskey has left the chamber. I find it absolutely extraordinary that the Greens would come in here and talk about overriding legislatures. As a young person I saw Dr Bob Brown advocate that the Australian government override the Tasmanian parliament in the Franklin River case by going to the High Court of Australia and defying the democratic wishes of the elected Labor government of that

state. Is it not funny that when it does not suit your political agenda, you change your tune? Of course, Dr Brown, who started out by sitting in his tent on Mount Wellington protesting about Americans, picks the cause of the day that happens to be popular and suddenly changes the story. So in the 1980s he was opposed to a state government's democratic rights but as soon as it comes to his own pet issues he suddenly stands up for the rights of the legislature.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (11.51): I rise in support of Ms MacDonald's motion and to oppose Mr Stefaniak's amendment. We thank Ms MacDonald for bringing this matter before the Assembly. It has given members the opportunity to discuss a variety of issues. We seem to have traversed federalism, mandate theories of government, the rights of our fellow territorians and issues in relation to Australia's firm need to become a republic.

Let me respond to some of the issues that Mr Mulcahy has just raised. He mentioned section 59 of the constitution and a desire to see the Queen being able to overturn legislation on the basis of it being a check and a balance. That provides an interesting insight into where Mr Mulcahy sees his true spiritual and political home. His view seems to be drawn not from being a democratic representative of the people of the ACT but from harking back to what can only be described as anachronistic power and a doffing of the hat to—

Mr Mulcahy: So as a minister of the Crown you do not uphold the constitution of Australia?

MR BARR: I believe—and I am happy to put it on the record—that Australia should be a republic and that the ACT Legislative Assembly performs an admirable role as a model republic, if you like. The fact that we do not have a governor or an administrator serves to show that in this country it is possible to have such arrangements.

But let me get back to the key issues that Ms MacDonald has raised in her motion. What we are seeking to do—the issue Ms MacDonald has raised—is look specifically at the power where the Governor-General, having been called by the executive to do so, can disallow any act that has been enacted by the Legislative Assembly. I believe—again, I will put it on the record—more broadly that there is a need to reform the self-government act in a whole range of areas, be it in relation to euthanasia or in relation to policing in the territory. There is a whole range of areas where, 17 years into self-government, I believe that we can have another look at the self-government act. There is one area where I think that is particularly the case. It has been highlighted through the use of that particular power of the self-government act to overturn the civil union legislation. What we are really debating today is a need for that particular power of the Governor-General to be removed. Obviously it is not within the purview of this Assembly to remove the power. It is something that we need to refer to the commonwealth parliament.

In putting forward this motion, Ms MacDonald has sought to highlight this particular issue. I believe it is one that deserves greater attention, perhaps as part of a broader review of the self-government act. But as a minimal first step, this particular part of

the act should be removed. I am very happy to support the motion and will be very happy to see some action federally.

What has brought the issue into sharp focus for the people of the ACT is the use of this power to overturn the Civil Unions Act. The result was a moment of great sadness for the ACT community, particularly for a number of members within that community who fought so passionately and for such a long time to see their relationships recognised.

In the Senate, through the disallowance motion, there was at least some opportunity for the upper house of the commonwealth parliament to debate this issue. It is interesting to look at what Senator Humphries had to say in his speech at that time. Those opposite have accused us of pulling a stunt and seeking to target Senator Humphries. As I have said to him privately, I admired his stance in crossing the floor. It is a pity that there were not a few more Liberals who privately agreed with the decision and the democratic act of this parliament and also with Senator Humphries. It is a pity that there were not a few more federal Liberals who had the courage to do what Senator Humphries did.

Let me turn to Senator Humphries' speech on the disallowance motion. It is worth quoting a small part of it in the time I have remaining. Mr Humphries said in the debate that the Chief Minister, Jon Stanhope:

... won a clear majority in the 2004 election and became only the second government in the 17 years of self-government in the Australian Capital Territory to have such a majority ...

There is a bit of semantics there as to whether the first majority government was in fact drawn from a number of parties, but let us put that aside. Senator Humphries went on to note that, with Tasmania, the ACT has the fairest electoral system in the country. He said:

I also acknowledge that Jon Stanhope went to the 2004 election with an explicit promise to legislate to recognise in law relationships between people of the same sex and to remove legal discrimination against gay and lesbian territorians.

And here the democratic process—which of course was conferred on the ACT 17 years ago by this parliament—

the commonwealth parliament—

provides a clear formula for what happens next: the ACT government is entitled to pass laws, in an area of its legislative competence, to effect an explicit promise made to the ACT community.

Senator Humphries continued:

I am familiar—as we all are—with that formula. It was the same formula that allowed me to present and pass many bills as a minister in the ACT Legislative Assembly over many years. It was the same formula that allowed me and many of my federal colleagues to rise in this place—

the Senate—

and to speak and to vote for the WorkChoices legislation and for many other reforms that the government—

the commonwealth government—

had promised in the 2004 federal election campaign.

Senator Humphries went on to say:

It is a fair process. It is well understood by the community and reflects a long tradition in Australian public life.

Senator Humphries said that he believed the federal government's decision to use this particular power in the ACT self-government act to revoke the Civil Unions Act was a distinct repudiation of that process. In closing, Senator Humphries said that, in short, whilst some may not agree with the ACT's legislative choices, they have an obligation to respect them where they are democratically made.

This is at the heart of the matter that Ms MacDonald has raised. This particular aspect of the self-government act is odious. Regardless of what we might personally think of the Governor-General and the particular decisions that he was required to make by the commonwealth executive, that power is not one that the Governor-General should have. I strongly support the removal of that power from the self-government act and I thank Ms MacDonald for raising this matter today and providing an opportunity for debate on what I believe is an odious part of the self-government act.

MS MacDONALD (Brindabella) (11.59), in reply: I sincerely thank all members for their contribution to the debate. That is what I believe all parliaments are elected to do—to have the conversation and to debate the issues of importance. As I said at the start of my speech, the right of this parliament to make laws and know that they will not be overridden by somebody who is not elected is a seminal issue; it is the central issue for this place.

Mr Stefaniak moved an amendment. He started by giving us a history lesson on how the ACT came about and about its creation being a money-saving exercise. I do not doubt that, Mr Stefaniak. I am quite positive that there was a small amount of that in there. I was not born and bred in Canberra, but I have lived here for coming up to 12 years. I am a willing resident of the ACT. I think it is a great place to live, and I say that having lived in the biggest city in this country for all of my youth and in my early twenties.

But, while that may have been the reason—or one of the reasons—for the establishment of the Legislative Assembly, this place has matured. We should have the right to make our own laws without fear of them being overridden. Mr Stefaniak moved his amendment. My colleague Mr Gentleman says that the opposition is quite happy to talk about it but they do not want any practical action. I think that is what the amendment does. It says, "We respect the rights of the ACT to actually exist, but if we do not like what you say then we are going to override you anyway." By calling

on the federal parliament to get rid of this power, that is what we are talking about. I think that matter was also addressed in Mr Stanhope's comments when he talked about people of the ACT having the right to expect their elected representatives in the Assembly to fight to the death for democratic rights. The issue shows the contempt of the federal parliament.

There was a comment that these threats are not perpetrated on the states because the commonwealth cannot direct the Governor-General to override state legislation. It cannot do that. It can do it only to us and to the Northern Territory. As mentioned by Mr Stanhope, we saw that happen in the history of this federal government, the Howard federal government, with the issue of euthanasia. The federal government made threats about the issue of the Human Rights Act. With the antiterrorism legislation we were concerned that the federal government would do the same thing it did with the Civil Unions Act. There is a concern. That is why I said at the beginning that all members in this place should be concerned.

Dr Foskey asked what would happen if the boot were on the other foot and a federal Labor government overturned legislation made by a Stefaniak Liberal government; would you not be outraged then? I think I would be outraged, Mr Stefaniak, if that were the case. I do indeed think that I would be outraged. In fact, I am quite positive of it.

Dr Foskey said that she felt as though she was a bit player in this argument. I am sorry that Dr Foskey feels that way. I said at the beginning that I looked forward to listening to the views of all members. I did listen to all of the views put forward in this place today, except for those of Mr Barr. I had to be out of the chamber during his speech, but I am well aware of his views. I do not agree with the views of all members; that is why I am standing up here and refuting those views. Dr Foskey, I am sorry that you feel that way, because I do value the comments that you made—

Dr Foskey: This is a joke. Come on. Get over it.

MS MacDONALD: I do value the contribution that you made. I totally agreed with the comment that you made about what would happen if the boot were on the other foot. Dr Foskey, I think you need to keep in mind that, while the history of this place has been that people on the cross bench have a greater say in this territory than they would in other parliaments, that has—

Dr Foskey: Sometimes they have had the balance of power too.

MS MacDONALD: That has been the history of this place. The fact is that the Greens in this place and other places are still a minor party. While you may feel as though you are being treated like a bit player, the fact is that you are one of the minor parties. I do not say that disparagingly, Dr Foskey.

Dr Foskey: It is all right. I can get over it too.

MS MacDONALD: That is good. Let me turn to Mr Mulcahy's comments, which I found particularly interesting. He said that the ACT Assembly should have unfettered power and not be accountable. Who is the Governor-General accountable to, Mr

Mulcahy? Who elected the Governor-General? I do not remember Mr Mulcahy electing the Governor-General. I do not remember any of the residents of the ACT voting for Philip Ruddock. He was not on the ballot papers in this town; nor was John Howard on the ballot papers.

Mr Pratt: Nor was Kirby.

Mrs Dunne: Nor was Mr Kirby, Mr Callinan or any of those people. They can all override the legislation.

MS MacDONALD: That brings me to Mr Mulcahy's later point about challenges in the High Court with WorkChoices and the Franklin dam case. It seems that Mr Mulcahy has something against camping as well.

Mr Seselja: Go on, address the substantive point.

MS MacDONALD: Thanks, Mr Seselja. If I am looking for debating tips I will not go to you, Mr Seselja, thanks very much.

MR SPEAKER: Order. This is not a conversation; this is a debate.

MS MacDONALD: Yes. Thank you, Mr Speaker. I apologise for being disorderly and responding to their interjections. The difference between the High Court and the Governor-General is quite marked. We are talking about a bench of judges with years of constitutional law experience who are looking at the constitutionality of legislation versus the federal government saying, "No, we do not like this legislation, so, Governor-General, we would like you to overturn it." That is the difference, Mr Speaker.

I am just trying to see if there is anything I have missed, as I have jumped all over the place with my responses. I go back to the point that I started with. This is a central issue. This is the central issue for this place. It is about our rights. The people of the ACT elected us to this place. Whether we are on the government benches, the opposition benches or the cross benches, we were elected to represent those people and put their points of view forward here. We were elected to do that. We should fight to the death—we should fight tooth and nail—for that right, because it is imperative. What we are talking about is the thin end of the wedge. If we do not fight for that right here, where does it stop, Mr Speaker? I commend the motion to the Assembly.

Question put:

That **Mr Stefaniak's** amendment be agreed to.

The Assembly voted—

Ayes 7

Noes 10

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

Question so resolved in the negative.

Amendment negatived.

Standing orders—suspension

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

That so much of the standing orders be suspended as would prevent the Assembly proceeding to a vote on notice No 2, private members' business.

Question put:

That **Ms MacDonald's** motion be agreed to.

The Assembly voted—

Ayes 10

Noes 7

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

Question so resolved in the affirmative.

Motion agreed to.

Schools—closures

MRS DUNNE (Ginninderra) (12.14): I move:

That this Assembly:

- (1) notes the contribution made by ACT preschools to early childhood education;
- (2) recognises that preschool education in the ACT has always been provided via a unique and historic collaboration between government and individual parent associations;
- (3) further:
 - (a) recognises that individual parent associations are an essential prerequisite for the establishment and operation of preschools in the ACT; and
 - (b) notes that the current proposal called *Towards 2020* proposes to make small savings to the education budget by closing 22 of the ACT's preschools;

- (4) declares that the ACT Government has made the proposals in relation to preschools with little understanding of their unique governance situation; and
- (5) calls on the ACT Government to suspend all proposed closures and/or amalgamations of preschools until relevant governance and structural issues have been explored and the legality of the proposed actions has been clarified.

Mr Speaker, this motion goes to the heart of family life in Canberra suburbs. It is an exceedingly important matter because of the importance of preschool in the early childhood years and in the process of early childhood education. The minister, to his credit, has spoken at length about the importance of early childhood education and says that the proposal *Towards 2020* has an emphasis on early childhood education. This is an area which has perhaps been under explored and under examined for many years; it is time that Australia, and the ACT in particular, came into the 21st century when it comes to early childhood education.

In many ways, when you look at how Australia performs in educational comparisons across the world, we do fairly well. But we do not do as well as some of the countries that have a considerable emphasis on early childhood education. Here and in other places people have mentioned figures on the amount of investment that you do in the early childhood years and how that can create savings further down the track. This is especially the case for children who are in some way socially disadvantaged. For those children, early intervention will mean that they have a reasonable start in life and can capitalise on their school education and use their education as a means of overcoming the disadvantage that they might find themselves in. That is especially the case for those who are faced with economic disadvantage, poor housing and the like.

When we look at the progress of the Scandinavian countries in particular, especially Finland, we see that significant contributions are made to early childhood education, which is not compulsory, but which provides access to early intervention for children in need and which has a guided structure that feeds into the later schooling system. There is much to be learned from this. There is much in *Towards 2020* that contains the germ of some good ideas about early childhood education. But, as with almost everything in *Towards 2020*, such passages are so vague and so overshadowed by suggested disadvantageous changes that it is hard for us to see whether the minister is capable of making progress on early childhood education through the structure that he has proposed.

As with everything about *Towards 2020*, if the minister had come out and said that, as a community, we should find a new and better way of delivering early childhood education for the benefit of the whole community, we could have had a discussion about that and the ways in which it might happen. We have under way some trials of the way in which we integrate preschools and primary schools. These trials have been going on for two years or so, but there has not been very much change or real innovation in those areas. Yet what we see as a result of *Towards 2020* is that by 2008 almost every preschool in the ACT will in some way be compulsorily subsumed into the neighbouring primary school. There will hardly be a freestanding preschool left in the territory.

That raises significant concerns about the model of preschool education being used. It also raises some particular concerns. The issue I want to deal with first and foremost is the impact that this has on families. The people who are sending their children to preschool are by and large young people with young children. I am particularly concerned about the situation when it is someone's first child going into preschool. What we are seeing, more often than not, are single income families in the suburbs struggling to make ends meet—usually with one car, because more than one car is not economically viable for them. What the Stanhope government proposes to do is take away the preschool within walking distance of their home. The social cohesion of the suburb that arises from the interaction of preschools and the playgroups that operate in preschools will substantially disappear.

For a long time now we have had a policy in the ACT—which has been supported by successive governments—that we had a sort of cut-off point for the viability of preschools. That was about 17. We have never had a discussion in the context of this policy or any other policy as to whether that is an appropriate number. There has been general acceptance that a preschool with about 17 people was viable. If you fell below that, you were at risk of closing. There was a process for doing that. You suspended the preschool for a year or so; if you could not get the numbers up, there was a possibility of the school closing and being divested of its property.

We have had a complete turnaround without any consultation. Suddenly preschools with up to 50 children are being considered to be no longer viable and are going to close. For instance, this year Gilmore preschool has 47 children in it, but this minister wants to close it. We have been given no reason why a preschool that runs two units—a full-time preschool with close to 50 children in it—should close. Then there is Weston Creek preschool. Again, a preschool with enrolments approaching 50 children is closing. And there is no explanation for this.

There are other preschools that are very low in numbers, Causeway being the most obvious one. I do not think the community would have a problem with a discussion about whether some preschools should close, but we are talking about the wholesale closure of the Causeway, Chifley, Cook, Flynn, Gilmore, Giralang, Hall, Higgins, Holt, Isabella Plains, Macarthur, McKellar—both Macarthur and McKellar being freestanding—Melba, Mount Neighbour, Page, Rivett, Tharwa, Village Creek and Weston preschools. Why are all of these preschools, some of them quite large, to close?

In addition to the preschool programs, some schools have quite viable and community-developing playgroups that run with them. Sometimes they have spare capacity that has been turned into childcare. Take, for example, Evatt preschool. It runs about 50 children through the preschool. Half of the preschool has been divided off and is an extension of the local community-based childcare centre. If the children in the community-based childcare centre attached to Evatt preschool are dispossessed because this minister wants to consolidate preschools, we will have a real problem. Firstly, there is a problem with the viability of the community-based childcare centre. Secondly, where are parents who have children there going to find appropriate childcare? These are some of the unintended consequences of the ill-thought-out *Towards 2020* proposal.

Another issue that this government has not got its head around—and we saw it in question time yesterday—is the unique governance that exists in ACT preschools. Over the last few months, the Canberra Pre-School Society has provided the government with considerable information about the unique structure of preschools in the ACT. This is not to deny that the structure may need to change, but the issue has not been taken into consideration by this government.

Essentially, preschools in the ACT cannot be established unless there is a functioning parent organisation. The last time that the ACT established a preschool was in the case of Amaroo—very recently; 2003, I think. What happened before that preschool opened was that letters went out to the community. The letters were sent by the Canberra Pre-School Society, not by the government. They said, “We are looking to set up a preschool in your suburb. Do you want to come and find out about it? Do you want to join?” The first thing that people have to do is create a preschool society—a parent-owned, incorporated organisation. That body has to raise a certain amount of funds before the government will start a preschool.

If the government wants to change that policy, well and good; it should talk about the matter with the community and change it. But as things currently stand, every preschool established in this territory—up to and including Amaroo preschool just three years ago—is established under a unique and cooperative arrangement between the ACT government and the parents. The ACT government—and, before that, the Department of Territories and the Department of the Interior—provides the building and the teacher; the parents provide every other item in the school. The playground equipment, the carpet, the toilet paper, every pot of paint, every puzzle, every book, every sheet of paper, every computer program, every grain of sand in the sandpit—all are provided by the parent organisations.

When the parent organisation builds a sandpit, puts up a shade structure or puts up a climbing gym in the playground, the territory takes possession of that because it is a fixed asset. But, in every preschool in this territory, every grain of sand in the sandpit has been provided by parents. This minister does not understand. Yesterday in question time it was quite clear that the minister and his officials had not thought through the implications of the fact that in all of these preschools there is a huge inventory of items that are not owned by this government but are owned by individual parent organisations.

If this minister closes these preschools at the end of the year, he cannot close down the parent organisations. They may not be closed down, because they own all this property. They are all incorporated organisations and they have a responsibility to the Registrar-General to keep the organisation going until they can wind it up. At the end of this year, if this government and this minister get their way, we will see 18 preschools wanting to dispose of their inventory at once. That is an awful lot of pots of paints, puzzles, library books, rolls of toilet paper, bits of software and other things that are going to be out there for someone to acquire. It is going to be great for some communities, who will be able to pick things up quite cheaply, but there is going to be a flood of this sort of stuff on the market.

In addition, we do not know what will happen to all the shade structures and play gyms that these communities have bought. Yesterday the minister could not answer the question as to whether organisations would have access to school buildings so that they could take possession of their inventory after the schools closed and, if so, for how long. What is the arrangement whereby this minister will help the organisations to wind up their affairs?

What this motion asks for—and what the Canberra Pre-School Society has asked the minister for—is a stay of execution. It is needed so that the community can work out the complicated government structures and find a way through, so that we can create a situation in the future where we have functioning preschools that work in concert with both government and non-government primary schools.

There are considerable concerns that this minister has not addressed. For instance, in 2008 Evatt preschool will combine with Evatt primary school. Will there be two parent bodies? There almost certainly must be unless we change the governance structure of preschools. There still must be a preschool body to run and look after the inventory and the assets of the preschool. That will be the case irrespective of whether the administration is changed and the principal of the primary school becomes the principal of the preschool. We are going to have the crazy situation where a primary school principal is essentially going to have to be accountable to two P&Fs. The minister has not thought about the implications of this.

The Canberra Pre-School Society and other people interested in preschools have raised these issues with the minister, but he does not have any answers. Until this minister has answers, there should be no changes to the current structure of preschools.

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

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice

Planning—EpiCentre lease

MR STEFANIAK: My question is to the Minister for Planning and relates to the EpiCentre legal advice. Minister, yesterday in the Assembly, in answering a question from me in relation to advice from the ACT Government Solicitor, you stated: “I am not aware of that advice.” You subsequently told the media that you had previously seen the advice. Minister, which statement is correct—your statement in the Assembly or your statement to the media? When did you become aware of the advice from the ACT Government Solicitor?

MR CORBELL: It is important to put in context the question that was asked of me yesterday. The question to which I replied, “I am not aware of that advice” was in response to Mr Stefaniak when he said:

My question is to the Minister for Planning. It relates to the EpiCentre sale. Advice provided by the ACT Government Solicitor’s office to the government prior to the EpiCentre auction recommended:

... suggesting to the LDA that the auction be cancelled or postponed and undertaking a variation to the Territory Plan.

Mr Stefaniak then asked:

... why did you and your agencies ignore the advice of your own legal team and continue with the auction when there were clearly issues of concern surrounding it?

The advice that Mr Stefaniak tabled yesterday did not recommend unilaterally that that was the course of action that should be taken. In fact, the quote from Mr Stefaniak was only the second half of one sentence; the first half of that sentence indicated that ACTPLA and the LDA could advise bidders to rely on their own legal advice. There was a range of options presented by the government solicitor.

Mr Seselja: Did they know about the advice or not?

MR CORBELL: I will come to that, Mr Seselja. A range of options was presented by the government solicitor. They ranged from advising bidders to rely on their own legal advice to not proceeding with the auction and varying the territory plan. That was the range of options presented by the government solicitor. As members would be aware, the ACT Planning and Land Authority advised bidders to rely on their own advice, which is also consistent with the recommendations of the government solicitor. At no time was there advice from the government solicitor that said, "This is the option you should pursue." A range of options was put and ACTPLA took one of those.

When Mr Stefaniak asked the question yesterday, I took his question at face value. Perhaps I should not have. I have never been aware of explicit advice from the GSO that has said, "Do not proceed with the auction," because no such advice has ever been received. But that was the nature of Mr Stefaniak's question. On those grounds, I said that I am not aware of any such advice. And I am not aware of any such advice to that degree.

But I am aware of the advice tabled yesterday by Mr Stefaniak. I have seen that advice previously. As I have now explained, that advice presents a range of options to the planning authority. The planning authority took one of those options. But it is not the one that Mr Stefaniak referred to in his question yesterday.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Minister, given that you had seen the legal advice prior to the auction, did you personally instruct ACTPLA and/or the LDA to press on with the auction process?

MR CORBELL: No, I did not.

Canberra Hospital—methadone program

DR FOSKEY: My question is to the Minister for Health and is in regard to arrangements over the Christmas period and beyond at Canberra Hospital. I have been informed that the cut-off period for people wanting to access the buprenorphine

program at Canberra Hospital—buprenorphine being an alternative to methadone—is 6 December and that for six days over Christmas the program will be run by a skeleton team; a problem compounded by the team already being down two doctors and prospective patients having to wait three to four weeks to access the program. Minister, given that it is essential for opiate-addicted people to access treatment regularly and when they choose to do so, why are steps not being taken to ensure that this program is available over the often very difficult time of Christmas?

MS GALLAGHER: I thank Dr Foskey for the question. I am not aware of the service not being available over Christmas. I am not sure whether you are talking about new people to the program or existing clients of the program. There is obviously a range of ways that patients or users of the methadone program access their treatment, only one of which is through the hospital. Many of the people accessing the methadone program do so through arrangements with community pharmacies as well. I am not sure whether you can clarify whether you are talking about access for new clients or existing clients. Work force issues across the board in health are always an issue. I am happy to take some more advice on the program and how it runs over Christmas, but my understanding is that it will be running over Christmas for all the users of that service that go to the hospital every day for their treatment.

MR SPEAKER: Do you have a supplementary question, Dr Foskey?

DR FOSKEY: Yes, thanks. I might follow that up. Minister, I have also been informed that Canberra Hospital cannot take—

MR SPEAKER: Come to the question.

DR FOSKEY: appointments for 2007 because the computers are unable to deal with the new—

MR SPEAKER: Dr Foskey—

DR FOSKEY: What steps are being taken to remedy the problem that Canberra Hospital apparently cannot take any appointments for 2007 because the computers are unable to deal with the new date?

MS GALLAGHER: Is that linked to the methadone program?

Dr Foskey: It is linked to the arrangements at Canberra Hospital over Christmas.

MS GALLAGHER: So it is more a question across the board for all—

Dr Foskey: Yes, thank you.

MS GALLAGHER: I just do not think that is correct. Canberra Hospital is making a number of appointments for people in 2007. Whether it is something specific to the methadone program or it is across the board through outpatient clinics or whatever, my understanding is that there is no problem with 2007. I will come back to the

Assembly with more information on the first part of your question in relation to bookings for 2007 but I have not been advised of any problems related to the new date.

I am aware of problems with PAS, the implementation of the patient administration system, which has had problems with booking arrangements, and some areas have had to implement manual booking systems to deal with some of the problems, although I think the last of those areas will be addressed in the next couple of weeks. Whether it is done manually or through the computer, there should be no reason why bookings are not being made for 2007.

Hospitals—overcrowding

MR SMYTH: Mr Speaker, my question is to the Minister for Health. Minister, according to the Impacted website run by Canberra hospital emergency department staff, the internal disaster plan was activated by hospital staff as a last resort earlier in November when the emergency department was unable to process any new arrivals due to overcrowding. As if this situation was not worrying enough, hospital management then “quickly overrode and cancelled the internal disaster plan—hush, hush, we don’t want anyone to know we are not coping”. Minister, why are staff in the emergency department not coping?

MS GALLAGHER: We have had a discussion in the Assembly in the past week where I certainly have spoken about how busy the Canberra hospital has been over the last six weeks, and there are a number of reasons for that. The pressure that the rest of the hospital is under is being felt in the emergency department because there has been access block in the hospital. As I said last week, the discharges through the hospital are down quite considerably for this time of year, particularly if you look at it month by month. We have a number of long-stay patients. The access block is particularly relevant to people over the age of 75 and the emergency department is feeling the stress of that.

My understanding is that when management, in line with the protocols that exist, went to investigate or respond to code yellow, which is the internal disaster mechanism, that was called last week by the emergency department staff, it was overturned fairly quickly. Certainly, the advice to me was that the emergency department was under stress but it did not qualify for a code yellow that it had been incorrectly called and that the issues were addressed very quickly across the hospital. I think that was on Wednesday last week.

I have had a look at the Impacted website. I look at it from time to time because I think it is an area from which you can certainly get an insight into the views of nurses. There is quite a bit of change going on in the emergency department. I notice there is a bit of criticism on that website about the implementation of team nursing, and that could have been contributing to the stress, because in the last couple of week nurses have moved to a team nursing model. Before this regime was implemented, my advice from a nurse in the emergency department was that this was going to be a very positive change to how they dealt with patients in the emergency room. I can now see that a couple of weeks on there is some criticism of that regime so I think we have to look at that.

I am taking further advice on the staffing levels within the emergency department to make sure that all positions that can be filled are filled, particularly in respect of nurses. I think there are some vacancies for a couple of doctors down there. We need to make sure that we are discharging patients and getting a flow through the hospital. It seems to me, from all the analysis I have looked at over the past week or so—and I have looked very closely at this—that enormous pressure is placed on the emergency department when the rest of the hospital is, in a sense, gridlocked, and that is why staff are feeling under pressure. I acknowledge that pressure and we will do everything we can to make sure that we are alleviating that stress. But it is a high-stress environment. It is, I think, difficult to say that we will be able to address all of their issues but we will certainly be working hard over the next few weeks on the ones around staffing and better flow through the emergency department.

MR SMYTH: Mr Speaker, I ask a supplementary question. Minister, you just informed the Assembly—

MR SPEAKER: Come to the question.

MR SMYTH: that the administration staff went and checked and then cancelled the code yellow.

MR SPEAKER: Come to the question, Mr Smyth.

MR SMYTH: According to the site, they did not come out of their ivory tower.

MR SPEAKER: Order! Mr Smyth, come to the question or I will sit you down.

MR SMYTH: The question is: Minister, did the administration staff check and go to the ER before they cancelled the code yellow, or did they just do it from their ivory tower?

MS GALLAGHER: I will check on that. The way I read the information provided to me was that they had attended the emergency department and, in discussions with staff, overturned it. But I am more than happy to come back and make sure that the answer I give is correct. Certainly, from the information that I recall which I was given on the day, they had attended the department. I am not sure what level of staff that was so I will certainly come back and tell you by the end of question time today.

Economy—management

MS MacDONALD: My question is to the Chief Minister and Treasurer, Mr Stanhope. Could the Chief Minister, in his capacity as minister for economic development, please explain how the chamber of commerce and industry's latest business expectation survey demonstrates a high level of confidence in the management of the ACT economy by the ACT government?

MR STANHOPE: It is a great pleasure for me to explain the latest results from the ACT and Region Chamber of Commerce and Industry's business expectation survey of October for the previous quarter. Indeed, it is probably relevant at the outset to

preface the answer by repeating comments made by the chief executive of the chamber, Mr Peters, in which he indicated that of the nine years in which he had been associated with quarterly expectation surveys of his members the one for the September quarter this year was easily and unequivocally the most positive report that had ever been achieved in relation to business outcomes and expectations in the Australian Capital Territory.

Mr Mulcahy: Have you written to John Howard to thank him?

MR STANHOPE: The one issue on which Mr Peters did not comment and on which I would perhaps have welcomed some commentary from Mr Peters goes to some of the interjections being made now; that is, on the four interest rate rises which the federal Liberal government promised in their last election campaign would not occur, a campaign joined most vigorously by a senator for the ACT, Senator Humphries.

An average ACT mortgage of about \$300,000 will, over the life of the mortgage, cost Canberra families, on average, \$74,000. That is a particular issue that I might address with Mr Peters when next we meet. The Liberal Party/Gary Humphries legacy or contribution to the economic wellbeing of individual families within the ACT has been a mortgage bill of an extra \$74,000 over the term of their mortgage. That is just for an average mortgage—over \$2,000 a year, over \$100 a pay. That has been the Liberal Party's contribution to the economic wellbeing of Canberrans.

It is pleasing for me to be able to report on the amazingly positive responses to the last chamber of commerce business expectation survey. The numbers are quite staggering. Sixty-four per cent of the businesses surveyed expected the ACT's economic performance to continue at its current level or to be stronger in the next quarter. There were some absolutely staggering results from the survey.

Mr Mulcahy: You do it without a smile.

MR STANHOPE: You cannot walk away from these numbers. One hundred per cent of all businesses surveyed by the chamber of commerce experienced stable or improved business conditions in the September quarter. No business surveyed reported a downturn in business or business confidence.

Mrs Burke: You are taking all the credit.

MR STANHOPE: I am just reporting what businesses in Canberra are saying. I am simply reporting what people are saying; that is, that 100 per cent of the chamber of commerce businesses surveyed experienced stable or improved conditions and expect the same in the next quarter.

Turning to the next question, 100 per cent of the businesses are expecting stable or improved conditions for the December quarter. For the September quarter, 76 per cent of all businesses in the ACT reported an increase in profits: 76 per cent of all businesses surveyed by the chamber of commerce increased their profit in the September quarter and 83 per cent of all members of the chamber of commerce expect to increase their profits in the December quarter. Seventy-six per cent of all businesses increased their profit in the September quarter and 83 per cent of all

businesses expect to do it again in the next quarter. Those are truly remarkable expressions of confidence in the ACT economy.

The employment performance of survey respondents was again very strong, with the actual results for the September quarter showing a significant rise in employment. Ninety-two per cent of all members of the chamber of commerce surveyed increased staff in the September quarter. Just reflect on that: 92 per cent of all members of the chamber of commerce increased staffing levels in the September quarter and none reduced staff. So 100 per cent increased staff or retained existing staff. On top of that amazing performance of 92 per cent of the members increasing staff, 85 per cent of all members of the chamber of commerce expect to do it again in the December quarter. Just reflect on those achievements. (*Time expired.*)

MS MacDONALD: Mr Speaker, I have a supplementary question. Are there any other signs which demonstrate the ACT government's commitment to ensuring the continuing strength of the ACT economy?

MR STANHOPE: Certainly. In addition to the survey of the members of the chamber of commerce and the ringing endorsement of the chief executive officer, Chris Peters, of the environment within the Australian Capital Territory reflected in those numbers which I have just reported, all businesses in the ACT surveyed by the chamber experienced stable or improved conditions; all businesses expect stable or improved conditions to continue over the next quarter; 76 per cent of all members of the chamber increased their profits; 83 per cent of all members of the chamber expect to further increase their profits in the next quarter; 92 per cent of all members of the chamber of commerce increased the numbers of staff employed in the last quarter; and 85 per cent expect to increase the numbers of staff in the next quarter.

Those are truly remarkable achievements by the businesses of the ACT. They need to be congratulated for their faith in the territory and for their commitment to continue to invest and to continue to assist the ACT. But there is a range of other external indicators of the extent to which the ACT economy, particularly vis-a-vis others around Australia, is performing so strongly.

The Australian Bureau of Statistics in its October 2006 labour force series reports that ACT unemployment dropped again to 2.6 per cent, the lowest unemployment rate recorded; 2.6 per cent. We have been trending at 2.7 per cent—I have characterised 2.7 per cent as full employment—but in October the ACT dropped from 2.7 per cent to 2.6 per cent as a rate of unemployment—the lowest ever achieved—against the national rate of 4.7 per cent. Our participation rate increased to 74.9 per cent—the highest level of participation ever in the ACT.

Mr Stefaniak: WorkChoices has exceeded expectations, Jon.

MR STANHOPE: In the ACT; is that not interesting? Why has it not exceeded expectations around Australia? We have these way above average numbers in the ACT. The Liberal Party here claim, and beat their breasts, that this is all about WorkChoices. Is the failing in the rest of Australia then a failing of WorkChoices?

Opposition members interjecting—

MR STANHOPE: You cannot have it both ways. You cannot do a Gary Humphries and claim that the economic performance of the ACT is exclusively the domain of the commonwealth government, except when it comes to interest rates. What is the biggest inhibitor of the economic health of families in the ACT? The biggest impediment—the thing that is keeping them awake at night—is interest rates.

There have been four sets of interest rate rises since the last election campaign—an election conducted on a promise not to allow interest rates to increase—four in a row in two years; \$100 a pay; \$2,000 a year; \$74,000 over the life of an average mortgage. This is the bequest of the Liberal Party to the people of the ACT—the implications of four successive interest rate rises in two years, adding \$100 a pay to the mortgages of most Canberrans; \$2,000-plus a year; \$74,000 over the life of a mortgage.

This is your bequest; this is your achievement. Or is this particular result not the responsibility of the commonwealth? The fantastic economic performance of the territory in every other respect is, of course, according to the Liberal Party, directly attributable to the Liberal Party; nothing to do with the government of the ACT. But then of course we come—do we not—to the disturbing question of interest rate rises and the impact of interest rate rises on Canberra families. All of a sudden, we are greeted with silence. We are not greeted with any acceptance.

Opposition members interjecting—

MR STANHOPE: There are all these other achievements. Unemployment, of course, is all the responsibility of the Liberal Party; profitability is, of course, all as a result of the Liberal Party—until we get to interest rates; and then silence. A pall of silence falls over the chamber because we do not, of course, want to be associated with the bad news.

Mr Stefaniak: What did you get up to? About 18 per cent?

MR SPEAKER: Order, Mr Stefaniak! Cease interjecting.

MR STANHOPE: A \$74,000 Liberal Party bill was received in the mail by every Canberra family. A \$74,000 bill with the names of Senator Humphries, John Howard and their acolytes in this place on the bottom was sent to every householder in the ACT. It was a \$74,000 bill with your names on it. This is your contribution. Own that!

Opposition members interjecting—

MR STANHOPE: Okay; with great hilarity and bravado you have accepted full responsibility for the economic health and wealth of the ACT. Now accept the interest rate rises. Accept the \$74,000 bill. Where is Senator Humphries on the \$74,000 bill?

Opposition members interjecting—

MR STANHOPE: Did you read his crocodile-tear press releases before the last election? (*Time expired.*)

Visitors

MR SPEAKER: I welcome to the gallery some senior public servants from China. Welcome.

Members: Hear, hear!

Questions without notice Vulnerable workers

MR MULCAHY: My question is to the Minister for Women. On Saturday, 11 November you announced in a press release that the ACT would participate in a national research project—the impact of changes in national work regulation on vulnerable workers. Minister, do you know the contact for the study that you provided, Ms Sarah Kaine? Can you tell the Assembly whether she is a member of either the New South Wales Labor Party or has an affiliation with any union?

MS GALLAGHER: I thank Mr Mulcahy for the question. Mr Mulcahy has obviously picked up the extremely mean press release that Senator Humphries put out last week, line by line essentially slagging off the reputation of a very highly esteemed researcher.

Mr Mulcahy: Is it true, though?

MS GALLAGHER: It is true that she held those positions.

Opposition members interjecting—

MS GALLAGHER: What does that mean? She is an academic at a university. Along with other senior researchers, she has been contracted by a number of organisations, and this process will go through an ethics committee as well, although Senator Humphries has pre-empted that by already damaging the reputation of this very highly esteemed academic researcher. He did so with absolutely no grounds to do so, other than to make a vicious personal attack on a female researcher who is engaged in research about the impact of a very significant nationwide policy change on women. Shock, horror!

She has also participated, quite extensively I understand, in roles within the Labor Party. I do not think she has ever hidden that from anybody. I have to say that I have received a number of extremely angry emails from women's organisations about Senator Humphries—

Mr Mulcahy: We have not had any.

MS GALLAGHER: Maybe they do not think you will listen or care, Mr Mulcahy. Before they respond to Senator Humphries, my understanding is that the researchers wish for the process around the conduct of the research to proceed through the ethics committee. Once that is finalised, they will be making representations to Senator Humphries about the content of his press release.

If I were that woman and I had been treated by Senator Humphries like that, I would be furious and considering my legal options. I have not seen such a mean media release. None of you guys have yet stooped that low. Senator Humphries did this without any reason. This research will look at the impact of a whole range of changes, not just WorkChoices, but also welfare to work and the impact that has on vulnerable workers. It is predominantly looking at women and the impact on women.

The media release was extremely mean spirited. I would have imagined that, as senator for the ACT, Senator Humphries would be concerned about women's working conditions and that he would await the research, consider it and perhaps then ignore it, as he has done in the past. I would have thought that he would have at least waited for that research to commence, rather than slag off the personal reputation of a very senior academic research who, along with a number of women, has agreed to take on this research.

It is very serious research of a type that has never before been done across the country. The ACT government is very pleased to be involved in this research. We have provided \$10,000 as a small contribution to that research, as has every other state and territory jurisdiction in the country.

I would imagine that all of you opposite would be very interested in what that research has to say. Then, perhaps, if you do not agree with it, it will be time to take out the sticks and stones and throw them at the researchers, rather than before the research has even started.

MR MULCAHY: Minister, how do you believe those affiliations will impact on the perception of impartiality in relation to this report?

MS GALLAGHER: She is a professional academic. This is her job. Her job is not with the Labor Party. Her job is as an academic. She has been contracted, in a business arrangement, by a number of women's organisations, along with the support of state and territory governments, for a scope of work. She will be assisted by a number of other female researchers.

Her personal affiliations, whatever they have been in the past, will be considered through the ethics committee that this scope of work is going through before the research commences. I imagine that if there are any guarantees or safeguards that need to be considered they will be considered in that highly appropriate process, rather than by Senator Humphries, by issuing a press release, and Mr Mulcahy, by asking this question, casting aspersions on her personal beliefs as opposed to her professional capacities, from my understanding, as a highly regarded academic and researcher.

I feel sorry for her because of the fact that she has been brought into it like this because this research is very important. I am not sure of her previous history with the Labor Party and what it is now. She may well still be a member of the Labor Party. I have no idea. It is highly appropriate that the ethics committee consider those issues. If they need safeguards or further commitments from her, they should be sought at that time.

I do not think we can sit here and decide it on the basis that she has had a relationship with the Labor Party, as you have, Mr Mulcahy. As the Chief Minister pointed out, how does that impact on you being a professional Liberal? Do you get asked that? Because of the fact that you had a personal history with the Labor Party, do your Liberal colleagues look at you a bit funny and go, "Mate, I am not sure because, in your previous history, you were a member of the Labor Party." It is exactly the same situation.

Mr Mulcahy: Not at all.

MS GALLAGHER: Why is it different? Maybe you are a mole. Maybe your Labor affiliations are the cause of all this internal turmoil at the moment. It is exactly the same scenario.

Let the research and the scope of the work go on. Let the ethics committee worry about the ethics, which is the most appropriate place for it to be. From my point of view and from the ACT government's point of view, I am looking forward to when that research is completed.

Taxis—regulation

MRS DUNNE: My question is to the Minister for Territory and Municipal Services. Minister, the recent decision in the Crowley discrimination case found that there had been about 50 complaints made to your department about breaches of taxi regulations in relation to wheelchair-accessible taxis, or WATs, but so far there had been no disciplinary action taken against operators for failing to give priority to disabled members of the community. Minister, why have you and/or your authority failed to take action against WAT operators who do not give priority to the disabled community?

MR HARGREAVES: I thank Mrs Dunne for the question. Firstly, I will need to check that there are no actions being taken; I am not so convinced that that is the case but I will take it on board and check it. The Assembly would be aware that the wheelchair-accessible taxi system and service for people in the disabled community in this town is nothing short of appalling. The government has done what I believe to be an awful lot about addressing that and there is clearly more to be done.

You would remember, Mr Speaker, that we had a working group consider the issue. It was comprised of people from the disability advisory group and people from what is now the territory and municipal services department and we introduced a whole range of initiatives. We increased the lift fee. We changed the regime so that if the booking was not made through the network the lift fee would not apply. We offered the network \$100,000 to micromanage the system; that was not taken up by the network.

In the general sense the government has been very active in trying to clean the system up. I will check into the issue about whether greater penalties should have been levied by the department on them, and I will satisfy myself about the reasons. If there are no good reasons, I can assure the Assembly that I will be taking action about that within the context of the department because I do not find it acceptable.

It does, however, leave us with the question of how we go about delivering the services for those folks: what are the other things that we can do? I do not know that continuing to penalise drivers if it is not working is the only solution. It is certainly one that we need—and we need to be a bit more robust about doing it; I accept that—but I think what we need to do is ensure that there is a certain degree of competition in the system, and the department is working with a few people, as the Assembly is well aware, in the training and accreditation that should enable that sort of competition.

We do know that the Aerial Taxis booking system does not enjoy the confidence of the drivers, let alone the people of the ACT. What has happened is that the drivers are now having their regular customers and they are accepting bookings by mobile phone. That is really difficult to prove and to penalise on the basis of proof. We cannot penalise unless we have evidence of this practice. We know it exists anecdotally; we know it and we can almost trust that anecdotal evidence; but it is not good enough in a court of law should those penalties be appealed. I do not have the answer to that. I can assure the Assembly that I treat this issue with the seriousness it deserves and I am quite happy to discuss any possibilities anybody might have as to how we can move forward on this, against the background, though, that constantly penalising drivers for not doing things is only part of the answer. That bit we know; it is the other bits that we do not know that we are struggling with.

Library service—review

MRS BURKE: My question is to the Minister for the Territory and Municipal Services. Minister, the contract for the review of the library service specifies that the scope of work required for the recent review of library services in the ACT had, as one aim, to consolidate all ACT government libraries into the mainstream library service. In conducting the review, the consultant was required to identify operational efficiencies, to provide options for saving \$2.4 million and to conduct consultations. What is meant by a “mainstream library service”? Which other libraries will be closed as part of this process of consolidation of the ACT library service?

MR HARGREAVES: I thank Mrs Burke for the opportunity to clarify that. The mainstream library services we are talking about are in town and group centres. They are talking about the mainstream libraries of the ACT public library service. Members would be aware that we have a number of types of libraries in the system in the ACT.

We have the general public library system; we have school libraries; we have joint-use libraries; we have the heritage library; we have a whole stack of different multicultural collections; we have the mobile library; and we have the home-lending library. It was a case of asking an internationally renowned consultant to have a look at these things and advise on which was the way to go in terms of the total package across town.

I cannot make decisions in relation to the school library service without consultation with my colleague Mr Barr; I cannot even start the process. We know that we have the joint-use library service, which is what we asked the consultant to concentrate on. We need to look at that in terms of the distribution of resources, seeing whether it is

providing the services to those people it reports to. I suspect it is. But we just need to check.

In answer to the second part of the question: none.

MRS BURKE: Mr Speaker, I have a supplementary question. Minister, what consultations with the Canberra community were undertaken by the consultant in reviewing the ACT library service?

Mr Mulcahy: Is that “none” too?

MR HARGREAVES: I do not carry that information around off the top of my head, any more than I would expect—

Mr Mulcahy: From the number of letters I am getting, I think there might not have been too many.

MR HARGREAVES: However, I do know that there were focus groups contained—

Mr Mulcahy: Very small ones!

MR HARGREAVES: Will you just be quiet for a second.

Mr Mulcahy: I am getting inundated with letters and emails.

MR HARGREAVES: Would you just be quiet.

MR SPEAKER: Mr Mulcahy!

MR HARGREAVES: I know that there were focus groups conducted. There were considerable consultations taken with the staff of those libraries about the travel of people through it and the types of materials that they use and access. But the precise detail of that sort of thing is contained in the report and I do not have it with me. I will get back to the Assembly at some point and let you know.

Environment—composition of government vehicle fleet

MS PORTER: Mr Speaker, my question, through you, is to the Chief Minister. Could the Chief Minister please outline for the Assembly how the ACT government’s decision to downsize the government fleet to four-cylinder cars will help reduce emissions and be economically efficient?

MR STANHOPE: I thank Ms Porter for the question. It is important that I address this issue today. I know it affects members of the Assembly and the broader public service, including our senior executives. It is reasonable to give some explanation of the benefits proposed. I should say, by way of preface, I sometimes think the world is populated by two sorts of people—car people and non-car people. I am very much in the non-car people camp. I know, for some others, issues of cars have a particular importance.

Mr Pratt: Why do you drive one, Jon?

MR STANHOPE: I drive one to get around, but I know very little about it. That is my point, Mr Pratt.

Mr Pratt: How about a sedan chair? Would that suit you?

MR STANHOPE: That would probably do me. It is an important issue. It is a significant change of policy.

The point I was trying to make was that it is a policy that impacts on entitlements of members of this place and of the broader public service. I am sensitive to that policy change that impacts on accepted conditions of employment. I simply wish to take the opportunity to explain some of the thinking behind the decision because it certainly impacts directly on all members of this place and on significant numbers of ACT employees. The government has committed to the progressive replacement of the government fleet of six-cylinder sedans with four-cylinder sedans where that is operationally appropriate.

To the extent that it is regarded as operationally not appropriate, there are certain areas of government administration, such as conservation and parks and some areas of the Emergency Services Authority, where vehicles other than four-cylinder vehicles will be required. I know that a number of members of the Assembly have made the transition. I have. I know other members of the Assembly have as well.

As leases expire, accepting the need for a transition in some circumstances where particular vehicles may not be available, there will be some latitude shown in relation to a transition from the current policy to a four-cylinder only policy for members of the Assembly and for our executives or those entitled to access a car. That is a latitude that will not be particularly relevant to some of our departments or agencies that utilise cars. That is a reflection of the fact that there is now only one Australian made four-cylinder car, the Camry.

The government has taken a decision, which we are now implementing, to broaden the access to cars other than just the Camry. The government, in making that decision, was mindful of the implications of essentially being able to access only a single make, but it is important that the government is also concerned to ensure that those members and members of the ACT public service with entitlement to a car and who have certain family responsibilities or obligations or who have larger families can access more than just a sedan as part of their entitlement. The government is determined to ensure that those members of the Assembly or of the ACT public service with a need for a family mover will be able to continue to access such a vehicle.

Briefly, it is important to go to some of the detail in relation to the implications of meeting greenhouse gas emission reductions and cost. It is interesting that an average car produces 4.3 tonnes of CO₂ in a year. Interestingly, a six-cylinder car is considered to produce almost exactly double the amount of greenhouse gas emissions or CO₂ than a four-cylinder car in one year, which really puts this debate in some context. A four-cylinder car uses approximately the same amount of petrol as a

six-cylinder car but drives an extra 100 kilometres. If both cars travel 500 kilometres, the four-cylinder car would produce an estimated 0.07 tonnes of carbon dioxide against 1.5 tonnes if the car were a six-cylinder car. There are very significant greenhouse gas implications in this as well as cost. I look forward to the support of members. (*Time expired.*)

Emergency services—volunteer brigade funds

MR PRATT: My question is to the Minister for Police and Emergency Services. Last week, during the debate on the Emergencies Amendment Bill 2006, you referred to RFS and SES volunteers as “recognised territory employees for a range of reasons”. We know that it is not possible for a volunteer bushfire brigade member or SES unit member to access the ESA portal or participate in exchange programs with the US, for example, or undertake a range of other activities like public service employees in the ESA. We also know that the VBA are incensed at the hypocrisy shown in your statements last week on the so-called public service status, to the point that they are likely to consider withdrawing their services. Given that you do not treat them like public servants, what gives you the right to meddle in their banking and fund-raising affairs as if they were public servants?

MR CORBELL: As I have indicated previously in this debate, volunteers receive certain protections that would otherwise only be available to public servants. That is a fact that Mr Pratt chooses to ignore. If they were not representatives of the territory, acting on behalf of the territory, and effectively the same as public servants, why do we represent them in court when there is a coronial inquest? That is the point I am trying to make. They receive certain protections and advantages, which are similar to those of public servants in that regard. That is the point I am making.

MR PRATT: I have a supplementary question. Minister, why are you not prepared to act expeditiously on volunteers’ concerns about this issue?

MR CORBELL: I am acting as quickly as possible on this issue, but we are yet to get agreement. It is a matter of regret and disappointment to me that the VBA has rejected a compromise position put by the Department of Justice and Community Safety and the ESA, but that is the decision they have taken. So it is back to the table to try to work out something. I am keen to see the resolution of this issue as quickly as possible, but we need agreement from both sides to achieve that. Clearly, we have not got that yet, so we will keep working on it until we do.

Planning—EpiCentre lease

MR SESELJA: My question is to the Minister for Planning and relates to the EpiCentre legal advice. Minister, yesterday, in response to a question from Mr Mulcahy, you said:

The advice was sought following a request from Austexx, a potential bidder.
What does the opposition think we should do, ignore it?

Austexx asked the question on 23 November, but that was after ING Real Estate asked a similar question on 23 September, two full months before. They asked in their

letter, “We formally request that you please confirm whether or not Discount Outlet Retailing is to be a permitted use under the Territory Plan,” and they were referred to the Land Development Agency. Minister, given that ING and Austexx were both asking for advice on the territory plan prior to the EpiCentre auction, why did ING not receive the same treatment as Austexx? Why was legal advice not sought from the government solicitor’s office to address ING’s concerns?

MR CORBELL: I have answered this question already in relation to other questions around the ING inquiry. ING made an inquiry not as a registered bidder but as a party in the expressions of interest process. They chose not to pursue the issue as a registered bidder. The advice I had is that that was the appropriate course of action at that stage, given that there were no registered bidders and they were instead simply being dealt with through an expressions of interest process. All registered bidders who made inquiries received advice, and ING, had they chosen to be a registered bidder, would have also done that if they had made the inquiry at that time. ING chose not to pursue the matter further and that was a decision made by them.

Tourism—awards

MR GENTLEMAN: My question is to the minister for tourism. Minister, given recent media reports of the successful Australian Capital Tourism awards, would you inform the Assembly of the achievements that were highlighted at those awards?

Mr Smyth: Yes. He got bollocked for the cuts to the tourism budget.

MR SPEAKER: Order, Mr Smyth!

MR BARR: I thank Mr Gentleman for his question. I am sure everyone in the Assembly would agree that the ACT tourism industry is highly successful in attracting people to the ACT and in marketing our great city and our region.

Although Mr Smyth hates to hear it, in the domestic market the ACT was the only state or territory to record an increase in overnight visitors for the year December 2005 when compared with December 2004. The six per cent growth that was achieved was particularly impressive in the context of an overall national decline of six per cent for the same period.

This year marked the 21st birthday of the Australian Capital Tourism awards and was a celebration of our many tourism achievements here in the ACT. The awards offer an opportunity to showcase the quality of the region’s tourism operators in terms of product and visitor experience. They are open to all tourism businesses and suppliers in the tourism industry and provide the opportunity for public recognition of businesses that have achieved a level of excellence. Winning an award is the local industry’s highest accolade.

I found myself again impressed by the professionalism, success and innovation of our local industry. The high calibre of recipients on show last Thursday night displayed the excellence of the local tourism industry and showed that the Canberra and capital region continues to develop as a destination offering quality visitor experiences.

This year's awards saw significant changes to the awards process, with the addition of a medal submission level. That submission level offers recognition at the local level only. This is important because it helps us to celebrate local achievements. With a reduced written component required as part of the application process, the medal submission section has been successful in attracting a large number of first-time entrants to the awards. This is the first time any state or territory has put in place a process to celebrate purely local achievements and shows again how much we value our local industry.

I will not seek to list all the award winners today, but I would like to make mention of a couple of the recipients. I was particularly delighted to see the CIT take out the award for tourism education and training. CIT is clearly the pre-eminent provider of training for the hospitality industry in our region and, I am convinced, is one of the best in the country. We all should take pride in the achievements of CIT. The team down at CIT Reid continues to innovate and excel.

The other award winner I would like to make specific mention of is Floriade, Australia's premier spring festival. This event has now been going for 18 years. It is the signature Canberra event and again this year proved to be a massive success. I look forward to reporting to the Assembly in the near future on the success of this year's Floriade.

Last Thursday night's award winners will represent the ACT region in the Australian Tourism Awards next year and will no doubt continue the fine tradition of local successes becoming national place winners. I encourage local tourism operators to continue to enter the awards. The nomination process in itself can prove a valuable method of self-assessment of business practices, and winners achieve publicity through local and national media. My congratulations go to all winners and entrants and to the local tourism industry for continuing to be innovative and for setting the standard for the rest of the country.

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

Supplementary answer to question without notice Environment—greenhouse gas emissions

MR HARGREAVES: On Thursday, 16 November 2006, Dr Foskey asked about greenhouse gas emissions. I undertook to get back with some other information. The most recent ACT emissions data is from 2004. Emissions at that time were 4,295 greenhouse gas CO₂ equivalents, or 4.295 million tonnes. The Kyoto agreement came into force on 16 February 2005. There is no ACT data available covering the period since the agreement came into force.

Paper

Mr Corbell presented the following paper:

Petition—out of order

Kaleen—proposed school closures—Ms Porter (445 citizens).

Schools—closures

Debate resumed.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (3.27): I move:

Omit paragraphs (4) and (5).

The government will be opposing elements of Mrs Dunne's motion. I think it would have to be described as the latest in a long line of attempts to derail the *Towards 2020* consultation process that again produces nothing constructive to help preschool or school communities or the public education sector.

Mrs Dunne's motion begins by noting the valuable work of preschools. Nobody would deny this. The operation of preschools in the ACT has long been assisted by a relationship between preschool parent associations and the government of the day. This relationship, of course, predates self-government in the ACT. I am very pleased to reaffirm this government's commitment to close and ongoing collaboration. The submission from the Canberra Pre-School Society provides some innovative and forward thinking options for extending and strengthening that collaboration, and I am currently considering those options.

Mrs Dunne went on to say that this government has not been aware of the unique governance arrangements and outlined some issues that have been raised by the Canberra Pre-School Society. I would like to point out that while Mrs Dunne was moving this motion in the Assembly, the government and the Canberra Pre-School Society were again meeting—the meeting was arranged some time ago—to continue our collaboration. There was no grandstanding, just ongoing discussion and real community consultation.

The Canberra Pre-School Society has raised some issues around the governance of preschools and has sought to link this to an arrangement that was had with the then government in 1943, whereby a parent association raised funds for equipment and the government was responsible for building and staffing the preschool. This arrangement has continued over time. It has been custom and practice that before a preschool opens a parent association is put in place and registered as an incorporated association. The association then sets out to raise funds to provide equipment for the new preschool.

I understand that the Canberra Pre-School Society suggests that, given the continuing nature of this arrangement, the government may not close or amalgamate a preschool without consent of the parent association. Mr Speaker, if you agree with this assessment, then you would have to ask Mr Stefaniak under whose authority he acted when preschools were suspended and closed on his watch. Under what piece of legislation, under what arrangement or by whose agreement did he decide to close preschools? I look forward to Mr Stefaniak, with his considerable legal background, explaining to the Assembly what his government did to supersede this arrangement that is now so crucial to preschool operation.

Time has moved on since the Second World War and since the questionable actions of Mr Stefaniak. The Stanhope government has introduced, and this Assembly has passed, the Education Act 2004. This act, unlike the previous Education Act of 1937 and the Schools Authority Act of 1976 that former governments were operating under, defines a preschool as a school and outlines the consultation process that is required prior to any closure or amalgamation. It is my understanding that an arrangement made in 1943 would not take precedence over the Education Act 2004. That said, however, the government will be very pleased to examine any documents referred to us by the Canberra Pre-School Society and will certainly take them into account.

The government wishes and intends to continue its strong support for preschool education. The government supports the peak body, the Canberra Pre-School Society. In fact, we provide a grant to cover the salary of the coordinator and we contribute annually over a quarter of a million dollars in grants to support the operation of preschools.

Through this consultation period I have had extensive opportunity to meet with preschool and school communities and to listen to their views. When they are asked about the proposal to link preschools to primary schools, they continue to reveal widespread support for this proposal. Families see the benefits of easing the transition between preschool and primary school. A continuity of curriculum is also seen as a major strength.

However, the government recognises that there are governance issues involved with this process. That is why the integration of the preschool year with primary schools is not proposed to commence until 2008. Operationalising this preschool-primary link can occur during next year, however, if the proposal proceeds.

Towards 2020 is about renewing our school and preschool provision and providing the best start to school for every ACT child. The government believes a forward-looking approach is necessary. The community and members of this Assembly are acutely aware of the issues facing our education system. We have declining enrolments, ageing infrastructure and too many schools in the ACT. This comes as no surprise to anyone. I raised this issue in my first speech in this place.

The difficulties are well known. They date back to before self-government. This Assembly has debated the issue, set up inquiries into the matter and reviewed the report by the Auditor-General, and it keeps coming back to the same point. We have too many preschools and schools and not enough children to keep them viable. The underutilisation of preschools is well known. Even Mr Stefaniak knew it when he was minister.

The government has acted. We are tackling the issue by consulting on a comprehensive proposal and matching it with a massive investment in infrastructure: \$90 million in capital investment in the next four years and \$20 million into information technology and construction of new schools. It is the largest ever investment in public education in the history of the ACT.

Towards 2020 proposes a vision that is forward looking and seeks to bring the community with it. The first part of Mrs Dunne's motion is quite acceptable to the government, but the second part seems to be a vision suited to the Second World War. Education has changed significantly since then and the needs of children and families have changed. Now is not the time to seek to turn back the clock.

DR FOSKEY (Molonglo) (3.34): I thank Mrs Dunne for continuing to pursue the issues relating to the proposed 2020 school closures. I know that the community appreciates it very much as well.

Mrs Dunne's motion points out some of the complexities of the situation of individual preschools, and I agree that preschools have been overlooked in the 2020 strategy. But we have to take care not to oversimplify any debate in this place because we really need to consider the complexities of issues before we leap in and cast a judgment or propose a sweeping course of action.

This government's decision to reshape Canberra's preschool sector in such a short time frame without any meaningful consultation and in the absence of a collaborative approach with the Canberra preschool community as a whole is simply stupid. It is stupid because, in choosing to push through the changes so quickly, this government has created enormous unnecessary problems for the many parents and others involved in the provision of preschool education in the ACT. The Canberra Pre-School Society has called for more time so that parents can reorganise their complex childcare and preschool arrangements and wind up the operations of their preschools, where necessary.

Preschools in our society are a partnership. While they are now largely government funded, they are only manageable and affordable because of the contribution of the preschool societies, which are technically, legally and, in practice, partners with the ACT Government. Perhaps Andrew Barr and Jon Stanhope are not aware of how complex it all is. If they had listened to preschool parents or demonstrated some empathy towards them, they could have found out.

It is important to acknowledge that the society does accept the link of preschools into primary schools as a part of a plan for a more integrated approach to early childhood education. The Greens are on the record as opposing the way this plan has been put into place, and shortly I will come back to how the government has presented the case for this course of action. The preschool society has bent over backwards to be cooperative.

On the time frame, it is important to emphasise again that this government could have had the preschool sector as partners in this project if it had bothered to work with them. However, at no stage that I am aware of have the minister for education or the Chief Minister bothered to explain in this place or to the ACT community why the plan to shut so many of these preschools and to bring the others more firmly into the orbit of the local primary school could not have been managed over 18 months, rather than six.

They simply have not bothered to explain. That is because this government does not respect the people and the organisations that underpin preschool education across the ACT who have called for the process to be slowed down, because it just does not understand the situation that preschool committees are now in, or because, in fact, it has no explanation for implementing the plan so irresponsibly and destructively other than that it wants to show its hairy chest. It is a pity the government could not have picked a similarly hairy-chested sector to do it to.

Of course, in the pattern of other debates over this so-called proposal I imagine we will hear some schoolboy debating ripostes—that the legislation requires a six-month consultation and we all agreed to that and that the Liberal Party was much worse in the past. This is a debate that goes on in the Assembly, but that debate represents something much more serious out in the real world. It is facile and damning to use the statutory minimum consultation period, finally negotiated against government resistance when the Education Act was first passed in 2004, as the rationale for pushing the process so fast.

The government might claim it is still making the hard decisions and being courageous, but it still has not shown the courage to really explain why it is doing these things in the manner that it is. Indeed, the whole consultation process is farcical. Extending the time frame for people to make submissions, for example, and then using that extension to ensure that fewer submissions are publicly available until the final decisions are done and dusted is another contemptible device. This is a reflection not just of the education minister and the Chief Minister; it is a reflection of every Labor MLA in this place.

Then we can look at the preschool component of the 2020 plan. I question how the viability of preschools has been determined, and I have yet to see a good social analysis of the costs and benefits of bringing the surviving preschools more concretely into the primary school sphere. The Greens are advocates of evidence-based policy. We have gone to the *Towards 2020* website and trawled through the research documents the ACT government offers in support of its *Towards 2020* proposal.

There is a range of documents which advocate the importance of early childhood education, but none that look particularly at the value of integrated preschools as opposed to the very strong, well-established stand-alone model we have in Canberra. There is significant material on the importance of the early childhood years. There are also interesting papers on the provision of seamless services across these early years. However, I could not find any evidence that is specific to the decision to close 22 preschools and to make the remainder a part of early childhood, primary or even P to 10 schools. This does not, in fact, mean that that is the wrong thing to do. The point I am making here is that there has been no evidence presented on the government site to justify the decision.

While I am pleased that the Canberra Pre-School Society and, I imagine, many of the preschools themselves are prepared to go along with and even support this plan, the value of this shift is not obvious. In places such as Macarthur, the Causeway and Reid, which do not have primary schools, and Hall and Tharwa, where it is proposed to shut down the primary schools, there might be very strong arguments not to do it. In other

words, the government has not actually addressed its decision to abandon the existing preschool system.

My office looked through the ACT government's website to see what kind of general advice and discussion is offered on the large number of preschool closures that are a part of this 2020 proposal, and we could not find any discussion at all. It is only by trawling through the descriptions of the plan by school region that you can find a paragraph in which school closures are listed. By the way, I note that the school region plan lists the soon to be closed Reid preschool as having 11 enrolments in 2006, while the department's August census has counted 21. Let us not forget that the minister advised the Assembly that all the figures on the website are absolutely accurate. My concern is not that the government has got a few figures wrong. It is that in whipping up its *Towards 2020* plan it did not bother to put together a section addressing plans for preschools comprehensively or even generally. It is a sector of its own.

Supplementary papers added to the site discuss the growing links between primary schools and preschools. They highlight the smorgasbord of options that will be offered and talk up the cooperative school, a school built on close parental involvement that will be undermined by a forced amalgamation with a very big school that does not even want them. It is not an impressive or convincing approach.

To return to the time frame issue, let us pretend the complete absence of a detailed rationale for the reorganisation of preschools is simply an oversight and there is general agreement among stakeholders that the planned changes are all for the good. We then have to ask why all the closures and changes are happening in this very difficult time frame. Given the absence of any other explanation, it must be either that the government believes it will save more money the more quickly it acts, something highly contested by the preschool community, or it is taking the view that, as most kids are only in preschool for a year, the disruption will be temporary and if it acts now the pain will be over in time for the next election.

The government is hiding behind a report that it is choosing not to release. It has pursued a process that is legal but unresponsive. It has played with the notion of consultation in order to limit, rather than expand, transparency. The ACT has had the strongest preschool sector in Australia. It has been built up in partnership with parents and preschool communities. It is most unfortunate that the government is not prepared to work in partnership with them now, when the most significant changes that the sector has ever faced are coming into place.

MR SESELJA (Molonglo) (3.43): Mrs Dunne's motion recognises the importance of preschool education and early childhood education, and Mr Barr, in supporting the first three clauses of the motion, recognises this. I know that there are many different views on preschool education. I fall into the camp of not being a supporter of compulsory preschool education, even though my first son went through preschool, the second is currently at preschool and the youngest will go to preschool as well.

I certainly recognise the value of preschools; most in the community do. That is evidenced by the fairly high take-up rate in the ACT. That is not to say that it is for everyone at that particular age of around four years. Certainly, it is very important and

I would be very concerned, as would, I think, many in the community, if, as a result perhaps of these closures, in coming years the level of preschool participation in the ACT declined.

It is proposed to close 22 schools. That is unlikely to deter the two-car family from sending a child to preschool, but for some of the more disadvantaged members of our community, the walking distance to their local preschool is very important. Some do not have access to a motor vehicle. In the case of one-income families, there may be one car. This may have a serious effect on people, including some of our most disadvantaged. In fact, it is perhaps more important that the children of the disadvantaged have some sort of preschool education. We do not want to see the poor missing out on preschool education, potentially suffering as a result during their primary school and high school years.

Mrs Dunne's motion states:

That this Assembly:

- (1) notes the contribution made by ACT preschools to early childhood education;
- (2) recognises that pre-school education in the ACT has always been provided by a unique and historic collaboration between government and individual parent associations ...

I am a young father with kids going through the preschool system. When you see your kids at preschool, you realise how much the individual parents and the parent groups that are associated with preschools contribute to the overall outcomes. This is not just about government funding or government ownership of preschools. We very much see a collaborative approach with preschools. Parents are asked to pay voluntary contributions, and most people are very happy to pay them. We know that if we were not to pay them, many of the facilities would not be there. Many of the new books that are needed and things like replacement carpets, shade cloths and learning materials simply would not be there.

This is not just about a government decision that impacts upon residents. This is about a collaborative approach where parents, teachers and others are contributing and the government is now coming along and saying, "Our budget is in quite a state, so we are going to close 22 preschools." The decision has significant ramifications. It has the potential to hurt most those who are already disadvantaged and for whom getting to preschool may already be somewhat of a challenge. The proposed closures will make that more difficult.

I have spoken previously about the betrayal by this government of the ACT community who voted for them. That is no more evident than in the preschool sector. Twenty-two preschools are to close. When I look back at the Stanhope Labor government's education policy dated 24 September 2004, which they took to the last election, and I turn to the part that deals with preschools, they talk about what they have done and they say that with an extra \$900,000 they have kept preschools with low enrolments open for families to access when the Liberals would have closed them down.

That is a not-so-subtle statement: vote for us and your preschool will not close; vote for the Libs and they will close; those dreadful Liberals will close them. The policy talks about increased hours for preschools. There is absolutely nothing—not a word in there—about closing down preschools. In 2008, at the next election, the government will not be able to look the people of Canberra in the eye.

Two years ago, when they went to the election and 18 months before they whipped up this proposal, they had an education policy that specifically implied that the Liberals would close preschools. The message was that you can trust the Labor Party to keep schools open. Public statements by spokesmen for the minister for education reinforced that message. They said, “Trust us and not those nasty Liberals. They will close the preschools. We will keep them open.” The people who send their kids to Causeway preschool, Chifley preschool, Gilmore preschool, Hackett preschool, Hall preschool, Higgins preschool, Holt, Macarthur, Melba, Rivett and many others trusted this government. They trusted the Labor Party, and that is why, once again, we are discussing school closures.

Mr Barr sighs and says, “It is another attempt to derail our 2020 policy.” He is almost annoyed that Mrs Dunne would bother to bring this motion forward. Well, we will continue to raise this matter and we will continue to remind the ACT community of the betrayal of trust by this mob, the ACT Labor Party in this place, who put forward policies and expect people to vote for them at the next election on the basis of those policies.

I am sure that one of the things that the Labor Party would claim to have stood for over recent years is education. They would say, “We are the party for education. You can trust us on education. We are the ones to vote for if you want a solid public education system. Those other ratbags do not know about public education.”

On that key area of trust—perhaps it is no surprise—the latest polling shows that federal Labor has consistently lost ground on education. This immense breach of trust by the ACT Labor Party will result in people never being able to trust them again. The Labor Party might say, “How many votes are there in 22 preschools?” I do not know. It is probably not a deal breaker. It may well not be. But we are talking about perhaps hundreds of parents who will be very disappointed with these decisions, hundreds of parents who have put in the hours, the volunteer hours, put in their own money, attended fundraisers and all sorts of things to build up their local preschool with the expectation that this mob would not close it down.

The government promised that they would not close schools down in the next term. We have seen them breach that promise. We have seen them breach it in education generally and on the issue of school closures. But nowhere is that breach of faith and breach of trust more evident and more significant than to the young families of Canberra sending their kids to their local preschools which now face the prospect of closures—closures that we were assured by this mob, the ACT Labor Party, would never happen.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (3.53): I thank Mrs Dunne for the

opportunity to talk about preschools here today. I begin by saying that some of what Mr Seselja said is just incorrect. If you look at any of the statements that I gave in the lead-up to the last election around school closures—

Mrs Dunne: Here we go: “I didn’t say it; it was my offsideer who said it.”

MS GALLAGHER: Well, just listen for a second; I have listened about a hundred times when you have raised it in this place. Any time that I was asked about the future of the ACT schooling system I said, “At some point in the future we will need to have a discussion around schools and some schools will need to close.” I know you ignore that, but I have said it; it was in the paper probably a couple of days after the statement from the spokesperson from my office. At the time when we made those statements, there were no plans to close any schools. There were no plans. As much as you do not want to believe that and it suits your arguments to stand up and say that we went to the last election lying, we did not.

I have said this a number of times. In fact, we have gone through it at length over the Ginninderra District high school. We know in this game that you pull out snippets of information that suit your argument. But the fact is that the statements I gave as the minister responsible for education at the time about the future of the ACT schooling system were clear: that at some time in the future we would need to have a discussion with the community about the future of schools in the ACT—

Mr Seselja: And 18 months later you close 40.

MS GALLAGHER: and that inevitably that would mean some schools would need to close, Mr Seselja.

Mr Seselja: I do not think Mr Speaker believes; he was looking incredulous.

MS GALLAGHER: Well, you go back and have a look at what I said. All right? There is no way that we went to the last election lying about our future plans for schools. Mr Seselja has a fantastic ability: coming in here, going on a rant and then not listening to anything else that is said. That is the way he operates and that is fine.

Mr Seselja: I am listening and I am responding.

MS GALLAGHER: I am responding to allegations that you have raised—that we went to the last election lying about what we were going to do. And we did not. Whatever slant you want to put on that, whatever selective pieces of information you want to use, whatever imagination you want to use about what you think was in the mind of the ACT government at the time, feel free to use that. But time will show that there were absolutely no plans, at the time that we went to the election, to close schools—no firm plan other than the statements that I had made, and that have been reported in the paper, saying that at some point there would need to be a discussion around the future of education. And that is exactly what we are having now; we are having that discussion.

Under the old regime, which I inherited from Bill Stefaniak as education minister, preschools were closed without any consultation. They were just closed; there was not any discussion. If your enrolments fell below a certain number, that was it.

Mrs Dunne: They were not just closed.

MS GALLAGHER: Well, let us use the word “suspended”, perhaps, but they were. This way, they are in the Education Act. There are six months to talk about it. The Liberal government did not give people six months to talk about it—it was just an arbitrary closure—yet you talk about commitment to consultation! For the first time, here we are giving people six months to discuss the future of their preschool. Never since self-government has any government invested in preschools like this government has.

This government addressed insurance issues in the preschool sector. We funded consumables so that fundraisers and parent committees did not have to fundraise for toilet paper, which is what they have had to do in the past. We extended the hours, because that is what parents said they wanted; they wanted full days at preschool because otherwise preschool was becoming archaic and did not fit into working people’s lives. We invested \$10.4 million into preschools so that our youngest kids attending non-compulsory education could have access to a further 12 hours per week of preschool so that it did fit in with working people’s lives and we could encourage more four-year-olds into the preschool system, because the numbers were declining. Those numbers are still declining but we want the percentage of four-year-olds who attend preschools to keep increasing even though the cohort is declining. Never before has any government invested in preschool education to that level—\$10.4 million.

We have extended Koori preschools across town. We have got indigenous three and four-year-olds attending non-compulsory education in a setting that suits those families’ needs. No other government has done that. Here we are, investing.

This is not about savings. As others have said, 22 preschools: it does not offer a great deal of savings. We have invested millions into the preschool system—to modernise it, to make it accessible to parents, to make it a legitimate option for parents. But part of the conversation we have to have is: can we maintain 80 preschools across the ACT, with the level of service that is required, when the cohort is declining and the demographic shifts are occurring?

We have probably close to 200 kids out at Amaroo needing preschool education. At the beginning of the year in one preschool there was not one enrolment; there was an empty preschool, needing to be staffed, that did not have an enrolment at the end of last year and that we would have had to keep open because that is the way the things go at the moment: we need to consult around changes to the preschool system. This is the reality: some preschools have four kids, some have two kids, some have no kids, some have 200. So you cannot sit here and honestly say that we do not need to have a look at preschools—where they are, where they are located

Mrs Dunne: No-one said that. No-one has said that.

Mr Pratt: In fact, we are saying you should take a closer look.

MS GALLAGHER: That is exactly what we are doing. We have gone out and said, “Here are 22 preschools that we think should shut. What is your view on it? Come and

tell us while we are in this consultation period.” That is the discussion that is under way and it is a discussion that needs to happen. If all of you really honestly took a close look at this and put political differences aside, you would say, “Yes, that is a conversation that needs to happen.” And that is what is happening.

This government has invested in preschool education at a much greater level than has any other government since self-government, and I cannot sit here and listen to some of the comments today without responding to them. None of you have raised, including the Greens, the investment that has occurred in preschools, including the investment that occurred in Koori preschools. Of all things that the Greens would be interested in, we have had not one acknowledgment from them of the work that this government has put in to address the early learning needs of Canberra’s youngest citizens.

We have the most generous free preschool system in the country. I cannot think of another jurisdiction—there may be one other—that offers the level of free non-compulsory education in preschools that we do, and it is something that we are very proud of and that we want to keep hold of. But it has to move with the times and respond to Canberra’s changing needs, and we have to be able to offer every four-year-old the opportunities that they deserve through the preschool system. The only way to do that is to have a long, hard look at the way the system operates and where the preschools are, have that conversation with the community so we can respond to that and make sure we have, and continue to have, the best preschool system in the country.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (4.02): I normally do not worry when I hear nonsense being spoken in the chamber, but there was just one point the minister spoke of which I feel is relevant to this debate and needs clarification and, indeed, some rectification. I heard her say that the previous government, when I was minister, gave no warning; that it was just an arbitrary figure. She needs to check her facts. Yes, the figure was, I think, 17, which I think is still the figure used for a viable preschool. It was not a hard and fast rule—and there was significant consultation; indeed significant savings of some preschools to give them another chance.

You can correct me on this one if I am wrong, but I believe those figures come out about September. I recall one instance where one of the preschools that I think you are going to close in north Canberra—I think it was Downer—had about 14 or 15 kids. There were impassioned pleas by Kerrie Tucker to keep that one open, and I think we did, even though it was below the number. It then got a few more young students and went to about 20, I think, so that was good.

Some of the other ones, yes, were suspended and some of them came back. Lyons was suspended—I think it was down to 10 or eight kids or something like that—but a big effort by the community saw that rise. I do not think it was to the full 17, but it was enough to make you think, “That is going to be viable.” It was 17, 16 or something like that, so that got the tick the next year. The little preschool behind the Manuka shops was down to about five or six kids. Logically, you would close that. But no, we suspended it; we gave it a chance. The following year I think either three or four

students were going to be enrolled, so, yes, that was closed. But it is quite wrong to say that there was no consultation and there was no warning.

Ms Gallagher: Six months? Six months of conversation?

MR STEFANIAK: It might not have been six months but it was real consultation. It was real consultation, Ms Gallagher, and when you are talking suspension you are talking probably about 15 months consultation—certainly 12 months—to give the preschool a chance to come back. If you look at recent history and at the facts, very few preschools were closed by the previous government. You say there was no warning. But there was warning. There was not the sham of the statutory six months consultation that you appear to be going through after the event. There was consultation; there were suspensions to give them a chance to come back and, as the record shows, some did.

There were special circumstances too; for example, the Causeway preschool, which was down to certainly fewer than 10 kids. That may not have even got back towards the 17 but because of the special circumstances I think that one remained open. So if you just have a look at those preschools you will see that, far from there being no warning, far from there being no consultation, there was. The views of the community were taken into account. The preschools were given every chance to survive, and if they showed signs that that was so, they were given the big tick and allowed to; and if, tragically, they were not, they were closed.

I do not think anyone on this side has ever said, Ms Gallagher, that we would never close anything. Of course you have to, but you have got to do it properly and you have got to do it with real consultation. I think the consultation and the warnings given by the previous government were a lot better than what you lot are doing now.

MS PORTER (Ginninderra) (4.05): Mr Speaker, as outlined by Minister Barr, the government will be opposing the motion of Mrs Dunne and I would like to speak to Mr Barr's amendment. The public education system in the ACT will not benefit by standing still, as Ms Gallagher has just said. It certainly will not benefit by attempts to send it back to the 1940s. This government is embracing the 21st century, Mrs Dunne, and is making the necessary changes in order to prepare our children for the future.

This government has a strong track record of increasing support to early childhood education and this continues as part of the *Towards 2020* proposal. Mrs Dunne talks about the confusion around the proposal—confusion driven by misinformation that those opposite love to emphasise and spread, I might say. This government has injected money into the early years of schooling by lowering class sizes, by increasing the hours of preschool education available to families from 10.5 to 12 hours per week, and now as part of the school renewal program this government is proposing to provide specialist early childhood schools and formally link preschools to primary schools.

Mrs Dunne says that across the world there is increasing recognition of the importance of early childhood development. This government knows this and this government knows that it needs to set the foundations for learning, behaviour and health through the school years and into adult life, and this government has taken this

into account. Research highlights the importance of high-quality and focused early childhood education programs that are accessible and supportive of children's development in the early years.

Added to the new research is the knowledge of the social changes that have occurred in recent generations. Family structures and support needs have changed—significantly, in fact—and there has been an increase in work force participation and in the number of single-parent families. The increase in work force participation has also impacted on the demand for full-day childcare places.

This government, following a successful trial in selected preschools, has now rolled out 12 hours of preschool per week right across Canberra. This initiative has delivered greater choice and more affordability options for prior-to-school programs. It has enabled families who take the longer day preschool programs to use low-cost government preschools and release spaces at childcare centres to other families. This successful initiative will continue to deliver high-quality educational services responsive to the changing needs of the community, and it is important to realise that education is a service, not a building.

This government has proposed to further enhance the early years of schooling by offering Canberra's families a number of specialist early childhood campuses, providing families with greater choice of models of education to allow families to best meet the needs of their child and their family. An early childhood school that incorporates a preschool program provides up to five years of continuous learning in one setting during the vital early years of learning and development. When early childhood schools are linked with before and after-school programs, this will further assist families to manage the demands of life in the 21st century by providing a stable environment for young children.

For teachers in the ACT the early childhood schools will also create further opportunities to specialise in early childhood education. Teachers will be encouraged to work towards further specialist qualifications in their area of interest and to share their professional knowledge and expertise with others. For families, the five years of continuous attendance at the one setting allows student relationships, friendships and networks to build, rather than the break that can sometimes occur in the transition from preschool to primary school. An example of an excellent early childhood model is the O'Connor cooperative school, which has been successfully operating for 30 years. The proposal for more early childhood schools is not new for the ACT education system; it is building on its strengths.

Easing the transition for children from preschool to primary school is also a key part of the *Towards 2020* proposal. This is done by creating formal links between every preschool and the nearby primary school, either next door or links to a school in a nearby suburb. By 2008, if the proposal proceeds, every primary school will incorporate the preschool year. It is expected that this will lessen the need for add-on or transition programs like the excursion of the preschool student to the "big school". Already, some of our preschools and schools are embracing this integration willingly by sharing resources and joint professional learning activities for teachers.

The preschool-primary link program was first initiated as a pilot program in a number of settings. The links have been successfully implemented at Amaroo, Evatt, Fadden, Mawson, Ngunnawal, Palmerston and Richardson. Preschool-primary amalgamation is not something new for ACT education. It is not something to be feared or thwarted by the opposition. It is just building on successful programs and formalising the custom and the practice that have long been supported by the community and it is meeting the current and anticipated future needs of our children.

This government has proposed through *Towards 2020* an exciting reform process to provide the ACT community with high-quality school environments not just in the new suburbs but in all regions, along with major upgrades to schools right across Canberra. This government has outlined a comprehensive proposal and is continuing to consult on educational, financial and social considerations. The alternative proposed by Mrs Dunne is not a policy, merely a brake. Mrs Dunne seeks to stop everything at every opportunity. Well, you cannot move forward by standing still; the world does not allow you to do that.

This government has a strong record of investing in early years of schooling. We have lowered class sizes in early years, we have increased the hours of service delivery in the preschool sector and now we are proposing specialist early childhood schools. This government is proud of this record. The motion as moved by Mrs Dunne does nothing to enhance early childhood education; it is merely a stalling tactic from this opposition.

MRS DUNNE (Ginninderra) (4.13): Mr Speaker, the Liberal opposition will be opposing the amendment. Mr Barr's approach to this motion this week is better than the approach that the government mostly take on private members day, which is usually, "We will gut the motion and insert words of our choosing," so perhaps we should encourage him in being a little more consultative. That is as far as I will go. We will be opposing his amendment because it does not get to the crux of the thing.

The crux of the thing that we are talking about is that the preschool community are asking for this. They are not saying that the policy is wrong. They are not saying that they do not want to have amalgamation of preschools and primary schools. They are not saying that that is bad. No-one in this place, with perhaps the exception of Dr Foskey, who expressed reservations about it, has actually opposed that as an idea—not the preschool society, not the Liberal Party. What the preschool society and the Liberal Party are saying is that if you choose to go down these paths there are complex issues of governance and coordination that need to be taken into account and that you cannot close such a large number of preschools—16 preschools as you propose at the end of this year—and effectively carry out that policy.

While the preschool society have been very open and have worked with the government, and have been very open with the opposition about what they think about the proposals, they do highlight problems. Mr Barr has said that because the preschool society are talking to the government everything is hunky-dory. No, it is not. There are problems. The preschool society have highlighted the problems. Those problems have been highlighted here today.

Mr Barr can say, "It's all right. We're working through it. It's all hunky-dory. Everything will be fine." I think the only thing of note that Ms Porter said today is that *Towards 2020* is a very exciting policy proposal. Come 13 December it will be "fasten your seatbelts everybody", because in the next three years we will see turmoil brought about by a government that has not had the opportunity or the wit or the skill to think through the implications of its policies.

Here in the preschool policy is one of the places where the government have not seen it through. They have not even addressed the issue of when they amalgamate preschools and primary schools will there still be a preschool parent association. They have not considered in relation to the 16 schools that they propose to close at the end of the year how the 16 parent associations might wind up their affairs in a timely way, how everyone is going to want to get rid of the same sorts of inventory, what they might be able to do with the funds and where they might go. They have not addressed those issues or given good reasons to people like the Gilmore Preschool Association as to why a school with 47 enrolments this year and similar enrolments projected year on year would close.

No-one in this place has said that preschool and early childhood education is not important. No-one has said that we should not do it better than we currently do. We had the usual verballing from Ms Gallagher here—but no-one had said that. Everyone agrees that this is a vitally important issue. But most sensible-thinking people in the community do not consider that coming up with a list of 22 schools to close—16 this year—is a sensible way of having that discussion.

"Well, we have got this many preschools, let us close 22 and we will put that out." That is what Ms Gallagher said you were doing: "We currently have a list of 22 schools and we put that out for consultation because it is all about quality." If it is all about quality why is it that the savings projected from the closing of these schools is so small? If we were closing 22 preschools to substantially improve the preschool education, the early childhood education, of children in other preschools, and to improve that year on year, why would the savings over the life of the budget be a mere half a million dollars?

One wit at one community meeting said that the Labor Club could run a raffle and raise that much money if they wanted to keep the preschools open. For \$500,000 why would you bother? You could have one dedicated poker machine at each of the Labor Club outlets and you would make that much money for the preschools. Why would you do it for \$500,000? If you are doing it to have a more responsible budget—that is what Ms Gallagher said—why would you do it for \$500,000? This is the whole point about this: this minister talked about the unprecedented capital investment in schools, but how much of it is going to preschools? Not very much at all.

The minister also talked about the underutilisation of preschools. I would contend that where preschools might have half a program where they were once designed to have a whole program, it does not mean the space is underutilised; it means that it is being filled by playgroups and childcare arrangements, as was the case with Evatt preschool and Taylor preschool. Those are two examples where childcare arrangements will be displaced because the government want to fill up those preschools with children who

are going to be displaced from other preschools around when they close the preschools.

These spaces are not sitting empty for days at a time. These spaces are being used every day. The preschools in my area are being used two sessions a day most days a week because they run playgroups and playschools in the facilities as well. The preschools are being used because some of the area has already been sublet for childcare, and all of those places and those opportunities will be displaced by the proposals to close down these preschools, because the only possible way that this minister can make anything out of this is to sell the land, and we know that that is all part of the arrangement.

Ms Gallagher, of course, got up here in her usual indignant way and said, "I have been verbally. Mr Seselja came in here and verbally me again. How dare he!" Mr Speaker, I have been the shadow minister for education for over two years on and off. If you go through the Labor Party policy, which I do from time to time just to see where we are—

Mr Gentleman: We would like to go through yours, but we can't find one.

Mr Barr: Seeking inspiration, Mrs Dunne; seeking to reach a higher standard.

MRS DUNNE: There are some useful things in it, some nice platitudes, and it is quite well set out. I like the layout—lots of white space. I seek leave to table this paper, Mr Speaker.

Leave granted.

MRS DUNNE: I table the following paper:

Education—Stanhope Labor policy paper—ACT election 2004, dated 24 September 2004.

I challenge anyone in this chamber or elsewhere to look through this document and find anywhere where Ms Gallagher as the previous minister, or the previous Stanhope government, even dropped a hint—the slightest hint—that they would consider closing schools; where there was even the slightest hint that as a community we might have to have a discussion about school closures. Quite the contrary, Mr Speaker; the only reference to closing schools in that policy that I have just tabled is where they say, "We have not closed preschools in the way that the Liberal Party did." That is the only reference to school closures in that entire document. Nowhere at any time, except today, has this minister ever said in this place, "We did not go to the last election with a lie out in the public."

There was a lie out in the public. The minister's senior official said, "There are no plans to close schools in the life of the next Stanhope government." The other thing that at the last ACT election we heard Mr Stanhope say was that people "need not be afraid of a majority Stanhope government". Well, Mr Speaker, after 40 schools, including 22 preschools, I think the people of Canberra are starting to become very afraid.

Question put:

That **Mr Barr's** amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 8

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

Question so resolved in the affirmative.

Amendment agreed to.

Motion, as amended, agreed to.

Environment—climate change

MR GENTLEMAN (Brindabella) (4.26): I move:

That this Assembly notes:

- (1) the importance of recognising climate change;
- (2) that there is policy developed to reduce greenhouse gas emissions; and
- (3) that the Canberra public is educated about climate change and what they can do on a grass roots level to contribute to a cleaner world.

The scientific evidence that climate change is real is irrefutable. Action needs to be taken now if we are going to secure a sustainable environment for future generations to enjoy. As the recent Stern report shows, the cost of delaying action is far greater than the cost of taking action now. The central message from the Stern report is a simple one: it will cost far less to cut emissions now than to adapt to the consequences later on. The review calculates that the dangers of climate change would be equivalent to at least 20 per cent of GDP each year. By contrast, the cost of action to reduce greenhouse gas emissions to avoid the worst impact of climate change can be limited to around one per cent of global GDP each year.

Even though the ACT is a small contributor to global greenhouse gas emissions, we have a responsibility to play a part in ameliorating the problems that are causing changes to our natural environment. Indeed, all sectors of the community have a responsibility to contribute to cutbacks in greenhouse gas emissions, but governments have a particular prerogative to lead the community in this area.

In developing the climate change strategy, comprehensive community consultation was conducted. A discussion paper was released in March 2006 to seek the views of stakeholders and the general public on the development of the strategy. Consultation included public meetings across Canberra, targeted meetings with interested stakeholders and the distribution of papers to interested parties and stakeholders. In total over 45 written submissions were received. A range of views were expressed through the consultation process on a variety of issues, including increased community education and awareness raising, building energy efficiency, planning, sustainable transport, renewable energy and greenhouse gas reduction targets.

The discussion paper flagged that the ACT government would consider a target of a 60 per cent reduction in CO₂ emissions by 2050 as an appropriate long-term target for the ACT and would support the adoption of this target at a national level. In addition to long-term targets, the discussion paper sought views on the use of short and medium-term objectives that will enable the ACT to reach long-term targets. There was strong support in the consultation for the inclusion of targets in the new climate change strategy.

The ACT is also active in the development of a national carbon trading market that will draw on the successes of the existing ACT and New South Wales scheme and will place a realistic price on carbon emissions. Hopefully the federal government will develop a full national carbon trading scheme which will aid the success of the ACT program. Furthermore, the ACT government is a foundation member of Green Power, the only accredited green energy product in Australia, and has recently agreed with other members to increase the promotion and marketing of this product.

The government itself has shown it is committed to tackling climate change, with 23 per cent of the government's own electricity supplies drawn from renewable sources. This makes the ACT second only to Tasmania in the percentage use of green electricity among all Australian governments. The purchase of electricity from green sources for existing sites from 1 July this year is estimated to save approximately 30,180 tonnes of CO₂ equivalent. There have been several initiatives in residential buildings to cut back on energy use. These include mandatory energy-efficient ratings.

On 25 November 2005 the Australian Building Codes Board agreed to introduce a five-star energy rating to the Building Code of Australia by May 2006. Current requirements are that all new buildings must achieve five stars. The ACT energy wise program, which was announced in December 2004, provides home energy audits and rebates for energy-efficient improvements. It is a three-year program of \$30,000 per year, funded until 2007-08.

The structural design of homes can reduce the need for energy through heating and cooling, therefore reducing greenhouse emissions. ACTPLA is working to strengthen the links between the land subdivision and the building construction stages so that new subdivisions can be designed in a manner that maximises the energy efficiency and solar energy access of the blocks. Further, neighbourhood design includes emphasis on abatement through transportation plans. Street layout, bicycle and pedestrian paths and bus routes are all aimed to encourage more sustainable transport.

Other aspects of neighbourhood and subdivision design relate to external climate control, including vegetation distribution, park location and street trees.

Going back to the climate change strategy, it will establish broad directions up to 2020 for the government to support the community's response to climate change. Detailed action plans under these broad direction areas will then be established following further consultation with the community, with the first to be developed in mid-2007. In this way the strategy will remain responsive to the changes in climate change knowledge and technology. Even with the formulation of the new strategy which is under way, significant emission reduction programs are already in place.

In 2005 the ACT joined with New South Wales in the implementation of the greenhouse gas abatement scheme. The scheme requires retailers of electricity, which is the source of more than 60 per cent of ACT emissions, to supply an increasing percentage of their product each year from cleaner and greener generation sources. In its first year of operation the ACT component of the scheme achieved emission savings of 316,360 tonnes, or the equivalent of taking 73,570 vehicles off ACT roads for a year. Steadily increasing targets mandated in legislation will result in annual per capita emissions being reduced by more than eight per cent by 2008.

Turning back to planning, water-sensitive urban design requirements have been put in as well. Those guidelines apply to all scales of development, including residential, multiunit, commercial, institutional and estate development. Mandatory targets for potable water use reductions and stormwater quality and quantity are included. However, wastewater reuse is currently optional for redevelopments. There may be options to make it compulsory in the future.

The ACT is the only jurisdiction that has in place mandatory disclosure of house energy ratings at the point of sale. This labelling system plays an important role in disclosing the energy performance of buildings to prospective buyers. It has also increased prospects of job opportunities in the ACT. Its major role is informing the market, thereby allowing for more efficient market operation. It has an added role in educating and raising awareness about sustainability more generally.

This system rates the performance of the dwelling. It can be from zero to six stars. There is about a \$1,000 per annum difference in the costs of heating and cooling a zero-star home and a six-star home. The commonwealth and the ACT governments are conducting a review of the effectiveness of the rating in affecting purchaser decision making. There is now mandatory installation of water-efficient showerheads in all new buildings—introduced from late 2004.

The government recognises that commercial buildings are a major source of greenhouse gas emissions in the ACT. Energy-efficient measures for commercial buildings are to be included in the Australian Building Code. These have been effective from 1 May 2006.

The government has implemented the sustainable transport plan, which is creating a more environmentally efficient transport system. There have been improvements in bus lane construction on the transit corridor of Gungahlin to city. The ACT government has also funded a number of service improvements, including improved

peak express services from outer suburbs to employment nodes and improved off-peak service frequency.

The ACT has in place a 10-year master plan to achieve a well-connected cycle path network. That commenced in 2004. This plan will also develop best practice guidelines for bike parking and trip-end facilities. You heard the minister speak earlier this year about end trip facilities at government buildings in the ACT—the provision for bike parking and the provision of shower facilities. Now, of course, we see bike racks on buses. This plan has produced a number of best practice guidelines for bike parking and those facilities.

A number of publications have been produced, including the Canberra and Queanbeyan walking and cycleway map, in hard copy and interactive formats that detail footpaths, on-road cycle lanes and ACTION's intertown bus routes. The map is designed to encourage people to walk, cycle or use public transport instead of private vehicles. But if they are using their private vehicles, I encourage members to try and find their local service stations that supply ethanol fuels for their cars. Indeed, I have been using ethanol in my car for the last two months.

There have been a number of initiatives by ACTION buses to contribute to reducing CO₂ emissions. Those include the purchase of compressed natural gas buses. By February 2006, 42 compressed natural gas buses had been delivered at an expense of \$17.2 million. ACTION will increase by 12 the number of compressed natural gas buses in its fleet at the end of this year. This will bring the percentage of gas-powered buses in the fleet to 13.8 per cent. Located at ACTION's Tuggeranong bus depot, ACTION's compressed natural gas refuelling station is capable of filling up to 30 buses an hour continuously.

Further, the ACT government is committed to having 10 per cent of its fuel-efficient low emissions equated by 2008. Currently about 10.5 per cent of the ACT government rates four stars or better on the green vehicle guide. This will, in effect, mean that the election commitment has been met more than two years ahead of schedule. This move is expected to bring about a reduction in carbon dioxide emissions of about two tonnes a year for each vehicle in the fleet, as well as overall savings of about \$200,000 a year from the next financial year.

The ACT no waste initiative is another means by which the ACT government is fighting climate change. Since methane is one of the gases that contribute to the greenhouse effect, methane from the Mugga Lane and West Belconnen landfills is captured and used to produce green electricity. More than 1,800,000 tonnes of organic material has been diverted from landfill since the introduction of the no waste strategy. Last year alone almost 250,000 tonnes of organic material was diverted. This is the equivalent of saving more than 490,000 tonnes of CO₂ emissions.

Whilst there are many welcome government policies with regard to tackling climate change, educating the Canberra community on what they can do individually and collectively to cut back on greenhouse gas emissions is very important. We saw Mr Mulcahy just the other day changing to neon globes at the front of his house. Congratulations. A significant aspect of the new climate change strategy will be community education and awareness initiatives. As well as this being included in the

new strategy, the government has already been active in promoting sustainability in the wider community.

In the energy field, the home energy advisory team and ACT energy wise program provide free householder advice and subsidised energy audits and rebates to encourage energy efficiency and emission reductions. This can be achieved in simple ways like changing light globes to more efficient, compact fluorescent light globes. They use a quarter of the energy of regular lights, last for years and actually produce more light, as Mr Mulcahy has demonstrated. There is an amount of energy wasted due to the laziness of people in not turning off lights and other electrical appliances when not in use. This could amount to a significant saving in electricity.

Individuals can and should take advantage of the ACT government's home energy advisory service. That provides advice to residents and small businesses on energy efficiency measures. It is funded at \$140,000 per year. The home energy advice service responded to 5,548 inquiries between 2002-03 and 2005-06. It will continue to be useful for people to take individual action to reduce greenhouse gas emissions.

The first signs of unavoidable and adverse climate changes are being observed locally, and will develop progressively over future decades. The current government initiatives are important in combating climate change. However, there is definite scope for improvement and expansion of these programs. The combination of government policy and awareness raising in the community will ensure the ACT is doing all it can to combat climate change.

MR MULCAHY (Molonglo) (4.42): The opposition will be pleased to support Mr Gentleman's motion today. The motion is timely, given the current level of debate and given comments from the opposition earlier this week.

It is a real pleasure to see that the ACT government is starting to come to terms with environmental issues on this scale. Whilst I probably will not be disposed to getting excited about the achievements of the Stanhope government in these areas, I do not have a major problem with the general sentiments contained in this motion. I would like to see a much clearer enunciation of what the government strategy is, which I understand is coming at Christmas. It has taken some time, especially given the political capital the Chief Minister sought to gain by going on about the previous Liberal government strategy and the cost. I think it is a case of put up or shut up. If you are going to tear down what was there before—and I am not necessarily an advocate of what was in place previously—I think it is very important to have something else in its place.

I think you would have to be living back in the dark ages if you were not willing to recognise significant climate issues. You can debate all day the causes of those things, but they are presenting issues for our society at present. I like, in particular, the third point of Mr Gentleman's motion:

that the Canberra public is educated about climate change and what they can do on a grass roots level to contribute to a cleaner world.

As I indicated earlier in the week, to present our policy as a Liberal opposition, we are trying to pursue a no-regrets approach. We would be seeking to develop a program in government that will incorporate practical measures to reduce energy wastage and costs. This would include close involvement by government in encouraging and supporting sensible environmental measures. The objective would be to ensure that the community gets behind environmental policy. A penalty approach, which is often the perspective the Greens movement brings to things, is not the way, in my view, to secure public support.

I do not make that statement lightly. I can base it on extensive experience in dealing with these issues from 10 years ago, when I first became involved in these programs. Previous experience I have enjoyed in developing the largest number of greenhouse challenge partnerships for any industry sector in Australia when operators in the tourism and hospitality industry got behind a no regrets program, extending back to that time, is very clear evidence of what can be achieved.

I would encourage the Greens, instead of turning their back on these sorts of measures, to get themselves up to speed, come to understand what has been accomplished, give credit to industry and governments that have worked constructively together and get themselves across the sorts of things that can be done. It is all very well to talk about global activities and all the stuff we hear from the Greens senator on the hill, but I would like to see people who can get their heads around the real ways of achieving these outcomes.

I would appeal to the Green movement in this city to apply some intellectual rigour, rather than simply perch on rhetoric and assume it is their sole province to talk about environmental issues. I am sorry, but the fact of the matter is that the government has obviously decided to take a more active role in these issues. The Liberal opposition is certainly going to be very active in this area. That is something the green movement will have to live with. They will have to get their policy framework up to a level that is more credible than it is at present. Under the no regrets approach we will be looking to develop significant energy savings by delivering reductions in greenhouse gases across an entire industry sector, without adversely impacting on people the way it was achieved in tourism and hospitality.

The view expressed in the media the other day that the achievements of the greenhouse challenge plus program were hatched over 30 years ago simply reflects a profound ignorance of and indifference towards the tangible advances that have been made in recent years. I will detail those in a moment. The Greens seem to be rather naively unaware of what progress is being made through industry and commercial partnerships with the community and government in finding mutually beneficial ways to combat global warming and control greenhouse gas emissions.

It is interesting when you put the rhetoric on one scale and practice on another. As I mentioned the other day in the media, the Greens have, in fact, failed to ask a single question about forestry during the Senate estimates this year. That prompts very serious questions over their seriousness in debating environmental issues for other than media purposes. In 45 Senate question times and two Senate estimates hearings in 2006, the Greens failed to ask Senator Abetz or his department a single question

about forestry. The Greens have built their reputation on issues such as forestry. One would think they would have some questions prepared that attempt to critique the federal government's performance in this area.

I want to move on and make some reference to the Stern report, which has had considerable media coverage around the world in recent weeks. The report examined the impact of global warming on economic output until the end of the century. It warns that global warming could cut the world's annual economic output by as much as 20 per cent, potentially triggering the worst global recession in recent history. The report casts doubt over the readiness of government jurisdictions worldwide to face up to their financial responsibilities in combating climate change. The previous Liberal government's environment policy was shouted down by this territory government as too expensive, yet Mr Stanhope's new greenhouse strategy, which promised to tackle issues such as climate change, is still to be released.

The economic impacts of global warming have been made apparent in the ACT, courtesy of the drought that has recently been declared. Recent reports that the earth may be close to the warmest it has been in the last million years are likely to serve as a precursor to soaring energy demand and associated costs as communities seek to cope with dramatic changes in weather patterns. Environmental policy for governments at all levels and of all persuasions must recognise the adverse impact the dramatic changes in weather patterns will have on energy usage and the financial impact of those demands on residential, industrial and commercial users of energy resources. That is why we must work at that level, despite the view of the green movement, to engage our communities in practical and real measures that can assist in addressing these issues.

Whilst many might consider that the ACT is only a bit player in the global energy stakes and the efforts to reduce greenhouse gases, every community must play its part in the effort to curb greenhouse gases. The likelihood that demand for energy and water resources will continue to increase represents a significant cost for end users. It is incumbent on governments to work with their communities to find more efficient ways of using energy and living normal lives without experiencing escalating costs to do so.

I had the privilege—and I thank the Chief Minister for facilitating this—of recently attending a briefing with Mr Costello of Actew Corporation and his executives. A detailed analysis was presented to me on the way in which Actew Corporation are addressing future issues of water, the methodology they are employing and the research that is contemplated to be published in the middle of next year. I would urge my colleague from the Greens to seek a similar briefing. I have always thought that you are better to get the facts right and then you do not make a fool of yourself when you come out and make public comment on things because of poor information.

I found the frankness with which Actew Corporation responded to questions from me and my advisers helpful. I have a much clearer understanding of the options that are being contemplated, including those in relation to dams down the track. I understand the rationale of why they are setting the deadlines they are. I am certainly looking forward to seeing what the outcomes of the CSIRO's revisiting of those assumptions will produce in the next six months.

I found a positive reception to the idea of utilising the offer that was made to me by Malcolm Turnbull, where the methodology could be tested at the commonwealth level with the specialists they are now engaging. Subject, obviously, to the territory government reaching the same view, this could give us a greater level of comfort that the planning we have for this territory is reflective of the best available scientific minds in Australia.

I said I would go back to the greenhouse challenge plus program with some facts and figures because of the extraordinary ignorance demonstrated by the Greens which I referred to this earlier in the week, when we were told it was 30 years out of date and was of no value. For the benefit of my colleague, the greenhouse challenge plus program is a \$31.6 million partnership between the Australian government and industry. It has been established to support and encourage industry to help reduce Australia's greenhouse gas emissions. I thought that was what this was all about. For that reason, I would have thought it would attract endorsement from those who purport to represent an interest in the environment.

The greenhouse challenge plus program currently has around 770 members, with the strongest representation in the following sectors: in manufacturing, it has 265 partners; in accommodation, cafes and restaurants it has 112; in transport and storage it has 104; and on it goes. Another 50 companies have expressed their intention to join the program. Existing agreements with challenge members cover well over 1,000 operating sites or facilities. But apparently, according to the green movement in Australia, this is a waste of time and is something from 30 years ago.

The fact of the matter is that 30 years ago people did not even know about this sort of thing. In 2005 challenge plus member companies reported abatement of more than 26 megatonnes of carbon dioxide equivalent delivered since the beginning of the program. But apparently it is of no value. Current projections—this is pertinent to other discussions we might get to today—suggest that challenge plus would deliver more than 15 million tonnes of abatement each year in the Kyoto period 2008 to 2012. So it seems that maybe this program is not so irrelevant. The principles enshrined in that program that I want to see brought into the territory, which I am told by the ABC were very similar to what was enunciated by the environment commissioner, might have an element of sense.

The approach that I refer to here can be taken in some detail. I will address more on this at a later stage. It is very important to not let emotion come into the picture but to look at the facts. One of the things I find interesting when I look at the ACT Greens' environment policy—when I go through it I look for the tangible measures that will make a difference—is that it is full of all sorts of expressions, collection of data, application of resources and annual reporting. That is great stuff. Build up a dossier of thoughts and views and data collection.

Mr Hargreaves: Consultation.

MR MULCAHY: There is a lot of consultation, as Mr Hargreaves points out. I keep ploughing through this document and I am struggling. But I found something, so it is unfair for me to say there is nothing. They are going to check vehicles suspected of

excessive exhaust emissions and noise levels, with the registration of the vehicle to be suspended. We are going to get stuck into the battlers. The ACT government has looked at these issues in motor vehicle testing for decades, I think—certainly for a long period of time. Apparently this is one of the great new initiatives. And we are going to get stuck into wood-burning stoves. There is a bit of catch-up there too. I think this has been addressed for a very long time in the ACT.

Mr Hargreaves: Eight years, to my knowledge.

MR MULCAHY: Eight years, as the minister has pointed out. We have this sort of vague approach of policy views. Not to be overlooked is the increased funding for community-based environmental groups. One becomes a tad sceptical when one reads this document. I do not think it has ever been subject to any debate in this place before, but I found it fascinating reading.

The other thing I talked about was the need for energy auditing. What do I find? I was told that that was no good and that I was out of touch, but in here I find environmental auditing. Apparently that idea was no good earlier in the week, but it is okay when you go to the Greens' website. We are going to look at the dioxin levels in the soils around the Totalcare incinerator at Mitchell. That is probably one of the other few profound elements. There is a complete lack of evidence of anything that engages the community in a serious way, but lots of money has gone on bureaucratic interest groups and paper collation.

In concluding, I welcome Mr Gentleman's motion. Whilst we will argue about whether the government is moving quickly enough, I think it is a more serious approach than some of the stuff we are seeing coming out from the so-called guardians of environmental issues.

DR FOSKEY (Molonglo) (4.56): I really look forward to Mr Mulcahy's response to my motion given that he spent most of his time responding to Mr Gentleman's motion with an unwarranted, and I think unfounded, attack on the Greens. I spent quite a lot of last night trying to work out what Mr Gentleman was hoping to achieve with this motion. I must say I have written this speech in response to the motion and not to what he has actually said today, because what he has said was not indicated from just a reading of the motion.

I think it is great that the climate change words have been important enough to him to make him put his pen to paper and to ask the Assembly to consider issues related to climate change. However, I am disappointed that in his motion there are no actions proposed—not for the government he is a part of nor for the government that he is wont to criticise in this place. It makes my own motion, which follows, even more essential, and I thank Mr Gentleman for giving me the opportunity to discuss the issues in my response to his motion and allowing me to propose a way forward when speaking to my motion.

I am not sure whether there is any connection between Mr Mulcahy's statement to the media on Monday—which he has backed up very much in his speech today; it looks as though I was quite prescient when I wrote this last night—and Mr Gentleman's

motion on the notice paper since last week. There is a great similarity between them, however, which I would like to explore today.

In relation to the first paragraph of Mr Gentleman's motion, it is clear that both Mr Gentleman and Mr Mulcahy are aware that climate change is an issue that neither they nor their governments can ignore. Yet this motion does not suggest that governments should do anything much. It recognises that there is policy developed to reduce greenhouse gases but it does not identify whose policy the motion refers to. I am sure that the federal government claims to have policy to tackle climate change, but I do not believe that its policy is adequate to tackle the problem and it lacks the depth and breadth that is necessary to achieve real reductions in greenhouse gasses. We have heard that Mr Gentleman is not particularly impressed by it either.

It is more likely that the motion refers to the ACT government's policies. We have heard from Mr Gentleman today and from Mr Hargreaves yesterday some of the actions being taken by the Stanhope government in an attempt to reduce our contribution to global warming. I commend all of these actions, but I will argue later, in the next debate, that, laudable though they are, they are not of themselves sufficient. Indeed, this was recognised in the discussion paper issued by the government on a climate change strategy. The government said itself in the introduction to its draft climate change discussion paper released in March this year:

The ACT Government will support and lead the community to make a significant contribution to the global effort to deal with climate change. The Government will continue to support Australia's involvement in international actions on climate change and will work with other Australian jurisdictions to move the nation towards a sustainable future.

There is a problem here with the way that the ACT government perceives its role in efforts to thwart climate change. It is looking outside itself at other jurisdictions, seeing itself more as a lobbyist than as an actor. Mr Gentleman's motion takes the same approach.

The final part of Mr Gentleman's motion—that the Canberra public is educated about climate change and what they can do at the grassroots level to contribute to a cleaner world—is very similar to what Mr Mulcahy calls his no regrets policy. I know that phrase "no regrets"; it is what the environment movement was asking governments to do in the early 1990s when global understanding of the problem of climate change was at its early stages and the Australian government was inside the tent on negotiations to deal with the problem. No regrets meant the taking of actions that would not harm and might even be of benefit to society and the economy and which would be of some use in reducing the production of human-induced greenhouse gases.

The Intergovernmental Panel on Climate Change defines a no regrets policy as one that would generate net social impacts whether or not there is climate change. No regrets opportunities for greenhouse gas emission reductions are defined as those options whose benefits, such as reduced energy costs and reduced emissions of local/regional pollutants, equal or exceed their costs to society, excluding the benefits of avoided climate change. The National Academy of Sciences gives some examples of no regrets strategies such as moving away from coal burning, which will improve

health and reduce atmospheric pollution, and improving water systems to withstand drought.

The Competitive Enterprise Institute, which does not endorse the signing of the Kyoto protocol, suggests some measures that will provide economic and environmental benefits whether or not climate change is a real threat; that is, it endorses precautionary measures. These include removing regulatory barriers to innovation, eliminating energy subsidies, deregulating energy markets and deregulating transport markets. All of these coincidentally further the neoliberal economic project of deregulation; in other words, they all rely on the market and thus perhaps we can begin to understand why Mr Mulcahy prefers this approach.

Mr Gentleman asserts that the Canberra public are educated about climate change. Perhaps he has checked the numbers of people who viewed the Al Gore film *An Inconvenient Truth* when it was showing here a month or so ago. Perhaps he is referring to the thousands that walked against warming on 4 November this year. Perhaps he is talking about the environmental education that children receive in our schools, or the high proportion of Canberrans who support and are members of environmental organisations. Indeed, many of them do know what they can do at a grassroots level to contribute to a cleaner world. They put their recyclables out in the bin—in great numbers apparently according to the latest survey—with the yellow lid. They put the lights off when they leave the house. They may even purchase energy-efficient light globes. They may take the bus when it suits. They might walk to the local shop. But many of these actions involve some inconvenience in a car-dominated city where the bus services are not always convenient and the local shops lack the diversity needed for any but the most basic purchases.

Mr Mulcahy points out, rightly, that Canberra people are on average earning good incomes and, not coincidentally, producing the highest per capital greenhouse gas emissions in Australia, which means in the world. But are we selfish as a community? I would contend that we are not. Individuals among us might be less thoughtful than others about our impact on the earth and its multitude of organisms, on future generations and on other people who do not enjoy the same level of wealth and choices that we do. Many find the problems so enormous and daunting that they prefer to live in denial of the impacts of climate change; it is easier to have a drink, to go shopping, to lose oneself in television or the internet than to think through the ways that we can reduce our environmental impact.

The truth is that even if all of us took the no regrets actions that seemed so important and quite adequate in the early 1990s—and remember that doing even this minimal amount means swimming against the currents of consumerism, the car culture and the pictures screaming, “Want me, want me” at us from the magazines and TV—they would merely be a drop in the ocean of what needs to be done to bring our levels of CO₂ production down to a level where we can hope to avert the worst impacts of climate change. Yes, by all means introduce the no regrets measures immediately—I believe the government still has a way to go on that bottom rung of the ladder measure—but make this just stage one of a carefully thought through climate change strategy that requires actions from business and government, many of which will be aimed at making it easier for Canberra people to live lives that impact more lightly on the planet.

I found Mr Mulcahy's speech extraordinary in the fact that it did not address the motion but was really an attack on the Greens. Mr Mulcahy's media release apparently accuses the Greens of not addressing Mr Abetz. Mr Mulcahy would be well aware that the Greens have had many interactions with Mr Abetz—not the most pleasant person at all. My response is: where was Mr Mulcahy when Senator Brown addressed the National Press Club? Why was he not there to ask him questions about his concerns about Greens policy on climate change?

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (5.06): Mr Gentleman has raised some very interesting points and I agree, of course, with everything that he has said. I would just like to add to the debate in terms of some of the important developments that are occurring both nationally and internationally.

The international policy focus has shifted from simply mitigating greenhouse gases, as was the focus of the ACT greenhouse gas strategy, to also adapting to unavoidable changes to the climate now occurring. Most recently in Nairobi a series of meetings on climate change was held. These meetings included the second meeting of the parties to the Kyoto protocol and the 12th conference of the parties to the United Nations Framework Convention on Climate Change. There are a couple of people who just got observer status; I am sure they know who they are.

At these meetings the UN Secretary-General Kofi Annan placed climate change alongside other global threats such as armed conflicts, poverty and weapons proliferation. Delegates attending the meeting were reminded on a daily basis that the scientific evidence for global warming is now more compelling than ever and that the time left to act if we are to avoid dangerous climate change and limit the economic costs of adaptation is narrowing fast. In addition, business and industry constantly pressed negotiators at Nairobi to ensure that the outcomes of the negotiations were sufficiently robust and underpinned long-term investments. Both the science and economics arguments are warning that we have a narrowing window of opportunity in which to act.

The United Nations and the World Meteorological Organisation have established the Intergovernmental Panel on Climate Change, the IPCC, to produce regular reports on the science of climate change. The Nairobi climate change meetings highlighted that the scientific knowledge has increased tremendously from the findings of the IPCC's second assessment report to the fourth assessment report. The fourth assessment report is due in 2007 and, based on a draft report, is expected to include a greater focus on the need for regional integration.

The recently released Stern report, undertaken by the UK government economic service head and former World Bank chief economist Nicholas Stern, is the largest review of the economic consequences of climate change ever undertaken. This report has warned that the impact on Australia will be significant unless urgent action is taken and has called for an expanded global carbon trading market to be implemented immediately. It finds that the shift to a low-carbon economy will also bring huge opportunities. It calls for immediate action to expand and link the growing number of emissions trading schemes around the world as a powerful way to promote

cost-effective reductions in emissions and to bring forward action in developing countries. When respected and conservative economists admit that we have a problem, we know we have a problem.

In relation to Australia, the Stern report found that rainfall is likely to continue to decrease as sea temperatures on the major Pacific and Indian Ocean currents rise. The report identified:

In Australia (the world's driest continent) winter rainfall in the southwest and southeast is likely to decrease significantly, as storm tracks shift polewards and away from the continent itself.

River flows in NSW have been predicted to drop by 15 per cent for a 1-2 degree celsius rise in temperature. Water supply to big cities will become more difficult.

The report warned further:

Warmer winters, reduced snowfall, endanger the habitat of mountain top fauna and flora. Tropical diseases are spreading southward as the north becomes wetter.

A recent study by the Lowy Institute, an independent international policy think-tank based in Sydney, has found that the wider security implications of climate change have been largely ignored and seriously underestimated in public policy, academia and the media. A paper by the Lowy Institute finds that far from exaggerating the impact of climate change it is possible that scientists may have underestimated the threat. The paper found that climate change will complicate and threaten Australia's security environment in a number of ways.

Weather extremes and greater fluctuations in rainfall and temperatures have the capacity to refashion Australia's productive landscape and exacerbate food, water and energy scarcities in a relatively short time span. Extreme weather events and climate-related disasters would not only trigger short-term disease spikes but also have more enduring health security consequences since some infectious diseases will become more widespread as the planet heats up. These recent studies strongly reinforce the potential impact of climate change and highlight the real risk we face if we fail to respond adequately or in sufficient time.

It is becoming more and more obvious that the community are well aware of the risks and consequences and want action taken now. A recent poll by the Lowy Institute indicated that nearly 70 per cent of Australians recognise global warming as a serious and pressing problem and want action to be taken even if it involves significant costs. The evidence is such that Rupert Murdoch has recently been converted to the climate change cause and has said that "business and government need to confront it and the Kyoto protocol should be rewritten". The conversion of Mr Murdoch is a radical shift from his previous scepticism. When a businessman who controls a large and competitive media empires admits that we have a problem, then we have a problem.

The policy challenge for the ACT coming out of this national and international work will be to manage the risks in the face of the uncertainty about how the climate may change at the local level and the effects on infrastructure, design and operation,

including water and energy, tourism, biodiversity, health, rural industries and natural disaster management. Locally, we need to focus on areas where we can make positive and effective changes to avoid activities that create new greenhouse gas emissions. We can also undertake actions that will enable us to reduce our existing emissions, ensuring that we are in a strong position to adapt to the unavoidable impacts of climate change.

Building this understanding and resilience in the community is fundamental to avoiding or minimising costs caused by climate change. This government understands that it is essential that an ACT climate change strategy incorporate improving the knowledge and awareness of climate change as well as reviewing and identifying climate change risks and communicating this knowledge to the community. The ACT can and should add our voice to the climate change debate and set an example for others to follow. Innovative approaches to reducing greenhouse gas emissions are being developed and we can look at examples overseas and in Australia and, where effective, consider adapting them to suit our circumstances.

To this end, the ACT has recently joined its state and territory government colleagues in the Council of Australian Federation in writing to the governors of those US states that have, despite their national government's refusal to ratify the Kyoto targets, accepted the principles underlying the protocol. It is anticipated that this approach will establish a basis for international cooperation at a local level. We can also take up the challenge to develop our own innovative solutions—solutions that would be advantageous for our environment, for our economy and our society and that will maintain or enhance our lifestyle.

MR SMYTH (Brindabella) (5.15): It is interesting that, with a minute and 37 seconds to go, the erstwhile minister for the environment ran out of puff. And after 8½ minutes of his saying nothing, we are still none the wiser as to what this government will do to affect climate change and to reduce greenhouse gas emissions.

The great tragedy of this debate that Mr Gentleman has brought forward is that all we have got from the ACT Labor government, the Jon Stanhope Labor government, after five years in office is hot air and a discussion paper. Yes, I know it is hard to believe that after five years in government all they have is a discussion paper. Mr Gentleman alluded to what might be in it—the various principles that might appear—and said, “Yes, educating people about greenhouse gas emissions and climate change would be important.” But we are still none the wiser on how this government will achieve that.

Next month, next year—who knows when; some time soon—we might get from the government where they stand. When Jon Stanhope earlier this year admitted his failure as an environment minister and flick-passed it to John Hargreaves, what he said was that having ignored the environment for almost five years the government was going to continue to ignore the environment, because all they have got is a discussion paper. The logic was, “It is too expensive. We had it costed. It was going to cost \$140 million, which is approximately the same price as a prison.” Prison, greenhouse gas emission: choices. That is what we have got here: real and sincere choices. And what we have got from the government is total, abject failure on the issue of the environment, greenhouse gas emissions and global warming.

But, suddenly, there was an opportunity to attack the Howard government for their perceived failure. So we have had this flurry of activity in the last two weeks. We have had more questions from the Labor Party on the environment in the last two weeks than we have had in the last five years. Now we have got this most amazing motion from Mr Gentleman:

That this Assembly notes:

(1) the importance of recognising climate change;

Profound, absolutely profound. Then it goes on:

(2) that there is policy developed to reduce greenhouse gas emissions; and

That means “but my government is not going to show you theirs, because we have only got a discussion paper”. It goes on:

(3) that the Canberra public is educated about climate change and what they can do on a grass roots level to contribute to a cleaner world.

That is true—and how did they get educated? Because the former Liberal government engaged with the community and educated them. Key to our greenhouse gas strategy, which was released in about 1997, was, of course, increasing community awareness of greenhouse issues. And did we do a good job? Yes, we did, because this is the city that recycles more and knows more about greenhouse and climate change than any other city in the country. It is because we led the way. As a jurisdiction the ACT not just led Australia but in many senses led the world from 1995 to 2001 because it had a government then that was committed, on behalf of this city, to changing the way greenhouse gases were emitted. We did the surveys. Though not wanting to foreshadow debate, I look forward to Dr Foskey’s motion, because many of the things that she asks for the former government did. But for the last five years this government has not done it.

It is interesting to write down a simple checklist of some of the programs that the previous government had. Policy: yes, Mr Gentleman is right; there is policy developed to reduce greenhouse gas emissions—and it was developed by the former government, the Liberal government. It was the greenhouse gas strategy that we had. The no waste by 2010 strategy that we pioneered has grown into a network around the world from Mexico City to Cardiff in Wales, where community organisations have adopted something that grew out of the ACT.

We had the firewood strategy, to reduce the burning of wood that was not suitable. We had the water tune-up program in public housing. I think we started the LNG bus replacement program. In planning we started the high-quality design and sustainability guidelines. We started the government building upgrade program, particularly with Macarthur House. It is interesting that everybody now mentions methane mining at the tip. But it was the Liberal government that started that. We put the piping in, we turned the gas on and we created electricity from it.

We started the grey water mining at Southwell Park. We developed our APU, our aged person unit program, and built hundreds and hundreds of aged persons units. They were sustainable and they were adaptable. If it is river health that you are worried about, we put groins in the river to create the conditions that would allow native fish to spawn and restock the rivers. We did the bio-bin test in Chifley, which was then ignored by this government. We started the work to build the new Revolve facility and upgrade some of the work at the tip.

The Stromlo mini-hydro was under the former government. We introduced differential vehicle regos to make people with heavier, larger vehicles pay a little bit more. It was we who put land back into reserves, particularly in Jerrabomberra and O'Malley. We said, for instance, that Jerrabomberra, because of the number of different eco types there, would never be built on. The former government was the first jurisdiction to complete all its endangered species action plans and actually commence the review of them. We were the first government, first jurisdiction, to do that. We were the government that signed up to the packaging compact. We were the government that put in water legislation that legislated for environmental flows.

We were the government that started Greenfleet in the ACT, Second Hand Sunday, and put forward the rural policy package. We were the government that removed the majority of woody-weeds, willows, from our creeks so that the creeks could return to what they should be. We started Adopt-a-Road and we developed upgrades at Tidbinbilla and Namadgi visitor centres so that people could understand their environment better and their contribution. That was a tremendously solid period of achievement. And what was it followed by—five years of hot air and a discussion paper. That is all there was.

If you simply go back to some of the state of the territory reports, it is there—actions. One says that Environment ACT implemented the ACT firewood strategy, including education on the correct operation of wood heaters. Everything that we did had an educational component. Turn the page and it refers to ACT greenhouse gas emissions.

It will be interesting to see, when the government's discussion paper is finally turned into a policy, whether or not this government will set itself targets as strong as we set, which were to stabilise ACT greenhouse gas emissions to 1990 levels by the year 2008—two years away; it has wasted five years—and reduce emission levels by 20 per cent by 2018. So the test is on. The wood will be put to the government. Will it match that? Will it do better? And I bet you the answer is no, because we already know from the failed environment minister, the Chief Minister, who ignored his portfolio for the entire time that he had custody of it: "It is too expensive."

Today it is the most significant issue facing the world, and the Chief Minister has got the answer: it is all carbon trading. One answer fits all: carbon trading will fix it. You heard it here; Jon Stanhope says so, so it must be true. But what we had in our greenhouse gas strategy were mini things that encompassed things like the use of more efficient heating systems, purchasing more energy from low-emission sources, reducing the use of private motor vehicles, capturing existing methane at landfills, reducing greenhouse gas emissions from government operations—and it just goes on. That was a solid period; what we do not have now is that solid period.

So I thank Mr Gentleman for moving his motion today acknowledging that there is a policy developed to reduce greenhouse gas emissions—it was developed by the Liberal Party. We took a similar policy, a very strong policy, to the last election, unlike the policies and the airy-fairy actions that we have from the government. From them we have got a discussion paper that will somehow become a plan. It will go the same way as the economic white paper went, as the social plan went and the Canberra plan went. It will go out the window because of the ineptitude and economic mismanagement of the Stanhope government, which has squandered in the last five years all of the goodwill that the previous government built up and all of the money that the people of Canberra had poured into the coffers. This government have lost opportunity after opportunity to ensure that we improved our environment.

It is interesting that the government moves this motion and—quite by accident I am sure—we get the motion from Dr Foskey to follow. It is an issue that people have to focus on. I want people to cast their minds back to what was called the Asian meltdown in 1997 when the Asian markets went skew-whiff and there was a tremendous fear that, for instance, the incredibly efficient system of collecting waste paper in the ACT would go to nought and that we would for the first time in some years have to dump collected paper in the tip because the market had disappeared. The dismay from the public was enormous, because they knew that they could make a difference on an individual level and they wanted to make a difference. What they are not being allowed to do now is make that difference—because of the ineptitude of their government.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (5.25): I would like to thank Mr Gentleman for bringing this matter to the Assembly today. Paragraph 3 of Mr Gentlemen's motion refers to the importance of educating the Canberra public about climate change, and I would like to take the opportunity to put on record what is occurring in my portfolios, particularly in schools and at the CIT.

As I think we have acknowledged in this debate, ecological sustainability in an important and very topical issue and the government is seeking to embrace ecological sustainability in our schools. As I have indicated previously to the Assembly, we are seeking to promote a whole-of-building approach to design in upgrading existing facilities within our school system and, of course, in building new schools. The sustainable design approach is about making buildings more energy efficient, improving air quality and reducing greenhouse gas emissions. This approach is being incorporated into existing buildings and new buildings.

An example of this is the new Harrison school, which the ACT government has funded with over \$21 million in this year's budget. It is being built with a green building approach. Emphasis has been given to making the building energy efficient, improving air quality, capturing and storing rainwater for recycling and reducing greenhouse gas emissions. The design features of the school include: natural ventilation in all buildings; night cooling and purging by using differences in temperature; individual buildings containing their own gas fired boiler; high thermal mass construction being used to maximise the heat bank characteristics of the building; optimisation of daylight to reduce the need for artificial light and rainwater

collection stored in large underground water storage tanks that will provide water for reuse in toilet flushing, plant and garden bed irrigation and for cleaning paved areas. I hope also that some of that water might be available to provide irrigation for the neighbourhood and district ovals in the areas. As well, low maintenance environmentally friendly materials will be used in the construction of the school and a building management system providing intelligent building controls for lighting, heating and ventilation will be put in place.

This design builds on the success of the Amaroo School. I have mentioned before that the school won an environment and energy building efficiency award from the MBA. The Amaroo School has solar hot water panels to supplement the in-slab heating and hot water systems. It has natural ventilation systems to cool the school; roof mounted photovoltaic cells to generate electricity; a wind turbine and water storage tanks to collect stormwater for recycling within the school.

The approach to design applies not just to Harrison and Amaroo. I think the new outdoor school at Birrigai that was completed in May this year also addresses sustainability issues. It makes use of solar power, low water use appliances and natural ventilation and lighting. The new west Belconnen school will also follow these design principles and will be responsive to the demands of environmental sustainability.

It is not just new buildings. We are also seeking to retrofit our older school buildings. The average age of ACT schools is about 33 years. What we are seeking to do, under the sustainable schools pilot program that is operating in 13 government schools, is to coordinate each school's approach to environmental sustainability through the establishment of school environmental management plans. These plans will complement existing programs in schools such as EnergySmart Schools, Waste Watch, Water Watch, Water Wise and Landcare.

We are seeking to retrofit older schools. One example is Campbell high school. In April 2001, it was the first school in the ACT to supply electricity from the sun to the local grid. Farrer primary school has a separate and purpose-built environment centre, which forms a hub for science and environmental educational activities for all the students across the school. In the last couple of weeks my colleague Mr Hargreaves mentioned that Hawker primary school was recently awarded the ACT government's No Waste award.

Mr Hargreaves: Not for the first time, I might add.

MR BARR: Indeed, Mr Hargreaves. These are but a few of the projects that have been undertaken in our schools, and there are many more examples.

An ecologically sustainable approach is the responsible approach and the government will continue to support an expansion of this approach through all our schools. A major component of the government's \$90 million investment in public education to upgrade our schools over the next four years will be to retrofit older schools to make them more ecologically sustainable. The government will be taking advice from groups such as the Green Building Council of Australia, who are currently developing

a Green Star—Education As Built rating tool in order to fund projects within our schools to improve energy efficiency.

I am also pleased to note that it is not just our schools that are becoming more ecologically sustainable. The CIT has also embraced the need to contribute to sustainability in our environment and over the past decade the CIT has progressively implemented a range of strategies to reduce energy and water consumption and to recycle waste. These strategies include: building management systems; process timers and movement detectors for lighting control; installation of window reflective film; installation of power factor correction equipment; replacement of inefficient hot water boilers; the modification and reconfiguration of steam boilers; the installation of eco light transformers on fluorescent light circuits; the installation of timers on hot water units and solar hot water for areas of the Reid campus and the student accommodation buildings at Bruce.

Recycling schemes have also been introduced for paper, cardboard, glass, aluminium and plastic containers. Concrete and brick recycling from the construction workshops has been implemented, as has steel recycling from the metal work areas. In the cafeterias, glass, aluminium and plastic recycling is available for consumers.

To reduce water consumption, the CIT has drilled bores at Bruce and Weston campuses for irrigation, and a dam has been constructed at Weston to recycle the runoff from this irrigation, Dr Foskey. Dual flush cisterns have also been installed throughout campuses, as well as AAA showerheads and restriction valves on taps. Solar panels have been installed at the Bruce campus to supply green energy and heating systems have been made more efficient with the aim of consuming less energy. Overall, these measures have combined to reduce energy consumption by over 35 per cent. Water consumption has been reduced by 40 per cent and waste disposal has been reduced by 45 per cent.

I am also informed by the CIT that electricity, gas and water consumption audits have been carried out to identify further areas of energy savings, maintenance costs savings, higher efficiencies and reduction in carbon dioxide emissions. It is worth noting that the CIT is a leading provider of courses that teach students about emerging sustainable technologies in areas such as engineering, automotive, construction and plumbing. Plumbers at CIT learn about rainwater tanks and grey water systems. Electricians study solar energy and gain skills in setting up systems that allow solar power to be returned to the grid. The CIT is educating the workers of the future. They will be able to readily install systems that will lead to our society overall being more ecologically sustainable.

Ecological sustainability is the responsibility of all of us. In my portfolio of education and training we are taking the responsibility very seriously. We are adopting sustainable approaches to buildings and facilities and also, importantly, educating students on the importance of respecting our environment.

MRS DUNNE (Ginninderra) (5.34): First of all, I would like to congratulate Mr Barr on a truly splendid exercise in recycling. I think we heard that speech last Wednesday. Some of it I have heard several times, and the bit about the Harrison school I heard in the estimates hearings and in questions without notice today and last week.

Mr Barr: It is good to see you are finally listening, Mrs Dunne.

MRS DUNNE: I listen all the time. I just do not have to agree with it.

Mr Barr: Recycling speeches saves paper.

MRS DUNNE: This is an important matter, but I think the most important thing is the Damascus-like conversion of the Stanhope government, which has suddenly realised that the environment is important. It is interesting to observe that the Liberal Party took to the last election environmental policies that were almost entirely about greenhouse gases, energy efficiency and water efficiency. At the same time the Stanhope government took to the last election environmental policies that were almost exclusively about reserves and biodiversity. While both of those things are important to the environment, it showed a particular preoccupation at the time.

The Stanhope government went to the last election with almost no policies in relation to greenhouse gases, energy efficiency and the like. In the run-up to the election the Chief Minister, at the time the Minister for the Environment, absolutely embarrassed himself by his constant critiquing of the approaches taken on this side of the house to energy efficiency and greenhouse gases. He became a bit of a laughing stock.

Just before the last election I remember being bailed up in the street by a very prominent Canberra scientist whose life's work has been devoted to issues related to greenhouse gas emissions. He told me that he had been embarrassed to read and hear what the Chief Minister had said about the greenhouse strategy and that it was an embarrassment to think that the minister who instituted the Office of Sustainability would walk away from the greenhouse targets set by the previous government in 1997. Of course, at the time the Chief Minister said that he was not walking away from the targets. He thought it was still a good policy, but it was just too expensive to implement. Since the election, he has abandoned that policy.

In many ways there has been a different approach to thinking since 1997 and the signing of the Kyoto protocol, and it could be argued that there should be a different approach. But I think it is incumbent upon the government to come up with a replacement policy before it throws out the previous policy. I do not think anyone would have a problem if they said they are looking at a replacement policy, but in the meantime they will keep working down those paths and keep doing some of those things. There has been little proposed by the Stanhope government in terms of major policy on greenhouse gas emissions. In the budget before last we had \$300,000 for energy tune-ups around the town. That is basically \$1 per person in the ACT. You are not going to get very much of an energy tune-up for \$1 per person in the ACT.

Mr Gentleman is making a lot of high-flying statements today, but I think he has really got ahead of himself. I will go back and check the record, but I am almost certain that I heard him say that the government has developed a policy to reduce greenhouse gases. I am sure that they have not. A policy may appear, but it has not appeared yet. Mr Gentleman is anticipating the government, so much so that today I heard him say that the ACT government is engaged in a carbon trading scheme. That is not the case.

The ACT government is engaged in a discussion about the establishment of a carbon trading scheme. We do not have a scheme yet and the government is not engaged in one. There are arguments for and against a scheme, and no one in this community has engaged in the debate as to whether we should be part of a carbon trading scheme or whether it is desirable.

Mr Barr: There are a few other trading schemes in the Liberal Party room that could be engaged in. It is just completely different. Mr Mulcahy is very well versed to comment on that.

MRS DUNNE: They are completely different things. It is disorderly, Mr Barr, to even consider it. I suppose we have realised that the Stanhope government is coming to a position much where the Liberal Party was at the last election. The Liberal Party went to the last election with substantial policies in relation to setting targets for reducing the use of electricity, reducing the use of water and improving the quality of our housing.

There are two reasons to find ways to allow people to make changes to improve the quality of their housing. Firstly, better living conditions create a better environment for us all. Secondly, it is cheaper for people. In the last little while Mr Mulcahy has been talking about a no-regrets policy. It is very much in the mould of what we took to the last election. We put forward a policy, which this Chief Minister roundly criticised, of providing people with low cost loans so that they could improve the insulation in their homes, heat water more efficiently, improve glazing and things like that to improve not only the efficiency of their houses but also their quality of living. To a large extent, the savings made in running their houses would pay for those improvements. I suppose this might be called the economic rationalist approach to environment policy and it is one that I heartily endorse. It is also—

Mr Barr: It is a good approach. It works in schools, too, Mrs Dunne.

MRS DUNNE: Yes, it does work in schools. It does actually work in many places. The work that has been done, for instance, by the Rocky Mountains Institute in assisting many businesses to make significant changes to the way they operate their businesses has shown that if you make sound environmental changes you do make a big impact on your bottom line.

Mr Barr talked about access to natural lighting in schools. The Wal-Mart organisation in the United States has found that when they improve natural lighting into their stores the employees feel better and there is less absenteeism, and retail sales go up as well. Large organisations like Wal-Mart have actually made significant inroads into their greenhouse gas emissions and it has been good for their bottom line. There is much to be said for economic incentives to improve environmental performance. It has been the hallmark of the Liberal Party's approach over the last four or five years, and it will continue to be so.

I hope that Mr Gentleman's new found enthusiasm for environmentalism will continue when Mr Mulcahy moves his amendment, which I endorse. It carries on from the reasonable start made by Mr Gentleman in this motion, but actually adds

some policy grunt to the motion. I commend Mr Gentleman's motion and I commend Mr Mulcahy's amendment.

MR SPEAKER: Has the amendment been moved yet?

MR MULCAHY (Molonglo) (5.43): Mr Speaker, I seek leave to move the amendment circulated in my name.

Leave granted.

MR MULCAHY: I move:

Add the following paragraph:

“(4) that the most effective policy to reduce greenhouse gas emissions is to embrace a ‘no regrets’ environment policy.”.

I propose to amend the motion by including paragraph (4), which I hope Dr Foskey will now be pleased to embrace because it reflects her new appreciation of the policy I was enunciating on Monday. The most effective policy to reduce greenhouse emissions is to embrace a no-regrets environment policy. We heard on Monday that this approach is 30 years out of date, but further research by the Green movement has shown that, in fact, there are many eminent organisations that are very comfortable with this policy.

Basically, my amendment is a way to further advance the discussion. It gives us the opportunity to develop sensible measures that we can work on—on a bipartisan basis—to improve the environment in which we live. Quite seriously, I believe that the people of Canberra are very well disposed towards improving environmental measures. On the weekend, in an interview with the ABC, I commented that I thought we were a reasonably selfish community. I do not resile from that. I think people here are quite indulgent. We have the most and the best of just about everything. As I said in the media, we have the highest level of incomes and the highest level of education. I have lived in other parts of Australia and the world and in terms of urban facilities, we are extraordinarily well catered for relative to other communities and we have an expectation in our community that those standards will be maintained.

Because we have a highly educated and affluent community, people are not averse to recognising that they have a role to play in protecting the environment in which they live and the environment that future generations hope to enjoy in the same style. I think it is important that we do engage more seriously in policy. We cannot just rely on global targets and meetings in Nairobi and Kyoto and everywhere else to make improvements in our hometown.

I know that the ACT contribution, in the scheme of things, is relatively small, but the fact of the matter is that we can take measurable steps. We pride ourselves here on best practice in a number of fields of activity. As I have said in other arenas, as much as I would hope one day that we could have a parliament that reflects world best practice in terms of technology, it would be great if this was in fact a showplace for how to conduct a model legislature. That would call for a lot of lateral thinking. I also

think that we, as a contained, compact community within a community that I think would be fairly supportive, could actually show the world, within the limitations that we have here, how effective we can be in tackling many of these environmental concerns.

It is certainly my intention to press ahead with this approach. It is not inconsistent with the motion moved by Mr Gentleman. I think it just extends it further. It is consistent with good public policy practice and would ensure that, in going forward, we embrace measures that are actually going to achieve an outcome that can be implemented by people, but will not damage our community, our industry, our welfare or our livelihoods in the territory. For that reason and, as illustrated by those programs that I went through in some detail a moment ago, I think that we can achieve a great deal.

As I mentioned in my earlier remarks, the greenhouse challenge plus program has now got over 770 participants; indeed their agreements cover over 1,000 operating sites or facilities. Would it not be wonderful if we, at the territory level, could develop programs with a similar concept that involved not only business houses, but also engaged residents here, whether they be owners, owner occupiers or even people in a tenancy arrangement, to try and have them embrace improvements in terms of reducing waste and preserving the environment in which they operate?

I do not think you have to splash large amounts of money out. I certainly recognise that there is a measure of education that would need to be increased, but I do not believe that you necessarily have to say the taxpayer must fund everything. It has not worked well in New South Wales, where they have tried to fund replacements for shower heads, light globes and the like. The savings have probably been matched by the amount the government has spent. I am not a big believer in the government always writing out a cheque to solve every problem.

I think that, if handled correctly, these programs can be effective. The greenhouse challenge plus program does not involve giving grants to these businesses. The programs are simply brought on board and sold on their relative merits. I think if you do that on both a domestic and a business basis, you will actually get the result. You will not be burdening the taxpayer with a massive cost. You will deliver savings to other business houses or individuals and you will, in fact, play your part in reducing emissions in a community that is recognised as one of the greatest producers of emissions. That is quite extraordinary, given the low industrial base of the ACT, but that is what the experts tell us. So it behoves this Assembly and representatives on all sides to take on board these measures, and this is certainly one important way of achieving that outcome.

DR FOSKEY (Molonglo) (5.50): It is very interesting that the two so-called major parties in this Assembly—the two clever parties, the two parties who care so much about the world—can combine to endorse a very weak motion on climate change and thus avoid the opportunity to get on to discussing a motion that would put some real teeth and guts into the attempt to do something about this issue. You sit there feeling so clever and so comfortable, but it is so obvious that you have not done the reading; you have not done the work. You really are not putting the effort into doing what I

believe your children and their children, if they get to have that freedom to do so, will not thank you for.

The Greens did not need Al Gore or the Stern report to suddenly get alert to the dangers of human-induced climate change. Many of the scientists who made the first frightening models of its potential impact wanted to call it “climate catastrophe”—before their language was moderated by the spin doctors. Since the film *An Inconvenient Truth* brought the message to mainstream Australians with its unbearable images of polar bears struggling to hang on to ever-diminishing fragments of ice melting in the oceans, the term “climate catastrophe” has become mainstream in the discourse.

The spin doctors were right: it is a scary term and it has the power to do what many of the world’s richest capitalists and their corporations and their clients, their shareholders and others who profit from the most carbon dioxide-producing industries and the mining of their raw materials feared. The term “climate catastrophe” has the power to cause people to change those aspects of their behaviour that contribute to the problem, out of love for their children and for other people’s children, for the rivers, for the woodlands, for the grasslands and the forests, for our towns and cities, for our relatively peaceful societies and for the many species who share this wonderful, unique earth with us.

We have to remember that, as the only species with the power to affect every other species on the planet and the ability to know this, we have the moral responsibility to act, to do everything we can, to avert the climate chaos that many scientists have been trying to warn us about since the early 1990s. They would have preferred that we did not have to see and experience the impacts of our greenhouse-gas-producing behaviour before we would raise our eyes from our comfortable, well-heeled lives—most of us, never forgetting the 10 to 12 per cent who live in a very different Canberra. The message was diluted, refuted and otherwise diverted from any media where it could be understood and lodged in people’s minds. This allowed the fossil-fuelled industries to continue pulling profits from the earth, squandering our precious water, polluting the air, depleting and poisoning our soils and, unknown to many of us, spoiling the atmosphere and changing the climate.

Enough! It has to be, or the generations that come will not thank us. I do not believe that even the most ardent opponents of the science of climate change want to destroy our children’s world.

This is one area where we have to act locally to avert and adapt to a global problem. As an Assembly, the half plus one, and sometimes two, can rail at the federal government for, in this case, not ratifying and introducing a climate change strategy in which perhaps only the seven on my right could have any faith. We can also ask our government to do everything in its power to take the ACT people on a journey towards sustainable lifestyles in a city-territory with detailed, long-term plans and intermediate targets to reduce our energy use sourced from fossil fuels.

Indeed, as Mr Gentleman pointed out, the Canberra public are educated about climate change. They know the action needed and they expect their governments to take it. It is time to move past the recognition of climate change and to work together to begin

the long, slow process of turning it around. Climate change in our region we have experienced, but we are told by the CSIRO that it will lead to higher temperatures and fewer cold days, longer and more frequent droughts and an increase in extreme winds—in fact, perfect fire weather.

There has been no study of the specific impact of climate change on the ACT; we are relying on work done for south-east New South Wales. I suggest that the government ask the Commissioner for the Environment to undertake a study of the environmental, social and economic impacts of climate change on the ACT, in collaboration with relevant government agencies, to develop a document which forms the basis of broad-ranging discussions and strategy setting with Canberra communities. These conversations should occur at the level of neighbourhoods, as well as across the city and region, in the style of the agenda 21 local government consultations that followed the 1992 UNCED conference in Rio.

We need to model the impact of various intensities of climate change on our water and agriculture, our housing, our workplaces and other built environment so that we can get a better picture of how to act to safeguard our region's future. The national and international pictures have been presented graphically in many forms. I suggest that you study these reports, for this is one issue you cannot fail your constituents by being ignorant of.

Why Kyoto targets? Why us? The United States and Australia stand out for their refusal to join the rest of the developed world in signing or ratifying the Kyoto protocol. Labor federally has said that it will sign up if it gets elected. We have all Labor states and territories; which one will take leadership and bring along the rest in implementing the provisions of the protocol as if our federal government had ratified it? In the United States 330 mayors have signed up their municipalities to this challenge. They have done so because their president will not act but their people want them to.

By themselves, the adoption and enactment of the provisions of the protocol are not enough, but they are a good start to filling the vacuum of leadership left by the federal government's denial of the problem and then a quick attempt to catch up after the Stern report rocked the world with the first economic analyses of the impact of climate change, which governments were forced to react and listen to.

How do we do it? Prior to 2004 the ACT did have a greenhouse strategy, which tied itself to the Kyoto targets. That very much involved the first Greens in the Assembly. The motion that I would have moved, if I had been given time and we had not spent our time talking about no regrets, suggests that the government ensure that we do not go backwards—

MR SPEAKER: Dr Foskey, you are supposed to be speaking to the amendment.

DR FOSKEY: I am speaking to the amendment, thank you. Mr Gentleman's motion and the amendment made by Mr Mulcahy add nothing to what we already have. It is really important that we act. Mr Stanhope reacts to any requests that we go a little bit further by talking about the costs. I ask him to calculate the financial cost of not implementing a decent climate change strategy.

The target of 60 per cent reduction by 2050, which I have not heard anyone mention today in their congratulations about what we can do, was endorsed by the Australian Business Roundtable on Climate Change, a group that I am sure many would feel was a credible one. A great deal of scientific evidence suggests that this is not enough to avert the worst impacts of climate change. There will be a lag of decades before today's emissions will have their full impact, and we have to remember that carbon stays in the atmosphere for around 200 years.

Could we bear a world in which many of the animals, plants and landscapes we love have gone—most likely for ever? Yes, the news is bad, but we have to be optimistic. We have to take people on this journey with us, as the Chief Minister says in his foreword to the climate change discussion paper. We should be moving a motion or an amendment that would join us with New South Wales in setting mandatory renewable energy targets. Has Mr Mulcahy mentioned that? Has Mr Hargreaves?

Mrs Dunne: I raise a point of order, Mr Speaker. These matters are in another item of business and Dr Foskey is anticipating that—

DR FOSKEY: New South Wales has got targets equivalent to the Kyoto targets—

MR SPEAKER: A point of order has been raised, Dr Foskey. It is—

DR FOSKEY: and we are going to be anomalous in our region because Queanbeyan—

Mrs Dunne: Dr Foskey, I raised a point of order.

DR FOSKEY: is part of New South Wales, which has increased—

MR SPEAKER: Order, Dr Foskey! A point of order has been raised. Dr Foskey is speaking to the amendment. I think there is a connection there, and I think she is entitled to make the contribution that she has been making.

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

Adjournment

Kulture Break

Academy Club

MR SMYTH (Brindabella) (6.00): Mr Speaker, there is a regular event in my electorate of Brindabella that occurs in Tuggeranong about this time every year, and it is a Kulture Break conference. It occurred this year on 20 October at the Vikings auditorium at Erindale. Over the years Kulture Break have grown. Last year it was at the basketball stadium; this year it has moved up-market and they went to the auditorium, and I thank the Vikings for their support of the function.

Kulture Break promotes healthy living and positive values and is 100 per cent drug free. It encourages kids of all ages to get involved in dance routines to express themselves, to get fit, to remain drug free, and at all times it offers young kids, younger Australians, the opportunity to talk about who they really are.

The concert hall was full the night I went. The Chief Minister also went and displayed his prowess by leaping up on the stage, as there were no steps from the floor to the auditorium stage, which obviously got a rousing cheer of applause from the audience.

It is a tremendous organisation that operates across Australia and has classes in Lanyon, Woden, Gold Creek and at the ANU. It teaches hip-hop, freestyle and break dancing, and has beginners, intermediate and advanced classes. The whole concept is to take a very valuable form of expression for many young Australians, and particularly many young Canberrans—I guess some people would describe it as a modern dance craze—and use it to promote the message of healthy living, positive values and being 100 per cent drug free. This is something that we should commend.

The beauty of it is that the organisation is international now. An Australian tour earlier this year saw Kulture Break go to Queensland and South Australia in April, Western Australia and the Northern Territory in July, Tasmania in August and New South Wales in October, coming back to Canberra for concerts that I think ran from about 19 to 21 October. It wants young Australians, in particular, to find out that they are someone special, that they have something to offer, and that there are people out there who, like them, want to enjoy dance and physical activity.

The night itself was very exciting for a lot of young people. I have to admit hip-hop is not necessarily my thing, but there were some international stars—a dancer or a singer from Los Angeles was there—much to the pleasure of many in the crowd, although I have to admit I could not recognise the individual, and the older people sitting with me were at a loss also; we had to ask the young guys behind us who he was. There was a lot of activity that really challenged people to make sure that they became involved and supported each other. Each of the dances throughout the night had a story. The story unfolded throughout the night about how you can become isolated, how you can be lured into things like drugs and crime, and how simple mistakes can simply ruin your life. In that regard the message that they sent was very powerful and very important.

Mr Speaker, on another issue, we have received a report from the AHA on their latest annual general meeting, and it is really pleasing to see that at that annual general meeting the Academy Club of the ACT won the award for best entertainment venue. The Academy again is not necessarily a place that I hang out, but I have been there a few times. Mr Barr laughs; he obviously knows the ins and outs of the Academy. But those who know the Academy know that its beauty is that it is a recycled old picture theatre. Local investors purchased the old Centre Cinema, gutted it and built a state-of-the-art facility. Sebastian, who won the Australian Idol award, had heard of it when he came down here for a concert; it was on his list of places to go. So it has a reputation not just here in the ACT but a growing reputation around the country.

It is really nice to see a bunch of local investors who took a punt and built a very large nightclub for the ACT being acknowledged for the efforts they have made. It was good to see them pick up a national award at the AHA annual general meeting.

Quamby youth centre Environment—climate change

DR FOSKEY (Molonglo) (6.05): Yesterday I notified the Assembly that:

We have recently been told of one case where a young person, upon entry to Quamby, was held in the cage for nine days for the purposes of induction and behavioural management, or those were the reasons given. The young person in question was held in a bare cell with nothing but two blankets and two books. The only recreation available was transition from that bare cell every second hour to the concrete cage ...

The minister for children and young people responded during the adjournment debate to say that such an event had not occurred. She chose to cite departmental records showing that the safe room within the six-bed Brindabella unit to which the cage is attached had been used for only six hours of the past 17 months. She also suggested that before I made such statements in the Assembly regarding constituents I should contact her office first.

On her first point regarding the safe room, there is obviously some confusion over what different areas of Quamby are called. Inmates, community organisations and staff often refer to the entire Brindabella unit as “the cage”. Since yesterday, we have received further confirmation that this young person was held in the Brindabella unit from 20 to 28 December 2005, ostensibly for the purposes of induction and behaviour management. Note that this was over the Christmas period. The only recreational access the young person had was to the cage.

Since yesterday, we have also discovered that another young person was held in the Brindabella unit from 20 December for approximately five days. This is why they had to take turns accessing the cage for recreation. The young person in question made a complaint to the official visitor near the end of the nine days, and upon the official visitor raising the issue with management the young person was released from the area. I encourage the minister to confirm in the chamber that this information is factually correct.

On the minister’s second point about whether or not such an issue should have been raised in such a manner, I acknowledge her point. But this issue is not black and white. I used this case as an example of why we had concerns about the legislation being debated and I stand by my right to do so. The issue was not recent and it had already been raised in the *Canberra Times* a week earlier. I think it would be reasonable to assume that the minister would be aware of these occurrences via either the *Canberra Times* or her departmental staff. If, as her answer indicated, she was not aware, I suggest that she impress upon staff under her responsibility that they bring such occurrences to her attention in future.

After hearing both the minister and her staffer's response to my concerns, I must remind the minister that the issue at stake is not the manner in which the concern was raised, nor what a young person did to find themselves in Quamby, nor whom they associate with. The issue at stake is the breach of these young people's human rights while they were the responsibility of the ACT government and held in Quamby, and the rights of every other person who arrives in similar circumstances.

The main issue at stake is that this event occurred after the human rights audit of Quamby was conducted—and I commend the government on initiating this audit. There seems little to prevent such an abuse from occurring again today because the cage has not been removed and the review of standing orders is not yet complete. Until the issue of the cage in the Brindabella unit is appropriately dealt with as recommended by the human rights audit and a number of community or non-government organisations associated with Quamby, we will continue to campaign on this issue.

I thank Mr Mulcahy for propagandising, telling the world about, our environment policy earlier on. I am not sure which of our many environment policies he chose to talk about. We have policies on animal welfare, energy, environment protection, nature conservation, urban planning, transport, waste and water. I seek leave to table, for Mr Mulcahy's interest, our policy on energy, which is the relevant one in which he will find the information that he was apparently seeking about our views on climate change.

Leave granted.

DR FOSKEY: I present the following paper:

Energy—ACT Greens policy, September 2004.

Death of Mr Jim Ritchie

MR STEFANIAK (Ginninderra—Leader of the Opposition) (6.10): Mr Speaker, I rise to put on record my appreciation of the work of Jim Ritchie, a fine Canberran and Australian who tragically died last week, Jim Ritchie. Jim Ritchie lived in Reid and founded in 1984 and ran Professional Careers Australia, which he expanded into the longest-running recruitment company in Canberra and the longest-running Canberra-owned company in the sector.

Jim was a man of high integrity and honesty, a very sharp businessman and a thorough gentleman. He was a very keen supporter of St John's Anglican Church at Reid; he was warden and also a very significant fundraiser for the church. He was also very active in Rotary. Indeed, Jim and Sanya, his wife, hosted a number of Rotary exchange students and in latter years, when Jim was semi-retired, he and Sanya would travel overseas and often visit the families of those students.

Indeed, when Jim and Sanya travelled overseas they would write amazing Christmas letters to their friends—and my wife and I are friends of the family—and they were very interesting travelogues. In fact, the last one we got, not long ago—which really

surprised me, given how Jim suddenly died—was from a trip to Norway that included ocean kayaking in fiords. So it was a great shock to both my wife and me when we heard that Jim had passed away from a heart attack at the early age of 72.

Sanya, of course, is very much involved and still an active player in veterans hockey; she regularly competes in tournaments, and I certainly hope that she continues to do that. She is a very fine lady and a very fit woman too. I first came to know Jim and Sanya through my elder stepdaughter Patty, when she was somewhat younger than she is now. She and Ian Ritchie were partners for a number of years and he is a fine young man. Subsequently they separated and Ian happily married another girl, and Patty, of course, has gone her way too, with two young children. When we told Patty on the weekend that this had occurred she was quite gobsmacked by it all and terribly upset.

I got to know the Ritchies very, very well from the time that Patty and Ian got together and became partners. They are a very fine family and this came as a great shock. We have lost in Jim Ritchie a very fine citizen, a fine family man and a person who will be greatly missed by all his friends and loved ones. We have lost a fine Canberran and a fine Australian and I pass on my regards—and, I would hope, the regards of any of you who knew the Ritchies—to the family.

Question resolved in the affirmative.

The Assembly adjourned at 6.13 pm.