Debates

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Tuesday, 12 December 2006

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

Legal Affairs—Standing Committee
Scrutiny report 36

MR SESELJA (Molonglo): I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 36, dated 11 December 2006, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR SESELJA: Scrutiny report 36 contains the committee's comments on six bills, nine pieces of subordinate legislation and two government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Planning and Environment—Standing Committee
Statement by chair

MR GENTLEMAN (Brindabella): I seek leave to make a statement pursuant to standing order 246A relating to the inquiry by the committee into the proposed nomination of the ACT as a UNESCO biosphere reserve.

Leave granted.

MR GENTLEMAN: I am delivering this statement in my capacity as the Chair of the ACT Assembly Standing Committee on Planning and Environment on the inquiry into the proposed nomination of the ACT as a UNESCO biosphere reserve. The committee agreed last week to provide an update to Canberra, to the region and to the Assembly on progress with this important inquiry.

A biosphere reserve is a designation by the United Nations Educational, Scientific and Cultural Organisation, or UNESCO, under its "man and the biosphere" program. Biosphere reserves aim to demonstrate innovation and the reconciliation of conservation and sustainable development. Biosphere reserves share their experience and ideas nationally, regionally and internationally within the world network of biosphere reserves.

If listed, the ACT biosphere would become one of more than 507 biosphere reserves in 102 countries within the UNESCO world network of biosphere reserves. The committee adopted terms of reference for this inquiry on 23 March 2006 and invited

submissions from stakeholders. In July 2006 the committee released a discussion paper on the proposed nomination and invited further submissions.

The committee is pleased to have received 31 submissions to the inquiry to date, the majority of which express strong support for the proposed nomination. Stakeholders expressing support include the Nature and Society Forum, the conservation council, the CSIRO, the commission for the environment for the Anglican Diocese of Canberra and Goulburn, the chair of the ACT government's sustainability expert reference group and other academics at the University of Canberra and the ANU, the Southern Tablelands Ecosystem Park, and various other prominent individuals.

Pace Farm, or Parkwood Eggs, the ACT division of the Environment Institute of Australia and New Zealand and the ACT division of the Institute of Foresters of Australia have expressed qualified support for the proposed nomination. The Rural Leaseholders Association and the ACT/Southern New South Wales Housing Industry Association have expressed reservations about the proposed nomination.

Several stakeholders are still developing their views on the proposed nomination. These include the ACT Property Council, the Planning Institute of Australia, the Canberra Business Council, the Royal Australian Institute of Architects, ACT division and several Australian government agencies.

One of the issues the committee is considering concerns the possible boundaries for the proposed biosphere. The ACT is one of 56 natural resource management regions in Australia, but it is also nested within a larger Murrumbidgee River catchment area. Another important consideration is that Kosciuszko National Park was designated as a biosphere reserve in 1977, but it is not currently fulfilling the Seville Strategy objectives.

The 2006 Kosciuszko National Park plan of management notes the New South Wales government's intention to explore the concept of an expanded biosphere reserve across various land tenures. The New South Wales government has expressed a willingness to discuss a joint approach to the management of Kosciuszko National Park and the ACT as a major biosphere. The cooperative approach already taken by New South Wales and ACT agencies in the Australian Alps Liaison Committee could also be applied to a biosphere proposal.

The third world conference on biosphere reserves will be held in Spain between 3 and 8 February 2008, where many of the issues currently being debated within UNESCO's "man and the biosphere" program will be discussed and clarified. These include the concept of biosphere reserves as learning laboratories, urban biospheres and zonation generally, the world network of biosphere reserves and country-to-country and city-to-city networking.

The conference will also review and update the 1995 Seville Strategy, which guides the implementation of biosphere reserves. It is expected that, after the conference, UNESCO will be able to better recognise sustainability features in urban areas in biosphere reserves.

In recent months the committee has hosted a range of functions in an attempt to promote community understanding of the concept of biosphere reserves and to ensure that the feedback on the proposed nomination is based on informed opinion. The committee has been pleased with the outcomes to date.

In early November 2006 the committee was privileged to be able to co-host a round-table discussion here at the Assembly with the Conservation Council of the South East Region and Canberra. Dr Natarajan Ishwaran, the director of the UNESCO division responsible for biosphere reserves who was visiting Australia, led the discussion. Dr Ishwaran advised that the primary aim for biosphere reserves is that stakeholders come together to find a way forward on sustainability.

Biosphere reserves are not founded on any international treaty, unlike world heritage areas. They are rarely legislated for. The core, buffer and transition zones in biosphere reserves can change over time. Dr Ishwaran noted that biosphere reserves are sometimes criticised for their lack of regulatory impact and legal basis.

He also noted that this can be seen as a strength, as it can promote engagement with the aims of listing, rather than have the focus on regulation and compliance. In this context I would like the Assembly to take note that the nomination and listing of a biosphere reserve in the ACT, and possibly the region, would not require the elimination of feral animals and pest plants in the ACT.

The committee is disappointed that the coverage given by the *Canberra Times* to the proposed nomination has at times been misleading and factually incorrect. The committee understands the time pressures journalists face and regrets that that this can lead to the dissemination of misinformation.

The committee hopes that the organisations and agencies that have yet to develop and express a view do so before the conclusion of the committee's inquiry. The committee will be holding further public hearings in early 2007.

The committee has already held two public hearings on the proposed nomination. On 8 August 2006 the committee met with the Rural Leaseholders Association. On 28 November 2006 the committee met with staff of CSIRO Sustainable Ecosystems, the Department of the Territory and Municipal Services, the Conservation Council of the South-East Region and Canberra, and Nature and Society Forum.

Other community seminars have also been discussing the proposed nomination. In late November 2006 Zero Waste Australia and the ACT Commissioner for the Environment sponsored a public forum in the Assembly on the ACT biosphere, climate change and resource recovery. I was pleased to see Dr Foskey at the forum.

On 1 December 2006 the committee hosted a public screening of *A gardener's city—Canberra's garden heritage*, the DVD produced by the ACT, Monaro and Riverina Branch of the Australian Garden History Society. The DVD showcases many important institutions and values that contribute to Canberra's rich garden heritage and urban biodiversity. The committee was pleased to be able to discuss the proposed biosphere reserve nomination inquiry with guests at the screening. As I have mentioned, the committee's inquiry is ongoing. I encourage all members of the

Assembly and interested stakeholders to contact my office or the committee secretary if they wish to participate, or participate further, in the inquiry. To participate is to engage in the broader global movement towards sustainability.

Utilities (Network Facilities Tax) Bill 2006

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (10.41): I move:

> That this bill be agreed to in principle.

The Utilities (Network Facilities Tax) Bill 2006 establishes a tax on owners of utility network facilities on land within the ACT and amends the Taxation Administration Act 1999. The purpose of the amendment is to include the Utilities (Network Facilities) Tax Act 2006 as a tax law.

This bill facilitates the implementation of an important component of the territory's budget strategy for 2006-07 and the future. This is one of the revenue measures that will enable us to continue to deliver the important services the community expects and demands.

Key public services can only be maintained if we have the financial resources to do so. As the Assembly is aware, the government has embarked on a comprehensive program to cut costs across the public sector, but we also need to raise sufficient revenues.

This important revenue measure was announced in the 2006-07 budget as the utility land use permit. After consulting with utility companies, the government has decided to use its existing taxation infrastructure to collect the new charge on network facilities.

The charge will be applied as a tax on ownership. This is because the charge can be applied far more simply this way, with less administrative burden for the utilities, rather than through a more complex permit system. In particular, it will remove the burden on utilities of separately identifying and measuring their networks on unleased land.

The application of this new charge will be more comprehensive than similar charges imposed elsewhere, by including all utilities—electricity, gas, water, sewerage and telecommunications. However, there are precedents for governments imposing charges on network infrastructure. For example, in Victoria a land tax has applied since 2004 on electricity transmission easements held by electricity transmission companies.

The bill makes the charge payable by owners of utility networks as defined under the Utilities Act 2000, the Utilities (Electricity Transmission) Regulation 2006 and the Telecommunications Act 1997. The bill makes the tax payable at a rate to be determined under the Taxation Administration Act 1999.

The tax will be calculated as a simple fixed rate multiplied by the network length. The Commissioner for Revenue will have the opportunity to approve the appropriate methodology for determining network lengths. This will provide some flexibility for network owners, recognising the different types of infrastructure while maintaining the integrity of the application of the charge. The bill also defines certain important terms such as an owner, a utility and a network.

The government recognises that the network charge may be passed on to customers. The full extent and timing of this effect will be determined by the pricing strategies of utilities and by price determinations by the relevant regulators. Some of the effect may be absorbed by utilities and not passed on to customers in the short term. For example, the electricity charge is unlikely to be passed on under the current price determination, which is in force until 2009-10. Similarly, telecommunications utilities may not pass on all, or even some, of the charge until 2008 or later because of regulatory and competitive pricing pressures.

In the short term, the government estimates that the full-year impact on an average utility customer, connected to all network services, would be around $1.80 a week. In the longer term, and only if the charges are fully passed through to customers, the average impact across all customers would be $2.63 a week. Differential amounts are likely to be applied to residential and large commercial customers. In any case, under current price determinations it is unlikely that this full impact would occur until 2009.

The government has recognised the need to reduce the impact on pensioners and department of Veterans' Affairs gold card holders. Consequently, the government will be increasing the funding for pensioner rebates on energy and water and sewerage bills. The extra funding amounts to approximately $280,000 in the first year, increasing to $400,000 by 2009-10 when the electricity charges are expected to flow through.

Finally, the bill amends the Taxation Administration Act 1999 to include the utilities network facilities tax as a tax law and thus subject to the provisions and support of ACT taxation legislation. In raising the revenue necessary to support important public services for the community, the bill recognises that utility companies derive considerable benefits from being able to run their networks within the ACT. This charge will be applied equally to all utilities and will not discriminate between government and privately owned utilities. I commend the Utilities (Network Facilities Tax) Bill 2006 to the Assembly.

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

Children and Young People Amendment Bill 2006 (No 2)

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (10.48): I move:

> That this bill be agreed to in principle.

As members will be aware, the government has been undertaking a comprehensive review of the Children and Young People Act, involving extensive community input. In March this year the Assembly passed the Children and Young People Amendment Act 2006. That amendment act was the first stage of a reform process that will ultimately see a complete rewrite of the act. This rewrite is well underway. I have asked that an exposure draft of the bill be released for public consultation this month.

The bill that is before members today will effect a number of changes. The bill will replace the current search and seizure provisions in relation to children and young people who are detained at Quamby Youth Detention Centre. The bill will also introduce prenatal reporting.

In relation to the search and seizure powers for children and young people detained at Quamby Youth Detention Centre, I made a commitment to members in July 2005 that the standing orders underpinning the administration of Quamby would be updated to ensure their compatibility with the Human Rights Act. The search provisions in the act require simultaneous amendment in order to ensure that searches of children and young people at Quamby are done in a way that is compatible with the Human Rights Act.

This bill also gives effect to one of the key recommendations of the Murray-Mackie study to allow for prenatal reporting and a response to these concerns. Experience in other jurisdictions also confirms the need for prenatal reporting, to ensure adequate attention is given to the future needs of high-risk infants at the earliest opportunity.

Extensive community consultation has further revealed widespread support for provisions to allow the chief executive to:

- receive voluntary reports on children who may be born as a result of a pregnancy; and

- undertake a voluntary assessment of the concerns and offer voluntary support services to pregnant women and other persons who may be involved in the care of the child after he or she is born.

The purpose of an assessment prior to the birth of a child is to offer voluntary support to reduce the likelihood of statutory involvement after the birth of the child.

I will also be tabling today for the information of members the second report on key findings from the review of the Children and Young People Act. The report

incorporates findings from consultations conducted with young people and key community, government, legal and advocacy agencies from 23 January to 3 March 2006.

I would like to recognise the significant contributions made and express the ACT government's appreciation to the young people and agencies who participated in these consultations. The consultation findings have informed the development of the exposure draft of the Children and Young People Bill 2006 that will be released for public comment later this month.

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

Civil Partnerships Bill 2006

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

Title read by Clerk.

MR CORBELL (Molonglo–Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.50): I move:

> That this bill be agreed to in principle.

It is with mixed feelings that I present the Civil Partnerships Bill 2006 today. The purpose of the Civil Partnerships Bill 2006 is to provide a scheme for two people, regardless of gender, to enter into a legally recognised partnership. This bill replaces the Civil Unions Act 2006, which was repealed as a consequence of its disallowance by the Governor-General.

It is unfortunate that the government is in this position. The Civil Unions Act 2006 was a law made by this Assembly, exercising the mandate given to it by the people of Canberra in the 2004 election. The Civil Unions Act 2006 was overturned by the commonwealth government using an old, autocratic process, using the Queen's representative to quash the laws made by a democratically elected parliament. The decision of the commonwealth government to disallow the Civil Unions Act was a political action that reflects the particular ideology of the current commonwealth government.

The commonwealth government, while it asserted, and will no doubt continue to assert, that it was acting to protect the institution of marriage, was not prepared to test the matter via the courts or via the more democratic process of seeking to pass legislation in the federal parliament. Nor was the commonwealth government prepared to be sufficiently specific about its concerns to recommend amendments to the ACT Legislative Assembly, a course of action that was equally open to it under the self-government act.

Instead, the commonwealth government chose to exercise an executive fiat to disallow a law that was validly made by the ACT Legislative Assembly—a parliament constituted by the democratically elected representatives of the people of

the ACT and the only parliament that is directly answerable to the people of the ACT in relation to territory matters. Only the members of this 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 people of the ACT. It is a direct attack on democratic principles for the commonwealth to substitute its own views for those elected to represent the people of the territory.

It is regrettable that this attack on the democratic principle by the commonwealth government has made this replacement civil partnerships bill necessary. However, this government remains committed to the policy on which it went to the electors in the 2004 election. That policy is to legislate to enable two people, regardless of their gender, to enter into a legally recognised relationship. That is what this bill does.

The government is fully committed to this legislation. The government does not accept that it is somehow satisfactory to discriminate against one part of society, so it is introducing this legislation here today. There are no defensible grounds for refusing recognition of same-sex relationships, or indeed for refusing couples in any relationship the opportunity to enjoy functional legal equality under ACT law.

As a consequence of law reform in the ACT over the course of the first term of this government, the term "domestic partnership" is now used as a universal term in ACT legislation to refer to the relationship between two people living together as a couple on a genuine domestic basis. But while the law no longer distinguishes significantly between the effect of being in an informal domestic partnership and the effect of being married, the capacity for parties to establish the existence of their relationship remains unequal.

The government is continuing with this legislation because this is the model that consultation clearly indicated was the preferred model by those in favour of formal recognition of same-sex relationships. It also provides appropriate recognition for those opposite sex couples who do not wish to enter a marriage under the Marriage Act.

There is, of course, a quite symbolic difference between a civil union model and a registration model. That is an option that has been pursued elsewhere, including in Tasmania. The registration model recognises the fact of a relationship. It records what already is. A civil union model creates the relationship, rather than merely reflecting it.

This Civil Partnerships Bill, while it is similar in some respects to the disallowed Civil Unions Act, differs from it in a number of crucial respects. Firstly, and perhaps most obviously, the term "civil partnership" has been used in preference to "civil union". The term "civil partnership" is used to avoid using the language of marriage.

The old common law formulation of marriage, which the commonwealth incorporated into the Marriage Act 1961 in 2004, is that marriage is "the union of a man and woman to the exclusion of all others, voluntarily entered into for life". A civil

partnership is not a marriage. The use of "partnership" instead of "union" highlights this difference.

The second difference is that the Civil Partnerships Bill does not say that a civil partnership is to be treated in the same way as marriage under ACT law. Instead, the bill provides that a civil partnership is a domestic partnership. That is, a civil partnership is a formally recognised domestic partnership. The concept of a domestic partnership is, as I have already outlined, well established in territory law.

While the Civil Partnerships Bill provides a scheme for two people, regardless of their gender, to enter into a formally recognised relationship, it does not address the issue of attaching the same rights and obligations as those attaching to marriage under ACT law. In this respect it is important to observe that the bill does not deliver that element of substantive equality.

It is the government's intention over time to identify any areas where certain consequences should attach to a civil partnership and to provide for those consequences in future legislation. The Civil Partnerships Bill, by itself, is simply about providing a mechanism for couples to have their relationship formally recognised for the purposes of ACT law.

A civil partnership may be entered into by any two people, regardless of their sex. While the public debate on the repealed Civil Unions Act 2006 focused almost solely on same-sex relationships, the civil unions law and this replacement Civil Partnerships Bill can also be used by opposite-sex couples. The government will not introduce a discriminatory law that is contrary to the Human Rights Act 2006.

A further change that has been made is a change in the language used to refer to the persons performing official duties in witnessing declarations. These people are referred to in the Civil Partnerships Bill as "civil partnership notaries". This change in language is, again, intended to highlight the fact that a civil partnership is different from a marriage.

The statutory role of the civil partnership notary is to receive the notice of intention to enter a civil partnership and then to witness the parties' declaration that they are entering into a civil partnership with each other. At one level this could be characterised as the outsourcing of an administrative function that would otherwise be performed by the Registrar-General.

While it is certainly not required or even explicitly mentioned in the bill, the declaration process offers people the opportunity to have some form of ceremony or celebration attached to the process of entering a civil partnership. It allows the parties, if they so choose, to make a public declaration of their intention to enter a civil partnership.

A public element is part of the evidence supporting the existence of a civil partnership. The capacity to make a public declaration as part of the creation of a civil partnership corresponds with that. I commend the bill to the Assembly.

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

Review of the Children and Young People Act 1999
Report on key findings

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (11.00): For the information of members, I present the following paper:

> Children and Young People Act—Review of the operation of the Children and Young People Act 1999—Second report on key findings, dated December 2006.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Paper

Ms Gallagher, pursuant to the resolution of the Assembly of 19 October 2005, as amended 9 March 2006, presented the following paper:

> Poverty and employment creation strategies—Government response—Tabling statement.

Court Legislation Amendment Bill 2006

Debate resumed from 23 November 2006, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.01): The Court Legislation Amendment Bill does three things. There are three different amendments, two of which relate to contempt of court. Contempt of court is something that one would think is fairly well defined, but it seems that there is some vagueness, in relation to the Magistrates Court at least. In the Supreme Court and the Court of Appeal there is no such vagueness.

Contempt of court relates to acts by persons within the court precincts, but also relates to persons disobeying and basically snubbing their nose at the court outside the court precincts in relation to court orders. It is that second point that there is some vagueness about in relation to the Magistrates Court. It is rather timely that it is fixed up. It is more likely that problems occur through orders of the court not being adhered to, and possible contempt proceedings arising, than in other circumstances.

The more significant contempts are quite obvious. Luckily, this is not something that is used very often. On a couple of occasions I think it probably should have been used. I was somewhat appalled back in the early 1990s to hear of David Harold Eastman,

now a convicted murderer of Colin Stanley Winchester, throwing a glass jug at a magistrate. The jug narrowly missed him. It shattered, and I think some court staff might have got a few slivers of glass. I think perhaps the magistrate was so shocked that nothing happened, but quite clearly that was an appalling contempt of court, apart from being a very serious assault on a judicial officer and court staff. Since then I think plastic jugs have been used in court. That was probably one of the most obvious examples of a contempt of court. It might be one of the charges still hanging over Mr Eastman, who I understand is subject to about 100 charges on various matters pending final resolution of more major matters.

Another issue relates to circle sentencing. This amendment puts beyond doubt the ability of the Magistrates Court to give a practice direction in relation to circle sentencing. Again, that seems sensible. There may not be a huge problem, but it is timely to put these issues beyond doubt.

The rules and procedures in the Court Legislation Act are due to commence on 1 January in the Magistrates Court, the circle sentence court and the Small Claims Court. It is essential that we get it right. For the Supreme Court and the Court of Appeal, the new rules came into play on 1 July. As I said at the time the substantive bill was debated and passed, it was a very thorough piece of work by a lot of people and took some two or three years. I commend everyone involved, in particular the court staff. I appreciate—I think I said so at the time—the briefing the scrutiny of bills committee got from Justice Terry Connolly in relation to the matter. A lot of effort went into these rules from all sides of the profession, including our judicial officers. This ensures the outcome and puts those issues beyond doubt.

The latest mention I have heard of circle sentencing—I hope it has not changed—is that, whilst it is incredibly time consuming, it is also very effective. Of the 15 or so people who have been through it—who have been dealt with and had their matter finalised—I understand that only one has re-offended. When you look at some of the earlier re-offending rates for those sorts of offences, involving perhaps those types of people, that is particularly promising. I was quite supportive of the concept at the time; I am delighted it seems to have gone well. I do not know what you do about trying to truncate the process. It is, by its very nature, a fairly lengthy process. But if it has that effect, that is very good.

Anything that can lead to people not re-offending is to be applauded. It is timely that these little glitches are sorted out so that the Magistrates Court and the Small Claims Court can have the benefit of changes to the rules and standardisation across jurisdictions. The arrangements will be hot to trot from 1 January 2007. The opposition is happy to support this bill.

DR FOSKEY (Molonglo) (11.05): The Court Legislation Amendment Bill clarifies and codifies the contempt powers of the Magistrates Court and the Coroner's Court. Even if these amendments have been drafted in an abundance of caution, given the possible ambiguity surrounding the scope of the various courts' contempt powers, they are a sensible initiative. The bill also assists in the realisation of the uniform provisions of the Court Procedures Act; again, I welcome the government's actions in this regard.

The bill also provides for an increase in the powers of the registrars of the Magistrates Court, to bring them into general conformity with the powers of the registrars of the Supreme Court. I consider this to be a welcome initiative, which should reduce costs and facilitate a more speedy resolution to many legal actions and procedures. This bill recognises the qualification and competence of the registrars. Given the fact that the registrars' decisions are appellable, I feel reassured that the grant of these new powers is appropriate.

The bill also formally recognises the place of the Ngambra circle sentencing court in the sentencing and general justice system. The Ngambra circle sentencing court is an extremely welcome initiative. I congratulate everybody involved in making it one of the most successful responses by the criminal justice system to criminal and antisocial behaviour. It is part of the broader reintegrative shaming and restorative justice project While my comments today are directed at the circle sentencing process, they are also applicable to these other justice initiatives.

I remember a senior police officer being interviewed on TV when the reintegrative shaming project was trialled in the ACT. He obviously had very little idea of what the concept involved. He was big on the shaming part, but did not appreciate that the other integral component was the reintegration process, where the offender is welcomed back as a valued member of society by the people whose opinions and acceptance he or she values. Along with Dr Strang, I urge people to continue to explore ways to encourage offenders, especially youth offenders, to seek and find a sense of belonging and acceptance in the broader community.

Dr Heather Strang gave evidence to the Standing Committee on Education, Training and Young People. She said that it was her opinion that the courts in Canberra worked very well and that they actually worked better than the earlier police run program of restorative justice, which did not suit Aboriginal youth at all.

In order to feel shame, an offender needs to feel a sense of connection with the community whose norms and morals he or she has transgressed. A tough on crime, tough on drug addicts, tough on the homeless and tough on the unemployed approach is simply a way to alienate people from society and to foster a sense of isolation and otherness that is almost guaranteed to find expression in criminal behaviours.

There are very few people who could really be called bad. I do not believe that anyone is born bad. True psychopathy and non-business sociopathy are actually very rare conditions. By contrast, there are a very high percentage of people in prison with mental health problems, who were abused as children, who are unskilled and unemployed, and who are from families that did not know how to bring up their children to live well lives. There are also people who are addicted to drugs, and the list goes on. I am not excusing anybody's criminal response to these conditions, but to tailor a response to criminality which ignores these realities is mind-bogglingly stupid and self-defeating.

Last Friday, we visited the courts administration authority in South Australia, where both major parties went to the election with a tough on crime approach. The courts are

now dealing with a situation where they have to dole out bigger sentences. This means that while the South Australian court system has a very sophisticated and nuanced set of approaches to offenders, it is creating more expense for the government as people need to go from the district and magistrates courts to supreme courts because more offences are now regarded as criminal offences. It will be interesting to evaluate the tough on crime approach, but it is probably not going to reduce crime in that state, and it is going to cost the government more.

We need to identify the causes of criminal behaviour and seek to address and remove those causes. This is not, as some critics would assert, a sign of weakness, and it does not condone antisocial behaviour. Rather, it is the application of empathy and compassion to recognise and solve social problems—using the offences as a chance to intervene in a person's life in a way that will help them find and strengthen the parts of themselves that will be much more able to deal with our society, without crossing the line.

If we continue to ignore the causes or engines of criminality, why should we expect that exacting harsh punishments on symptomatic behaviour is going to protect us in future? The circle sentencing program is obviously not going to address all these issues on its own but, from the evidence that I have seen, it results in low risk recidivism rates, and that makes it worth investing more resources and research into the program. It is an expensive process initially, but I am told that it is probably going to be a lot cheaper in the long run.

Reintegrative techniques address the victim's needs for justice to be seen to be done and for an acknowledgment of their personal suffering. They should be extended to adult offenders where appropriate. I urge the government and JACS to take a long-term view of the economics here. Yes, the process is expensive to run and is resource intensive, but low rates of re-offending save public money in the long run, and there is a hidden benefit in social cohesion and all that entails—like better parenting outcomes, less property damage, less self-harm and fewer offences against the person. The list goes on.

It will not solve all problems and it will not guarantee that a person will not commit further offences, but on the results we have got so far, and in comparison with the alternatives, circle sentencing is a winner. I am glad that this legislation will strengthen judicial recognition of the process.

All courts need a contempt power to control proceedings. It is a testament to the capacity and judgment of magistrates and judges that contempt powers are used so rarely. I am sure there must be a temptation to use them more frequently. On the whole, the judiciary have proven by past practice that they can be trusted with these powers. In fact, I believe that they could have gone a little bit further.

Proposed sections 99A (3) and 307 (4) of the respective acts provide that a contempt power can be exercised only when there is no other effective way to enforce an order or undertaking. Mr Stefaniak identified potential problems with similar wording in the ACT's anti-terrorism act, and there is the potential for similar problems to occur here. One can never exhaust all the alternative, possibly effective, ways to enforce an order or undertaking; so it is always arguable that other alternative methods should be tried,

regardless of how expensive or sensible they are. An alternative wording which would allow resort to the powers when normal alternative means have been tried and failed, perhaps by removing the word "only" from the provision, would give the court more certainty and discretion as to when they can use the contempt powers. It would also remove possible grounds for challenging the use of the power. It is to be hoped, and I expect, that the courts will take a practical approach to interpreting these clauses. Consequently I will be supporting this bill.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.15), in reply: I would like to thank members for their support of the Court Legislation Amendment Bill. The bill, although small, contains three important amendments to the legislation governing the courts. Two of the amendments complete the work of this Assembly in regard to the development of common court rules. The development of these rules commenced in 2004 with the passage of the Court Procedures Act; this act conferred on a rule making committee the power to develop common rules for all ACT courts to reduce differences in court practice and procedure.

After two years of extensive work, the court procedure rules of 2006 are now complete and have commenced in the Supreme Court and the Court of Appeal. They will commence in the Small Claims Court and the Magistrates Court at the beginning of next year. I would like to take this opportunity to recognise the considerable work of the rule making committee and its advisory group in preparing the new court rules. This has been a very significant body of work, but will be of great benefit to all parties engaged in the courts, simplifying procedures and providing a common framework for procedures.

During the development of the court rules, questions were raised as to the issue of contempt powers in the Magistrates Court. I am pleased that the bill that we are debating today provides the Magistrates Court with a clear power to take action for contempt of court for non-compliance with court orders and effectively gives the court the same powers as the Supreme Court to deal with contempt.

The other important amendment in the bill addresses questions raised during the development of the court rules with regard to the powers of the registrar of the Magistrates Court. The bill ensures that the Magistrates Court registrar and deputy registrar can properly exercise powers conferred on them under the court rules; this again mirrors the arrangements already in place for the registrar of the Supreme Court.

Finally, as members have indicated, the bill removes any doubt that the practice of the Ngambra circle sentencing court is within the law and removes any doubt that the Magistrates Court may make practice directions about circle sentencing. There are a number of consequential amendments in this bill. As members can see, the bill provides for an important number of procedural changes to improve the operations of the Magistrates Court. I thank members for their support and again commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Education Amendment Bill 2006

Debate resumed from 4 May 2006, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.18): The Education Amendment Bill 2006 is in large part a fix-up bill. When I was in conversation with an official today, my heart sank when he told me that he envisaged that there would be ongoing amendments to the Education Act which would be fix-ups into the foreseeable future.

A lot of the provisions in the bill are, for the most part, process oriented and designed to clarify the language. These cover things like references to compulsory education rather than compulsory schooling, because reference to compulsory schooling tends to preclude home schooling. There are some minor language and operational changes to the operation of school boards and there is streamlining of provisions about the operation of non-government and government school education councils.

I am concerned at the extent to which we have so many fix-up changes and things that are designed to remove ambiguity in new legislation which was passed in this place only in 2004, after considerable consultation. It is an indication that as an Assembly, as drafters and as commissioning agencies, we need to be much more scrupulous about the drafting of legislation so that we do not have these fix-up bills.

The biggest single issue in the amended bill as it was circulated in May relates to section 26 of the Education Act, which is the part that says that government education should be free. The amendments to section 26—which I thought were pretty much straightforward, but which at the 11th hour appear to be contentious again, and I will go to that later—relate to issues about non-compulsory fees at government schools. We all know that there have been various ongoing controversies about the nature of fees in government schools. I am a parent of children at two non-government schools; and there are voluntary contributions which are paid to the schools.

Depending on where they are, schools have varying success in garnering voluntary contributions from parents. One of the problems is that, while we recognise that those fees are voluntary, they do make a significant contribution to the running of schools. It would be useful for the minister to produce a set of guidelines about what can and cannot be compulsorily levied. The voluntary contribution, which is essentially what might pass in the non-government system for a very low school fee, is widely accepted and paid, but there are outstanding examples where people who are quite well off do not pay a voluntary contribution; those people can become a drain on the rest of the school community. Often people who are less well off are quite happy to pay the voluntary contribution. I and my party room would like to see some arrangements whereby those people who can afford to pay are more likely to pay and are brought to book if they do not pay their voluntary contribution.

There are those issues, but there are also issues about subject levies. That is a matter that I am particularly concerned about. In this place, I have related an incident with one of my children about a subject levy. She was asked to bring a subject levy in cash so that the art teacher in question could go down to the art shop and buy supplies. I think that that is an appalling situation and an indication that some of the subjects that we purport to be teaching in our schools, and that we pat ourselves on the back for teaching in our schools, are not properly funded. It makes it difficult for children, especially those whose families cannot afford to pay the levies, to participate in the subject.

We need to draw some clear distinctions. There should not be compulsory fees in areas which are related to curriculum. We see it in schools everywhere. There are industrial arts levies, IT levies, book levies, art levies and things like that. Art supplies, industrial art supplies and woodworking supplies are expensive. Home economics supplies are expensive. We have to take the funds that are already in the school system, make sure that they are properly allocated to the running of curriculum programs—perhaps they may be diverted from less important areas—and make sure that they are going to the coalface and actually being used for educating children. That is what people expect from the system.

I understand from some email traffic that it is possible that section 26 may be withdrawn or that there have been some discussions about section 26 being withdrawn. The opposition would not support that idea. It is reasonable that we continue to have a discussion about the nature of levies in schools and about ensuring that people who can afford to contribute to their children's education do so. The Liberal opposition would welcome discussion that would arise over any disallowable instrument that a minister might make in relation to section 26 and in relation to compulsory and non-compulsory fees.

I think that, for example, there is no discussion or dissent from the view that, if a school is sending children overseas—for instance, on an excursion—only those children who pay go on those excursions. I know that it is difficult for less advantaged children, but I also know of schools that do fundraising for that purpose—to supplement and make it easier for children from families on lower incomes or children from large families to participate in these events. My own schools do that where it is possible. It is a laudable example of school spirit and community spirit which schools engender.

However, I would support the notion encompassed in the amendments to section 26 of a disallowable instrument. I look forward to the minister's providing that disallowable instrument and I also flag that there needs to be considerable discussion in the community before that instrument is finalised. I would not expect that the first we hear of it is when it appears in the government *Gazette* or in the legislation register. I would expect considerable discussion in the community before it makes it to the legislation register.

The other issue that has come to my attention is this. As I stood to speak, I received on my desk eight pages of amendments. They were printed yesterday at 11 o'clock. I

received a copy of them at 10.20—a copy of these amendments that were printed on Friday at 11 o'clock. This bill was introduced in May. The government knew on Friday—at the very least, and presumably before that—that it had eight pages of amendments. I received them at a quarter past 10 this morning. Dr Foskey's office received them after I asked her whether she had seen these amendments in the chamber. At about a quarter to 11, Dr Foskey's office did not know about these things.

These were amendments that the government knew about at least on Friday. You can tell that from when they were printed. Yet the government comes in here today and wants to debate these things. There are substantial issues here which officers in the minister's office told me were routine. I do not consider that introducing the concept of registering separate campuses of non-government schools and having a separate registration process for separate campuses of non-government schools is routine. I do not know—the minister may be able to answer this—whether there has been any consultation with the non-government sector about this; whether the Catholic Education Office or the Association of Independent Schools has been consulted about this.

My office is in the process of trying to get the views of the Catholic Education Office and the Association of Independent Schools about this. If I find out that the first the Catholic Education Office heard about this was when my office contacted them today at half past 11, I will not be debating these amendments today. I have already got in-principle agreement from the minister that the amendments will be debated at a later hour today, but if I find out that the Catholic Education Office and the independent schools have not been consulted, I will not be debating these today.

It is a disgrace that a bill that has been sitting on the notice paper since May this year has suddenly become so important that amendments are dropped on us as we stand to make our statements or with the very small amount of notice that I got just before the bells started to ring at about 20 past 10 this morning. This is unsatisfactory. I worry about what the minister is going to do in relation to school closures if he cannot get his act together about amendments for a piece of legislation that has been sitting on the table since May this year.

To reiterate, the opposition will consider the amendments to the Education Amendment Bill and consider debating them at a later hour this day, but it may be that we will adjourn consideration until Thursday. I am concerned about the need for all of these fix-up amendments to the Education Act. I am concerned that, after the amount of work that went into the drafting of the Education Act, this is so necessary. The opposition supports the substantive item in the Education Amendment Bill—that is, the creation of a set of guidelines which will be a disallowable instrument and which will cover issues about what fees can and cannot be charged in a system which, on the surface, provides free education. In principle the substantive issue is strongly supported by the opposition. I am concerned about the need for all of the other amendments that have been circulated today and previously.

DR FOSKEY (Molonglo) (11.31): My speech was written before the amendments were distributed and has been hastily edited to deal not so much with the amendments themselves, because obviously I have not had time to take them in, but the process by which they were cast upon us today. I ask members to bear that in mind.

Essentially, the original bill was a clean-up bill and one which I would have been happy to support. However, I have been concerned that this bill amends the Education Act to legitimise the growing costs to parents of public education, including the cost of excursions, arts extension activities and so on. The bill, as it was, unamended, would have allowed for some activities, services and facilities to be paid for by a student's parents, but the actual activities, services and facilities would have been determined by the minister through disallowable guidelines.

When a draft of the bill was first circulated, concerns about this element were raised by a number of stakeholders, including the P&C council. As I understand it, since the draft stage there have been discussions and some small changes to the language in the bill, but the bill before us, minus amendments, does not reflect the agreement reached in those discussions.

The P&C council proposed that "the activities, services and facilities for which charges will be allowed" would only be those "involved in providing optional enrichment activities that are not required for course completion". However, it seems that there are some courses—for instance, pilots' courses—which are delivered through one of our colleges that could not exist unless parents or kids were prepared to pay thousands of dollars. And because many kids and parents want that course and similar courses that require considerable outlay, the P&C's original suggestion would rule that out. After some discussion, interested parties, including the P&C council and the education department, agreed to delete the legislative requirement to create the list and move instead to do so by regulation. Now, whether that becomes a disallowable instrument or not remains to be seen.

Unfortunately, the government forgot to circulate the eight pages of amendments, including the amendment to delete clause 9, which is the clause I have just been talking about; so it is hard at this stage really to be sure of what we are doing. I have been reassured that the eight pages of amendments that I have not had a chance to look at are all technical, when clearly the amendment to delete clause 9 is not just a technical amendment. That does not help.

I am not suggesting that this bill is the first step in a downhill rush away from a truly free public education. That rush had already begun. The creation of a competitive market both between government and non-government schools and between government schools themselves, with a focus on gifted and talented programs to appeal to mobile middle-class parents, has already had some destructive impacts on the government school sector. The substantial increase in government funding, particularly federal funding for non-government schools has upped the ante when it comes to extension programs and facilities.

This legislation proposed to put in place a more transparent way to delineate what should and should not be charged for. Given that the instrument is disallowable, it is a level of scrutiny that, in a minority government, might be seen as adequate. With a majority government, however, we have already seen enough to indicate that it may not be.

We have seen that the technicality of provisions of the Education Act, rather than the intent, can be, and has been, pursued since the 2004 election. The decision to push through the closure of Ginninderra district high school was one. The argument that the 2020 proposal needed to be decided on at the very end of this year because of the statutory six-month consultation period is another.

The big issues around free, high quality, secular public education centre on national education policy on the one hand and community development on the other. The proportion of school activities paid for with parents' or kids' money, who pays and who does not, and who participates and who does not are all indicators of equal opportunity. The Greens will continue to watch closely the level of fees and charges associated with our public education.

I am pleased that the government is honouring its agreement with the P&C and concerned citizens and is withdrawing the contentious clause. I want to thank Vicki Dunne, who told me at the beginning of the sitting today that she had just received the eight pages of amendments. Questions asked of my staff indicated that my office had not received those amendments. Indeed, it required a phone call from my office to the minister's office for those amendments to arrive. I know that many members here consider the crossbench to be irrelevant, but that is the highest evidence of that consideration that we have so far seen.

We received the amendments probably three-quarters of an hour or maybe an hour after Mrs Dunne and it just has not been possible for us to have a look at them. I think that most members understand that in a small office like mine, which has got to be across everything, the opportunity to have a really good look at those amendments by this afternoon is limited. To do our job properly, we would scrutinise the bill—that is, read it—and consult with relevant community organisations. It is an extremely difficult thing to do even if those organisations were available at short notice. Remember, they need to discuss and consider those amendments themselves amongst their own constituencies. The minister may stand up and say that all that has been done very thoroughly, but given that his office forgot to tell us about these amendments that were prepared last Friday, I will take that with a grain of salt.

Even if the government has a majority, if this place is to do its work effectively, it needs to function collaboratively. We all have a part to play here in ensuring that the legislation that goes through this place is good legislation, that it reflects the best interests of our community, most particularly those people who are more and more the clients of our public school system, the people whose parents often are not in a position to consider the kinds of changes that are happening to their schools and to speak out about them.

We do understand that the education minister's office is very busy right now, but their disorganised approach to dealing with their own legislation does not help to build community confidence in their ability to deliver education in this town. A cursory glance at the amendment to delete clause 9, which is purportedly technical, indicates that these changes are far more profound than that. Mr Deputy Speaker, this is the school closure team at work.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (11.40), in reply: When I introduced this bill in May this year, I reminded members of the Assembly that since the Education Act came in to force in 2005, we have seen new and more robust guidelines on the registration of non-government schools, on new registrations of students being home educated and the establishment of new statutory bodies to provide the Minister for Education of the day with advice on government and non-government school education.

However, as occurs with the introduction of new legislation, a number of implementation issues have arisen since the act came into effect. This bill aims to address a number of the technical amendments, as well as addressing some definitional problems that have become apparent.

The intent of the Education Act has always been that activities that are essential for students in government funded schools to meet curriculum outcomes should be provided by the government. However, there are some activities, services and facilities that enrich the school experience, as Mrs Dunne alluded to in her speech, where schools can expect parents to contribute towards costs.

As Dr Foskey indicated, since I introduced this bill in May, I have had a number of further consultations with the parents and citizens association on this issue. An agreement has been reached on how we can address the issue without recourse to legislation. Accordingly, the government does not intend to proceed with this amendment.

The Education Act also strengthened conditions for registration of new non-government schools and the extension of education levels offered at existing non-government schools. While it has always been the government's intention that applications for a second or additional campus be likewise subjected to these strengthened conditions of registration, the act is silent on this matter. So the government is foreshadowing an amendment that will give effect to this intent and to remove any doubt or ambiguity. I do acknowledge that these amendments were circulated late, and I apologise to members for that. Accordingly, we will move to adjourn the debate after the in-principle stage to give members some time to consider those amendments.

The bill also provides a revised process for the registration of home educated children. Currently, parents of home educated students must apply twice during the registration process, once for provisional registration and a second time for full registration. This bill will provide for a single application process.

The bill also provides for a number of minor amendments to facilitate the conduct of elections of school boards. Members will now be able to be elected later than the current provisions allow for. This will, of course, provide schools with greater freedom in conducting elections at the start of the new term. Other sections of the act, notably provisions concerning government and non-government school education councils, have been moved to divisions where similar provisions are contained.

At this point, in closing debate on the in-principle stage, I acknowledge again that there was a delay in circulating amendments to members. I will happily support an adjournment so that we can consider this matter at a later hour today.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

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

University of Canberra Amendment Bill 2006

Debate resumed from 23 November 2006, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.45): The opposition will be supporting this bill which alters the governance arrangements for the University of Canberra and, in doing so, reduces the membership of the University of Canberra Council from 22 to 15 members. The cuts will fall mainly in the area of those members formally appointed by the Chief Minister and also effectively reduces the number of academic staff on the council by one member.

These amendments create a clearer process for the Chief Minister's appointments to the University of Canberra Council. I hope that that will mean that the full quota of people that can be appointed by the Chief Minister will be appointed. In the past we have had a situation where there have been many vacancies on the University of Canberra Council because the Chief Minister did not seem to be able to get his act together.

The bill also reduces the total period for which a member can be a member of the council from 12 to nine years. It is not a good thing to have people serving on boards and committees for such lengthy periods as 12 years. It does not allow for the introduction of new blood, and this development is welcomed by the opposition.

It is necessary to pass this legislation this year because some of the requirements in the legislation are requirements of the federal government on which federal government funding is dependent. We would not wish to be in the position of standing in the way of one of Canberra's important tertiary education institutions receiving well deserved funding. The opposition will be supporting the bill.

DR FOSKEY (Molonglo) (11.47): This bill amends the University of Canberra Act to ensure that the council is more consistent with other councils of universities around Australia and that the head of the academic board is a professor of the university. It

also makes some other amendments, which are fairly minor, that ensure the structure of the university remains consistent with federal legislation.

There do remain issues of independence for universities, and the Greens are particular supporters of academic freedom, which does appear to be under threat in some areas at present. When it comes to governance, we do not support the notion that a university can, and should, simply manage its own finances as it sees fit without strong governance arrangements in place. In most universities now professors and academics are at the head of departments. It cannot be assumed that they will be good administrators, and this is true of universities and departments everywhere. It is a practice that perhaps has set up some concerns that are now being addressed with governance arrangements.

The problems that arose about four or five years ago relating to the University of Canberra student union and the apparent reluctance of the university council to face up to those issues were indicative of the need for change. The university was first set up as a college of advanced education. Then, when it became a university, there was a vision of an institution to train professionals, particularly in the areas of human services and environmental design—key areas, one would think, for us to continue to invest in. There is no doubt that the University of Canberra has a great role to play in the development of people with the skills that the ACT community and economy need.

Over the past few years, however, that commitment to environmental design has unfortunately become history. A number of international education projects seem to have distracted the University of Canberra leadership from pursuing that strong vision of education for this community. I have got to say that that is being exacerbated by the federal government's funding changes which have made it necessary for universities to compete on a national landscape, rather than for a university like this one to satisfy the needs of the community it is part of.

We would like to see the University of Canberra continuing to build on our research and human assets and to look to provide an education strategy that meets the needs of the ACT community into the future and, through that, the needs of Australia into the future. Hopefully, this revamp in governance, along with an imminent change in leadership, which will hopefully strengthen it, will assist the university to grow in the right direction.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (11.50) in reply: I thank members for their support of this bill. As members can see, the bill introduces significant amendments to the University of Canberra Act 1989. It reduces the size of the university council from 22 to 15 members and specifies the composition of the council by stipulating the skills and experience required of appointed members. Some additional related amendments are also proposed regarding the remuneration of the Chief Minister's external appointments, as well as some minor technical matters.

Overall, these changes will further improve council's capacity for good governance and effective administration of the University of Canberra, while at the same time ensuring that the university complies with the conditions set for it to receive Australian government funding.

The national governance protocols for higher education providers prescribe that Australian universities must reduce the size of their governing bodies, limit the number of elected members and ensure that external members of the governing body are in the majority. Similar recommendations were made by an independent review of the governance structures of the University of Canberra Council commissioned by the Chief Minister in 2005. The review also identified a smaller governing body as best practice.

This new university council of 15 members will include university staff, students, community and business representation. It will have three ex-officio members, two elected staff members and two elected student members. Its independence will be assured by the majority of eight independent external members appointed by the Chief Minister.

The amendment specifies the skills mix and experience the Chief Minister's appointments must have to successfully govern a commercially viable institution. They will collectively have skills in finance, management, commerce, law or teaching and will complement the skills and experience of the seven ex-officio and elected positions on council.

New appointments will be for a three-year term, which can be extended for no more than a total of nine years. Some of these appointments will be staggered to allow for continuity of experience and skill. The Chief Ministerial appointments will be made as soon as practicable, given the requirement that they be made according to cabinet appointment processes. The Chief Minister's appointments are subject to consultation with the Standing Committee on Education, Training and Young People.

The amendments will take effect the day after notification. However, we have discussed with the university the need for transition arrangements from the old to the new council. I anticipate that the new council will be operating early in the 2007 academic year. In the meantime, section 94 of the Legislation Act 2001 provides for existing appointments on council to continue, allowing it to operate satisfactorily until the new arrangements are in place.

The Government Solicitor has confirmed that the proposed changes to the University of Canberra Council, including the fact that the council has a majority of external members, will not alter the legal status of the university, which will continue to be a body corporate established under an enactment. The university's obligations under the Financial Management Act 1996, the commonwealth Corporations Act 2001 and all accounting standards will not be affected by the proposed changes.

The amendment proposes for the first time that external, independent members be paid at a rate determined by the Remuneration Tribunal, with costs met by the university. This is appropriate because with a smaller council, members will have increased governance responsibilities, including attending the regular council and sub-committee meetings. Members will be offered professional development and training, for example, through the university governance professional development program, to support their important role. Payment of external members also signals to

the university and the broader community that the council is a professional entity that has performance and accountability expectations of its members.

During 2006, both the Chief Minister and I have met regularly with the university, the university students association and the National Tertiary Education Union in finalising the restructure of the council. The University of Canberra Council secretariat and the council's legislative committee have had input in preparing this bill, including providing instructions on minor technical amendments regarding circulation of resolutions and updating references to the commonwealth's Higher Education Support Act 2003. With the passage of these amendments the University of Canberra cements its compliance with the national governance protocols and significantly improves its governance structures and strategic management.

I believe that a council of 15 is the ideal size for such a body—large enough to benefit from a diversity of viewpoints, yet small enough to facilitate effective decision making. As members can see, the amendments make a significant improvement to the governance and administrative operations of the act. I commend the bill to the Assembly.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 11.56 am to 2.30 pm.

Questions without notice

Schools—closures

MR STEFANIAK: My question is to the minister for education. Minister, at a meeting in September at Cook primary school you told the audience that:

> Cook school has a fully integrated P-6 model with excellent IT, classroom and playground facilities that the rest of the ACT system should be modelled on.

You further went on to say that "Cook is a great school". Minister, if you believe all this, why are Cook primary school and preschool listed for closure at the end of 2007? Why did you call the Cook community's picket of the Legislative Assembly a "stunt"?

MR BARR: I do recall making the second statement that Mr Stefaniak quoted me on. I am not entirely sure I have ever made the first statement that Mr Stefaniak quoted me on. But I do certainly acknowledge making the second. I advise the Assembly that I will be making a ministerial statement tomorrow afternoon in relation to the 2020 proposals. Until that point, I do not intend to comment on aspects of the proposal.

Health—patient administration system

MR SMYTH: My question without notice is to the Minister for Health. Minister, the

new ACT patient administration system has just been activated by ACT Health. As we are aware from a question asked of you in the last sitting, this new system has had some teething problems. A critical factor in the success of this new system will be the support that will be provided by the contractor, iSoft Australia, over the next five years of the life of the contract. Minister, is it correct that a company associated with iSoft that operates in the United Kingdom has been experiencing difficulties? Are there any implications, flowing from these difficulties, for iSoft Australia?

MS GALLAGHER: I thank Mr Smyth for the question. I believe we had quite a discussion on this at the annual report hearing. My understanding is that the company in the UK is different from the company structure that is in place that we are contracted with across the Asia-Pacific region. My understanding is that there are absolutely no issues with the contract or capacity to deliver on the requirements of the contract. I think we answered this question for you at annual reports hearings and my understanding is that there has been no change to the advice that was given then.

ACTION bus service—timetable

MRS DUNNE: My question is to the Minister for the Territory and Municipal Services. In the ACTION timetable, which came into effect on 4 December, there were many changes made to ACTION's school services. On 4 December and on subsequent days many children missed their buses, resulting in parents having to drive their children to school or, alternatively, the children having to catch other buses and arrive late at school. That was a chaotic time for many Canberra families. Minister, why did the government change the school bus timetable when there were only three weeks left in the school year?

MR HARGREAVES: Some members would be aware that at about this time of the year—in fact, earlier than now, in October-November—a committee gets together and considers the bus routes for school kids for the coming year and actually does change the bus routes around for the coming year, depending on the enrolment demographics of the city. The route changes are introduced now so that people will have time to get used to them for the new school year. ACTION was aware that there may have been some people who did not receive the notification that was sent round through the schools and there may be some kids who would miss a bus. There were other transport modes sent round behind those buses to try to pick up those kids who missed a bus but, of course, we were not able to pick up every single one of them. But the answer to Mrs Dunne's question, in short, is that it is the normal practice at this time of the year to vary the school buses for the coming year.

MRS DUNNE: Minister, why have you implemented changes at the end of this school year when it is fully expected that there will be further changes as a result of *Towards 2020* early next year?

MR HARGREAVES: As I indicated earlier, the intention was to introduce changes for the new school year with a couple of weeks to go for this year. It should be remembered that the school bus runs are dedicated not only to the public school system but also the private school system. So there was that global decision taken. It was also done in conjunction with the committee that considers the routes.

Environment—sustainable investment

DR FOSKEY: My question is to the Treasurer. Given that the Stern report has called global warning the greatest market failure the world has ever seen and that many governments at all levels are investigating and initiating strong action to protect the planet from catastrophic outcomes, does the Treasurer understand what is broadly meant by ethical and/or sustainable investment and would he agree that to continue to invest funds without regard to social and environmental consequences is irresponsible and ignorant?

MR STANHOPE: I thank Dr Foskey for the question. I note that Dr Foskey is following up on questions on the issue of ethical investment which she has been pursuing through committee hearings on annual reports. Yes, I do understand ethical investments—the nature of them and the context of the capacity which governments have, to a greater or lesser degree, to invest in different programs, projects, funds or investments generally. But it is not necessarily cut and dried that an ACT government or an Australian government which has capacity through its accumulated funds, particularly superannuation funds or investments, should choose at the expense of its employees to invest in a certain line on the basis of a philosophical position around the ethics or otherwise of a particular investment chain.

Dr Foskey, in her pursuit of her interest in this particular issue, is focusing on the capacity which governments might have to invest in industries that might have an impact on our capacity to address issues around climate change. Dr Foskey, in her analysis of ethical investments, would not support, for instance, investments in certain industries that she would consider potentially contribute to climate change.

There is a capacity for us to make value judgments around whether or not we move from a secure, lower risk investment, through an investment fund, in a range of industries that might perhaps, through the portfolio, have shares or investments in, for instance, an energy provider such as somebody that produces coal or somebody that produces energy through the use of coal or, heaven forbid, uranium, as opposed to the capacity which a government might have to invest in some of the new solar technologies—in an industry that is more ethically sound in the view of Dr Foskey but that perhaps has a significantly higher risk in terms of its return or its capacity to meet the superannuation and retirement needs of an investor's work force. Such is the situation which we face here in the territory.

Governments have traditionally adopted a view or an attitude in relation to investment, particularly of superannuation funds—funds which are invested on behalf of a government's work force—to seek on behalf of their employees to obtain the highest possible return. There is a very valid and reasonable subject for debate, and it is reasonable and appropriate that the Assembly does debate issues around ethical investment. We do have a significant portfolio. We are a small jurisdiction, but we nevertheless invest significant amounts of funds.

I am very comfortable with the debate. But the position which this government has taken, and the position which every other government since self-government—and I believe every other government in Australia—has taken, is that underpinning its

investment strategy, particularly where, in almost every instance we are talking about superannuation funds, is the fact that the most significant driver is to invest in the safest way or at an appropriate level of risk—investment that will return, in that circumstance, a strong, safe return for those on whose behalf the funds are invested. That is the position this government has taken, it is the position which the last government took and it is the position which the government before that took. In the context of a broad question around ethical investments, we need some parameters around the particular ethical framework that we have under consideration.

DR FOSKEY: Mr Speaker, I have a supplementary question. Has the Treasurer or Treasury investigated the returns from ethical investment funds which invest in ecologically sustainable industry, or looked into investing in social housing in the ACT?

MR STANHOPE: The attitude the ACT government Treasury currently takes, most particularly in relation to investments, is not to direct any investments into any specific source or fund. We have a range of investments. Some of them are direct, but the majority of our investments are managed by funds managers.

We have an open process in relation to the engagement of funds managers. Treasury currently has very much a hands-off approach to investments. I would have to take the specifics of the question on notice. I think the answer is almost certainly no, but I would have to confirm that.

The underlying policy position Treasury adopts in relation to investments is to appoint managers, experts, and to leave the decisions around the range and nature of investments to the funds managers. I need to ensure that the answer I gave, which I am almost certain is no, is in fact correct. I will confirm that for you.

Emergency services—firelink system

MR PRATT: My question is to the minister for emergency services. Minister, we have reports that the expensive firelink system failed in a recent trial at Tharwa. Indeed, one of the ACT's most experienced bushfire brigade captains described it as "a nightmare and a waste of money".

Your government said in 2003 that a single select tender was the only justified option because you said there was an urgency to deliver a digital data operational system by no later than bushfire season 2004-05. How has that single select tender delivered value for the territory when it is two bushfire seasons late in being fully introduced to service, has cost 40 per cent more than the original tendered costing, does not work in the field and the brigades find it a nightmare to operate?

MR CORBELL: I thank Mr Pratt for the question. Firelink does work. It is operational currently in RFS and SES. It does work and it is an excellent piece of technology. It provides our emergency services with the ability to locate vehicles in the field, to know where their resources are and to be able to deploy them effectively and most efficiently.

Secondly, in relation to the so-called trial at the southern brigade, which I understand was instigated by the southern brigade, it is probably worth putting on the record that at a recent training session offered by the RFS, of southern brigade members on firelink, only three attended. They showed little or no interest in it and left before the training session was finished.

MR PRATT: I ask a supplementary question. Minister, how much longer will we have to wait and how much more money will have to be spent before firelink works properly.

MR CORBELL: No more money has to be spent and no more time has to be waited because the system is now operational.

Housing—Kanangra Court

MRS BURKE: My question is to the Minister for Housing. Minister, over the past few years we have had considerable problems with crime and antisocial behaviour in ACT public housing complexes. Recently, Housing ACT apparently had to employ security guards at Kanangra Court for a short period to protect tenants. The question remains, however: why did Canberra Community Housing for Young People also have to hire security guards to patrol Kanangra Court for a period of time in early November to protect its clients from incidences of violent crime and antisocial behaviour in the Kanangra Court complex? What form of compensation will you be offering this organisation for costs incurred by employing security guards?

MR HARGREAVES: Mr Speaker, we addressed this question in part, I guess, in the annual report hearings recently and I tried to make the point there—and the point was accepted by most of the people there but obviously not by Mrs Burke—that criminal behaviour is a matter for the police; it always has been and it always will be.

We have some multiunit developments around the place and we acknowledge that there are some undesirable elements contained in them. We do not see, however, any acknowledgment that in some of the multiunit developments in the private sector there are undesirable elements as well; we do not seem to sheet home to those landlords the responsibility for addressing antisocial and criminal behaviour in those. However, the opposition say that we have to take full responsibility for that behaviour.

Indeed, I think we go that extra yard. We put on security guards around those complexes to enable the residents in there to have someone to talk to—some visibility to discourage people from undertaking criminal and antisocial behaviour. Instead of criticising the government for that, I think the opposition should be congratulating us for it. I have a message for those people who do feel unsafe and I have said this a thousand times: Crimestoppers and triple zero. They need to do that.

We have a very good relationship with the police. Indeed, the last one Mrs Burke was criticising us for was Fraser Court. She did not acknowledge that we have regular meetings with the residents there—in the community room which was provided by the government. In fact, we do provide those security officer services to patrol those parts

of the complexes that are either vacant or in shadow. We do have a relationship between the security guard system and the police, but we do not have any recognition for that at all. However, I had a look through Mrs Burke's utterances before the last election and she actually says in there that these things are a community responsibility. There is nothing in there at all that says that it is the government's responsibility. It is a community responsibility.

We, funnily enough, believe that we need to take as much care as we can to make sure that the tenants in our complexes have a high quality of life as best we can do it, and we provide the extra services. That is why public housing in some cases is more expensive than in the private sector, because the private sector do not go there.

Kimberley Gardens is a complex in our suburb—Mrs Burke lives in the same suburb as Kimberley Gardens, as do I—that is privately owned. They do not have security guards in there. I have been associated with this particular complex since the nineties and from time to time there are undesirable elements in that complex. Do we see security guards there? No, we don't, because the private sector do not accept any responsibility for that; they just believe that it is a police responsibility.

With respect to Kanangra Court, I think the opposition should be saying to the government, "Good on you for putting that extra layer of safety and security into those particular areas." I do not see any alternative being offered by the opposition. In relation to compensation, I have not got the faintest idea what Mrs Burke is talking about.

MR SPEAKER: Do you have a supplementary question, Mrs Burke?

MRS BURKE: Yes, thank you, Mr Speaker. Thank you, minister, for that buck-passing answer. As the landlord to public housing tenants and not the private sector, what are you doing to ensure your tenants abide by their tenancy agreements?

MR HARGREAVES: Mr Speaker, I do not see the relevance between that question and the safety question with Kanangra Court.

Housing—Abbeyfield disAbility House

MS MacDONALD: My question is to the Chief Minister. Can the minister tell the Assembly about the government's support for Abbeyfield disAbility House, which opened in Curtin last month?

MR STANHOPE: I was very pleased to be part of the official opening of the last Abbeyfield House in Canberra on November 29. I am also very pleased that the ACT government has been able to support such a fantastic and innovative project. I say that on a number of fronts. As I am sure members know, Abbeyfield is a worldwide non-profit organisation that works to create supported accommodation in the form of group houses. These are aimed mainly at older members of the community on low incomes, who are at some risk of social isolation.

Two Abbeyfield houses have operated very successfully in the ACT for a number of years: one in Ainslie has operated for the past 28 years; and a second has been operating in Garran for the past eight years.

The Curtin house represents a very significant departure for Abbeyfield, not just in Australia but globally. For the first time an Abbeyfield house operating under a community housing management model has been created for younger people with physical or intellectual disabilities that are capable of independent living but still require a supportive living environment. The Curtin house is now home to 10 young Canberra adults.

For many, moving into the Abbeyfield house represents a true rite of passage. For many it is the first time that they have left their parents and struck out on their own. The ACT Department of Disability, Housing and Community Services provided $1½ million for Abbeyfield disAbility House as part of the 2002-03 community housing capital funding program.

A direct grant of land was made by the Land Development Agency to Abbeyfield in 2004 following quite extensive community consultation. Community Housing Canberra managed the project on behalf of Abbeyfield, making a number of significant alterations to the project design to accommodate the needs of the site and the residents, and some concerns of some of the neighbours. The property is now managed as community housing by Abbeyfield disAbility as an affiliate of the Abbeyfield Society (Australia) Ltd.

Community housing represents a reasonably small proportion of housing stock in the ACT—about 500 dwellings. But it is an option that has great potential, particularly when solutions are required to meet very specific needs, such as the needs of these 10 young adults with a physical or intellectual disability. The residents of Abbeyfield disAbility House fit the bill.

These 10 Canberra men and women are more than capable of independent living. Like all of us, they deserve the opportunity to live independently and to exercise their right to control, as far as possible, their own lives and their own destinies. They deserve the right to have a home that they can call their own and to participate in the management and functioning of that home.

Abbeyfield disAbility House gives its 10 residents that opportunity. The residents have been fully involved in the project since its earliest stages at the conceptual level. As they get accustomed to their new life, a live-in housekeeper will help residents develop the life skills that will enable them to fully participate in the management of their home.

Abbeyfield disAbility House is the result of a very successful partnership between Abbeyfield, the ACT government and the local community. The house is in fact a first for the Abbeyfield movement worldwide. I am sure that it will be watched with great interest by affiliated Abbeyfield organisations in dozens of countries as well as around Australia. I believe that the model of community housing created by this particular

project has great potential for further application here in the ACT as well as in other places in Australia.

Independent living is something that most of us—indeed everybody in this place—take for granted. But for a small number among us, it has historically been out of reach. That is why support accommodation models such as those pioneered by Abbeyfield are so important. They offer a great measure of autonomy to those who might otherwise not have experienced it or who never had the opportunity of experiencing it. The ACT government has been very pleased to have been able to contribute to the Abbeyfield disAbility House project in Curtin.

Health—services

MR GENTLEMAN: Mr Speaker, my question is to the Deputy Chief Minister in her capacity as Minister for Health. Minister, could you update the Assembly on recent infrastructure investment made in the ACT's health system?

MS GALLAGHER: I thank Mr Gentleman for the question. The ACT government has made significant investments in the ACT health system since coming to government. More recently, we have made a number of significant investments which, working alongside other areas of improvement in the hospital, will, we believe, significantly improve services and pressure points at the hospital.

In this financial year we have allocated an additional $1.2 million to the emergency department capacity at both our hospitals. But, importantly, we have created a paediatric zone at Canberra Hospital in acknowledgment of some concerns raised by parents of their children's experience in the emergency department. It is quite a stressful place to be at the best of times.

A paediatric zone is now in place, which consists of paediatric beds, easy chairs, a waiting space and a small play area. The team for the paediatric zone will consist of two registered nurses 24 hours a day, seven days a week, who will monitor, assess and treat children within the area.

We have also commissioned a ninth operating theatre at TCH to improve access to elective surgery. We have extended the hours of operating for the theatres at TCH to further boost surgical capacity. We will also be providing four additional extended surgical recovery beds. They will come on line in early 2007.

In addition, in February 2007 the new 14-bed medical assessment and planning unit will open. This unit will be known as the MAPU. It will provide fast-track assessment and care for older people presenting at the emergency department. It will also deliver improved diagnosis and care planning for people with complex medical conditions.

Also this year we have opened the new MRI centre at the Canberra Hospital. That centre will allow the Canberra Hospital to provide increased services to outpatients and shorten waiting lists for MRI. Importantly, it will provide greater research facilities and will, again, work nicely alongside the ANU medical school.

This year's budget included funding for a second MRI machine which will be operational early next year. The second MRI will provide a significant increase in capacity, allowing an extra 10 to 15 scans a day, or up to 3,000 scans a year, substantially improving access to scans and reducing those waiting periods.

With the second MRI we have also allowed for dedicated research time, particularly in orthopaedics, ageing brain research and functional imaging of the brain. I would like to acknowledge the efforts of the doctors at the hospital who were the originators of the idea of the purchase of a second MRI to set the ACT up in terms of research capacity and also to attract health professionals to the ACT to work.

We have, of course, already spoken about the investment in linear accelerators of about an extra $28 million, to increase our capacity for radiation oncology services to people in the ACT region. In upgrading the TCH campus we have invested $3.38 million to relocate medical records at the Canberra Hospital. We have also invested $2 million for an additional 580 car parking spaces at TCH, due for completion in May next year.

The capital pressures at both TCH and Calvary hospitals are considerable. The infrastructure is ageing. We need to keep injecting resources into the hospitals to keep pace with some of the demands being placed on our hospital system.

In recognition of that, we introduced paid parking this year into the hospital campuses at both TCH and Calvary. This paid parking regime will certainly assist us in investing in the future capital needs of our hospitals. We have committed to invest every cent raised from paid parking into our hospital system. I will certainly be able to speak next year with members and the community about some of the projects we have in mind for that revenue once those figures become available.

We are certainly investing in the infrastructure needs at the hospitals. As I said, they are considerable. We are looking at every way to raise money to ensure we are providing first-rate services in our hospitals that we keep pace with some of the demands we are seeing that need to be injected into our health system.

MR GENTLEMAN: Minister, could you elaborate on the implementation of pay parking at hospitals?

MS GALLAGHER: I thank Mr Gentleman for the supplementary question.

Mr Smyth: I take a point of order, Mr Speaker. On the notice paper there is a question from Dr Foskey about pay parking arrangements at the hospital that I think rules the supplementary question out of order—question No 1315.

MR SPEAKER: I uphold the point of order.

Mr Corbell: I wish to speak to the point of order before you rule in that way, Mr Speaker.

Mrs Burke: He has already ruled.

Mr Corbell: I seek your indulgence on that, Mr Speaker.

MR SPEAKER: I am prepared to listen.

Mr Corbell: Dr Foskey's question relates specifically to certain costs associated with implementation. Minister Gallagher was asked in the primary question about infrastructure investment in ACT Health. Obviously, car parking infrastructure is part of that in terms of managing parking demand at the hospital, and Mr Gentleman, quite rightly, followed up with a supplementary question asking for more information about the implementation of pay parking. He did not, however, ask for the detailed budget items that are outlined in Dr Foskey's question. I think that it would be unreasonable to rule the question out of order, given that this is a broad subject and Mr Gentleman has asked a broad question, not the very specific, detailed budgeting question asked by Dr Foskey.

MR SPEAKER: The issue that arises when questions without notice anticipate questions on notice is that they can be a way for a member to gazump another member's question. The chair has always been cautious about these issues to avoid that happening, because legitimate questions placed on notice ought to be answered without interference. The question put by Mr Gentleman was quite general and would have encouraged the minister to canvass all the issues in the question on notice. That is why I am inclined towards upholding the point of order which Mr Smyth raised. I rule in favour of Mr Smyth because I think the supplementary question would encourage the minister to answer a question which, essentially, is on notice.

Mr Smyth: And now overdue for an answer as well.

MR SPEAKER: That is another matter.

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

Auditor-General's report No 9 of 2006

Mr Speaker presented the following paper:

> Auditor-General Act—Auditor-General's report No 9/2006—sale of block 8, section 48, Fyshwick, dated 11 December 2006.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): I ask for leave to move a motion to authorise publication of the report.

Leave granted.

MR CORBELL: I move:

> That the Assembly authorises the publication of the Auditor-General's report No 9/2006.

Question resolved in the affirmative.

Supplementary answers to questions without notice

Transport—demand responsive
Housing—multiunit properties

MR HARGREAVES: On 23 November, Mr Pratt asked about demand-responsive transport and the number of accreditation applications. The answer to the member's question is as follows: the Road Transport Authority, the RTA, has not received any applications for accreditation as a demand-responsive service operator. At the commencement of the demand-responsive services legislation, the RTA sent application packages to local operators, including at least one operator who had indicated a strong desire to operate services under this legislation.

Mr Speaker, during the Assembly's last sittings, Dr Foskey asked me a question without notice on fire-related issues at multiunit properties. In response, I advised the Assembly that all of Housing ACT's multiunit properties comply with the fire provisions of the Building Code of Australia. I would like to take the opportunity to correct the response and make clear the situation.

The building code is continually being revised and amended and, as a consequence, many buildings in the ACT and across the rest of Australia do not comply with current requirements. There are processes in place whereby significant upgrades or expenditure on a building trigger a requirement to upgrade to current BCA standards. Notwithstanding this, housing and community services does work to ensure that the buildings do remain safe, as can be seen in the progressive upgrading of the fire safety capacity of many of the multiunit sites.

Total expenditure on fire safety to date amounts to $14.4 million. Works have been carried out at a range of multiunit properties. Dwellings in O'Connor, Kaleen and Narrabundah that house residents with limited mobility have also received fire safety improvement works. Work on Illawarra Court in Belconnen is nearing completion and a fire safety program for future sites is being finalised. Mr Speaker, I trust that I have now clarified the issues for Dr Foskey.

Hospitals—overcrowding

MS GALLAGHER: On 22 November 2006, Mr Smyth asked me whether the management staff went to the emergency department before they cancelled a code yellow "or did they just do it from their ivory tower?" The answer to that is that the situation was assessed by a member of the hospital management who attended the ED after receiving notification on a mobile phone. The code yellow was called off by the nursing coordinator on duty at the time and this action was supported by the manager responsible for the internal disaster response plan.

Papers

Mr Speaker presented the following papers:

Study trips—Reports by Mr Stefaniak MLA—

Meeting of Opposition Leaders and Menzies Research Centre Conference—Sydney, 7-9 September 2006.

Media Training at Media Images—Parramatta, 13 September 2006.

Meeting of Shadow Attorneys-General—Sydney, 22 September 2006.

Executive contracts
Papers and statement by minister

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

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Contract variations:

Conrad Barr, dated 8 November 2006.
Graeme Dowell, dated 27 October 2006.
Hugh Jorgensen, dated 7 November 2006.
Ian Cox, dated 8 November 2006.
Ian Waters, dated 25 October 2006.
Jon Quiggin, dated 24 November 2006.
Michael Chisnall, dated 17 November 2006.

Long-term contracts:

Christopher Reynolds, dated 30 October 2006.
Megan Smithies, dated 26 September 2006.

Short-term contracts:

Conrad Barr, dated 28 June 2006.
David Foot, dated 13 November 2006.
Ken Paulsen, dated 12 and 14 November 2006.
Martin Hehir, dated 17 November 2006.
Maureen Sheehan, dated 17 November 2006.
Paul Wyles, dated 17 November 2006.
Phillip Joyce, dated 26 October 2006.

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

Leave granted.

MR STANHOPE: Mr Speaker, I have presented another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 14 November 2006. Today, I have presented two long-term contracts, seven short-term contracts and seven contract variations. The details of the contracts will be circulated to members.

Financial Management Act—instrument
Paper and statement by minister

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

> Financial Management Act, pursuant to section 16—Instrument directing a transfer of appropriation from the Chief Minister's Department to the Department of the Territory and Municipal Services, including a statement of reasons.

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

Leave granted.

MR STANHOPE: Mr Speaker, as required by the Financial Management Act 1996, I have tabled an instrument issued under section 16 of the act. The direction and the associated statement of reasons for the instrument must be tabled in the Assembly within three sitting days after it is given. This transfer of appropriation under section 16 of the act relates to the transfer of responsibility for the National Convention Centre project from the Chief Minister's Department to the Department of Territory and Municipal Services as a result of decisions announced in the 2006-07 budget. The details of the instrument can be found within the tabled package. I commend the paper to the Assembly.

Rhodium Asset Solutions Ltd—annual report 2005-06
Paper and statement by minister

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

> Annual Reports (Government Agencies) Act, pursuant to section 13—Rhodium Asset Solutions Ltd—annual report 2005-06, dated 27 November 2006.

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

Leave granted.

MR STANHOPE: As required by section 22 of the Territory Owned Corporations Act 1990, I have tabled the annual report for 2005-06 of Rhodium Asset Solutions. The act specifies that annual reports be tabled within three months after the end of the financial year, but, due to delays in finalising the financial statements, I approved an extension for Rhodium to table the annual report before the end of December 2006. The 2005-06 annual report outlines Rhodium's corporate management performance and includes the directors' report, the Auditor-General's report and annual financial statements. I commend Rhodium's 2005-06 annual report to the Assembly.

Caring for carers—progress report
Paper and statement by minister

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

> Caring for carers in the ACT—A plan for action 2004-2007—2005-06 progress report on implementation, incorporating carers legislation in the ACT—review—progress report on the implementation of the government response.

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

Leave granted.

MS GALLAGHER: I am pleased to table today the 2005-06 progress report on *Caring for carers in the ACT—a plan for action 2004-07*. This progress report covers the period 1 July 2005 to 30 June 2006 and demonstrates the government's commitment to addressing the varying needs of carers and the people who receive care in the ACT.

On coming to government, we indicated our determination to develop a comprehensive policy for carers and investigate the need for specific carers legislation. We have honoured this commitment both in terms of initiatives delivered and in raising the profile of carers so their contribution to our community is better understood and acknowledged. To achieve our goals we have consulted widely and developed strong partnerships with carers, people who receive care, and service providers.

In November 2005, my colleague Minister Hargreaves tabled the first progress report on caring for carers. This policy aims to provide a basis for improving support for carers to enhance their health and wellbeing as well as that of the people they care for. The first progress report outlined new actions taken against the carers for caring action plan.

The key messages in the policy and action plan include the need for public recognition of the role and contribution made by unpaid, informal carers. There needs to be assurance that the person being cared for is provided with quality, adequate and accessible support and that carers are regarded as partners with government. The 2005-06 progress report provides an overview of the key initiatives being taken across the government. This report builds on and extends the work progressed since the first report and takes stock of current activities.

There has been extensive work carried out by the government in partnership with service providers, carers and care recipients in developing and implementing a range of programs and mechanisms to improve the lives of carers. The 2005-06 carer recognition grants enabled community organisations to respond to unmet needs identified by carers in the community. Projects funded this year focus on the provision of respite, practical assistance, skill development, training and information.

In the funding round, six projects received grants totalling $201,497. Specifically, Winnunga Nimmityjah Aboriginal Health Service was funded $60,000 to provide support and respite for indigenous carers. The funding also provided opportunities for carers to participate in activities to reduce the isolation often experienced by carers. Funding was also provided to the Youth Coalition of the ACT for a family support kit for children, young people and families where a parent has a mental illness or dual diagnosis.

UnitingCare Kippax received $42,000 for a program that provided respite and support to carers by offering free counselling, practical assistance to carers of young children and aged persons, and opportunities for socialising and participating in a buddy support system for families in crisis. Community Connections introduced a circles of support program. The circle concept creates support networks for families to consider solutions to problems they experience in everyday life, as well as to plan and develop directions for a safe and secure future.

Friends of Brain Injured Children (ACT) were funded to provide occupational therapists to visit families in their homes to assess and provide training in lifting and carrying techniques. Finally, Carers ACT received a grant to undertake service provider training that raised awareness and skills in relation to carer issues in the disability, home and community care, health, mental health, drug and alcohol, aged care, education, family and youth sectors.

I am pleased to advise that the government has also honoured another commitment to carers by ensuring a review of the legislative position. In this regard, included in the 2005-06 progress report are details of the actions taken up to June 2006 to implement the government response to the report on the review of carers legislation in the ACT.

The Carers Recognition Legislative Amendment Bill was introduced in August 2006. The bill supports the legal position of carers in our community, resulting in greater public recognition of the role and contribution made by unpaid informal carers. Key to the amendments, the bill provides a more inclusive definition of “carer” under ACT law which recognises the fact that a person will often have more than one carer providing them with assistance.

The bill allows for young carers to lodge a complaint with the human rights commission on behalf of a dependent person and recognises the carer relationship on equal terms with that of a close relative under the Discrimination Act. The carer relationship is also recognised in the context of the appointment of a guardian or manager under the Guardianship Act and support rights of appearance before tribunals responsible for making these decisions.

Mr Speaker, we have come a long way since we introduced the policy and action plan leading to better support carers in our community. Importantly, we will continue to work with carers to address, as best we can, the need that is still unmet. I commend the 2005-06 progress report to the Assembly.

Leave of absence

Motion (by **Mr Smyth**) agreed to:

> That leave of absence be given to Mr Mulcahy for this sitting.

Papers

Mr Corbell presented the following papers:

> Powers of Attorney Bill 2006—Revised explanatory statement.
>
> Australian Crime Commission (ACT) Act, pursuant to subsection 51 (5)—Australian Crime Commission—2005-07—annual report, dated 13 October 2006.

Domestic Animals Amendment Bill 2006—exposure draft
Paper and statement by minister

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

> Domestic Animals Amendment Bill 2006—exposure draft.

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

Leave granted.

MR HARGREAVES: The Domestic Animals Act 2000 came into effect on 20 December 2000. The Domestic Animals Regulation 2001 commenced on 12 June 2001. This bill seeks to amend the act following a comprehensive review of its provisions undertaken in 2005-06.

The need to amend the act has arisen due to major changes in equivalent legislation in New South Wales and Victoria in recent years and the government's domestic cat management initiatives that I announced in May this year. These amendments and the accompanying Domestic Animals Amendment Regulation 2006 will ensure the ACT's domestic animals legislation is brought up to date and represents best contemporary practice in Australasia.

Officers of my department have consulted widely in developing this legislation through involvement with key stakeholders locally and through meeting with policy makers and regulators from Australian state and territory governments and New Zealand. To continue with consultation, I am introducing this bill as an exposure draft to allow formal comment by MLAs and the public on the bill's proposals. Therefore, the government does not intend that debate on the final bill will begin until the autumn sittings of the Assembly in 2007. During this initial period, written comments on the bill may be made by accessing the territory and municipal services

website at http://www.tams.act.gov.au or by writing directly to the Department of Territory and Municipal Services.

Mr Speaker, these amendments signal the government's strong commitment to promoting responsible dog and cat ownership and they establish a new era of domestic management policy and practice for the territory. Reliable identification of domestic animals is the key to effective domestic animal management and enforcement. Australian legislation and practice interstate show that compulsory microchipping is the best and most cost-effective method of identifying domestic animals.

The government's commitment to this policy is illustrated by its introduction in May this year of compulsory microchipping of cats in the declared cat curfew area in Gungahlin and for all cats over 12 weeks of age when they are sold, with microchipping becoming compulsory for all owned domestic cats in the territory after 30 June 2008. Similarly, these proposals will amend the act to extend compulsory microchipping to declared dangerous dogs, to dogs over 12 weeks old when they are sold and to all dogs in the territory three years after the act commences.

Following New South Wales and to save staff time and money processing annual renewals, the bill introduces compulsory lifetime dog registration for the territory. Owners of currently registered dogs will be eligible for lifetime registration at the cost of the current annual renewal fee, which is $13.30, a rate cheaper than first time applicants for lifetime dog registration, which is currently $40 in New South Wales.

Revenue from dog registration offsets the cost of a range of services provided, including stray dog capture and return, impoundment, dangerous dog management, and education. Equivalent services for cats are not necessary or are currently supplied by the RSPCA. Registration of cats is not being proposed, because their identification by microchip is regarded as sufficient for reuniting them with their owners and for enforcement purposes.

Compulsory microchipping of both dogs and cats is the standard in both New South Wales and Victorian legislation. The government has introduced compulsory microchipping for cats in the declared cat curfew area in Gungahlin, for all cats at point of sale and, as I said, for all owned cats in the territory by 1 July 2008. This bill makes microchipping for dogs compulsory at point of sale and for all owned dogs in the territory three years after the amended act commences. The proposed offences and penalties for failing to microchip a dog will be equivalent to those already in place for cats.

To ensure that dangerous dogs are identifiable when they move interstate or between jurisdictions, the bill makes microchipping compulsory immediately for declared dangerous dogs. Restricting applicants for dangerous dog licences to adults only will prevent minors from being owners of declared dangerous dogs and remove any doubt as to their responsibility before a court. After a court orders a dog to be destroyed because of an attacking offence, the registrar of domestic animal services will be given the power to immediately seize the dog. Amendments will guarantee that the keepers of declared dangerous dogs found guilty of attacking or harassing offences may be subject to higher penalties than for first offenders.

In line with recent New South Wales practice, the bill seeks to ensure that dogs which have escaped from premises and caused offence are not returned to their owners before the conditions giving rise to the offences are addressed. The bill will require the statutory 28-day return period for a seized dog to commence on the date of seizure rather than the date of the offence. This will allow domestic animal services officers more time to undertake suitable remedial measures. To further strengthen enforcement, the bill will allow the domestic animals registrar to refuse the return of a dog to its owner until certain conditions are met.

Currently, all cats in the territory are required to be desexed by six months of age. However, young female cats can breed at five months of age. Making desexing compulsory by three months of age should help reduce the large number of stray cats and kittens which the RSPCA euthanises each year during the breeding season. There are no negative effects on the health and wellbeing of cats attributable to desexing at three months. Reducing the level of unwanted breeding in cats should also reduce the numbers of stray and feral cats which are significant predators on native wildlife in urban Canberra.

Processing complaints about animal nuisance can be time consuming and stressful for all concerned. Under part 6 of the act, animal nuisance notices may be issued prior to initiating formal court proceedings against an owner whose animal causes excessive disturbance as defined under the act. To reduce uncertainty and better define these procedures, the bill gives me, the minister, the power to issue animal nuisance guidelines as a disallowable instrument. The guidelines my department would develop would be subject to public consultation and Assembly scrutiny before approval.

In addition to giving advice on keeping dogs and cats, officers of my department and domestic animal services are routinely asked to give advice on the keeping of a much wider range of domestic animals, such as pigs, horses, pigeons, rabbits, goats and bees, yet there are often no clear guidelines available for such animals. Where significant gaps in the regulatory framework exist, the bill amends the act to allow mandatory codes of practice for keeping animals to be developed, subject to public consultation.

Currently, no more than three dogs may be kept at a residential premise unless a person obtains a multiple dog licence. In response to public submissions, and to treat dog and cat owners equitably, the bill also restricts the keeping of cats to three, unless the person obtains a multiple cat licence. Similar to dogs, decisions by the registrar on the keeping of multiple cats will also be subject to appeal to the Administrative Appeals Tribunal.

Currently, declaring dog prohibited areas by suitably located signs is the only means available. By adding the power to declare dog prohibited areas by disallowable instrument, the bill will cause these areas to be mapped as part of the declaration process. In addition to relying on signs, this will help the public become better informed of the precise extent and location of these areas, which will help encourage awareness and assist with enforcement.

My department will fund the costs of implementing these amendments within the priorities established within the budget process for 2007-08. The cost of introducing compulsory microchipping for dogs at point of sale for declared dangerous dogs and progressively for all dogs over a three-year period will be met by the local pet industry and dog owners, not by the government.

The government is adopting a carefully staged approach to introducing these integrated changes and they usher in a new era of cost-effective domestic animals management and regulation in the territory. Releasing these proposals as an exposure draft bill signals the government's intention to introduce change progressively and sensitively, in close consultation with the community as a whole, taking account of key stakeholder, professional and industry opinion. These proposals bring the territory's domestic animals legislation up to date with Victoria and New South Wales and, taken together with the current Victorian and New South Wales legislation, set a new benchmark for best practice in domestic animals management in Australasia.

Papers

Mr Corbell presented the following papers:

Petition—Out of order

Petition which does not conform with the standing orders—Taxi industry—Mrs Dunne (278 residents).

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Health Act—Health (Fees) Determination 2006 (No 4)—Disallowable Instrument DI2006-248 (LR, 23 November 2006).

Legal Profession Act—Legal Profession Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-49 (LR, 30 November 2006).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2006 (No 8)—Disallowable Instrument DI2006-246 (LR, 23 November 2006).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-50 (LR, 30 November 2006).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2006 (No 10)—Disallowable Instrument DI2006-247 (LR, 23 November 2006).

Road Transport (Offences) Regulation—Road Transport (Offences) (Declaration of Holiday Period) Determination 2006 (No 1)—Disallowable Instrument DI2006-249 (LR, 30 November 2006).

Taxi industry—out-of-order petition
Proposed reference to standing committee

MRS DUNNE (Ginninderra) (3.29): Mr Speaker, I seek leave to move that the petition in relation to the transport industry be referred to the Standing Committee on Planning and Environment for inquiry and report.

Leave granted.

MRS DUNNE: I move:

> That the terms of the out-of-order petition be referred to the Standing Committee on Planning and Environment for inquiry and report.

The petition that the minister has tabled today consists of signatures from 280-odd drivers and operators of taxis within the ACT who are concerned about the operation of the taxi industry and the lack of cooperative arrangements between the Department of Territory and Municipal Services, the responsible minister and the taxi industry to resolve problems within the taxi industry. The petition, in quite clear terms, calls on the government to work cooperatively with the taxi industry to help to resolve some of those problems.

When the people who put together the petition—the operators of all of the taxi services: Canberra Cabs, elite and silver service—came to see me yesterday they asked if they tabled a petition where would it go. I said, "Well, the minister could look at it very politely and then choose to do something with it or nothing, or it could be referred to an appropriate committee for inquiry." The operators of taxis—this is not Aerial, this is not the cooperative, this is not Canberra Cabs; these are operators of taxis—said that it is about time, given the present circumstances, that we looked at some inquiry into this aspect of Canberra's public transport industry.

I think it is time. There have been very useful reviews of the taxi industry by previous planning and environment committees which have resulted in quite good outcomes for the taxi industry and I think it would be an opportunity for us to further that progress. There are, without a doubt, problems in the taxi industry and I think it is time we got to the end of the process whereby ministers and members of the government stand back and slag off at people who are trying to earn a living in a very difficult industry and, instead, found a way through public inquiry to a better outcome. So I commend the motion to the Assembly.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (3.31): I cannot agree with the motion and I am very happy to explain to the Assembly why that is so. There are a number of reasons.

The first thing is that just towards the end Mrs Dunne insinuated that we have been, or I had been, slagging off at operators in the industry. I emphatically deny that. Indeed, I have had on many occasions an opportunity to congratulate the actual operators and taxi drivers themselves on their forbearance in what is a pretty ordinary system. With

very, very few exceptions, I believe the taxi drivers in this town are amongst the best that I have struck anywhere in the world. I am quite happy to say that yet again in public.

I think an outline of what has been the consultation process, if you like, or even just the process around the difficulties with the network at the moment, might be in order. We were advised a year ago or more that there was to be this voice-activated system, a new system, introduced. That was fine, and away it went. Then I started to receive complaints that the system was not working, and I said to the CEO of Aerial consolidated taxis that this was not good enough and that they had to get on with it and get it fixed, at which time I said, "If you don't fix it, we will do something about it."

What did we do about it? We have already discussed in this place the wheelchair-accessible taxis, and I am not going to go down that track for the purpose of this discussion. But we introduced new minimum standards that must be complied with and penalties which attach to them. I indicated then the government's absolute intention to apply those sanctions if the minimum standards were not met, and we gave the network three months, in the interests of natural justice, to get on with it and do it. To the network's credit, the minimum standards were predominantly met, with the exception of a couple, and sanctions will be applied by the regulator for those that were not.

It has been said that we should work with the network to raise the standard again of good service delivered to the travelling public. Well, I would suggest to you, Mr Speaker, that that is exactly what has been happening. The conversations with the department have been as often as weekly, and as infrequently as fortnightly, in terms of trying to talk to the network about how they can work their way through this.

There has been a standing invitation to Aerial consolidated taxis to meet with my office and, with the exception of an informed meeting from time to time, that offer has never been taken up, in the same way as the government's offer of $100,000 to micromanage the WAT system was never taken up. The CEO of Aerial consolidated taxis has also had conversations with senior members of my staff to work their way through it.

In terms of the general taxi service around town, officers of my department have worked particularly closely with people seeking accreditation as a second network. The accreditation of that second network is all but complete; there are just a couple of small things that need to be tidied up. It will be up to that network when it commences business after it has been accredited. My guesstimation on that—and please understand that it is a guesstimation—would be that it will occur about February, and the reason for that is that, even if accreditation was to happen in the next couple of weeks, we are about to enter into the very quiet time for taxi service in this town, so the profits are probably not there. It would also give them a little bit of extra time to make sure the equipment is installed in those cabs.

I do understand the travelling public's anger and anxiety. We have done an enormous amount of work on behalf of the community to try to get this company to provide a good service. But you need to understand also that there is no legislation in this town

which preserves the monopoly—quite the opposite—and we have demonstrated that by the assistance we have been giving the second network to become accredited. But at the end of the day this is not a government service; this is a private company. Once upon a time it was a cooperative, a collective of all the drivers and owners getting together and running themselves as a business—not any more; it is not. It is a full-on private company.

The sad part, of course, is that the travelling public have no alternative if they want to travel by taxis, except for the hire car industry. We cannot do much more than we have already done. With the talk about having an inquiry, I am also mindful of the amount of work that the planning and environment committee has got on its plate. It seems to me that by the time the committee got to the stage of being able to consider submissions, let alone take evidence from witnesses, it is quite possible that they will be out of date because the second network will be up and running. I cannot see the committee doing anything constructive with things, other than to receive and file submissions, between now and the end of February, in which case I am fairly confident the second network will be up and running.

As an aside, Mr Speaker, I have also written to the CEO of Aerial asking that person to show cause why I should not bring forward legislation into this place by form of a regulation to insist on a human alternative to the automated booking system. I have not received any response from him yet. So to those talking about going on a witch-hunt to try and criticise the government for not being cooperative in this system I suggest that it is the other way around. As I said, senior people in my office have been speaking to people. We have been cooperative—more cooperative than could be expected, I think, in other circumstances. I do not support the motion and the government will not be supporting the motion.

MRS DUNNE (Ginninderra) (3.40), in reply: Mr Speaker, the response from the minister is predictable—sadly so. This is not about the voice-activated system. It seems to be the only thing that this minister can talk about because he is so preoccupied with—and I will say it again—slagging off at the taxi industry. He stood up here and said how dare I say that he slagged off the taxi industry—and then immediately went into a process of slagging off at the taxi industry. He will say, "Look, all the drivers are really great but the service is rotten," and that is basically what it boils down to.

What we actually have here today are 270-odd drivers and operators saying that they want the government to cooperate with them to make a better taxi industry, and this minister says, "I'm not going to do anything. I'm not interested. I can't do anything. We bend over backwards and we are not going to do anything about it." This is the minister responsible for regulating the taxi industry. This is the minister responsible for setting the service standards for the taxi industry. He might say that this is a free market; but it is not an entirely free market, because he sets the rules. And there are problems with the rules and they are not just problems about the voice recognition system.

This minister has said today, and on a number of occasions, that he essentially wants to ensure that there is a human voice answering every call—every one of the 70 or

80-odd thousand calls a month that the taxi service receives—and he wants to ensure that that is the case. But there is no scrutiny of him and his demands and his desires for the transport industry.

This minister, probably more than anybody on that side of the house, knows the problems facing the public transport industry in the ACT. For the most part, to his credit, he is alive to the issues and he does wish to make them better. However, he has been offered an opportunity today to participate in a process that would help to make the taxi industry better for the people of the ACT and John Hargreaves has baulked because he might find out that what he is doing may not be the optimal thing or that what would be optimal might be inconvenient to Mr Hargreaves.

Mr Hargreaves, by his own admission, over a very long period of time has had very strong views about how he thinks a taxi industry should operate in the ACT and he has made it very clear here today that he does not want anyone to express views that are counter to his. The taxi industry, the rank and file people, the small business people, the people who are employed as drivers, the people who own one or two plates, are asking this minister and asking this Assembly to have an inquiry—by the planning and environment committee, the right place for it to go—and to look at the transport issues related to this. But this minister is just saying, "No, I know exactly what we are going to do. I am going to fix it by putting in a new network."

It may fix the system but I am not entirely convinced that that is the case. It will not address the issue that, on a Friday or a Thursday in a sitting week when the federal parliament is sitting and there are one or two conferences on in town, the taxi industry in this town are slammed so hard they cannot meet the demands. But on Sunday morning they cannot get a fare, and the highs and lows of the taxi industry are such that it is extremely difficult for the average driver to earn more than $13 or $14 an hour across the working week.

That is one of the problems that we are encountering: because they are earning so little money, it is very difficult to find drivers and many taxis now sit idle, despite the fact that there are huge licence fees on those taxis. There is the issue of the huge licence fees, and we do not know whether the new 20, 40 or however many this minister will introduce will solve the problem. The industry do not think it will. So, a couple of years into the process of implementing a new taxi system, it is about time that this minister took stock. But he is too arrogant and too vain to take stock and as a result of this the requests of the rank and file members of the taxi industry again are falling on deaf ears.

It is interesting that Mr Gentleman, the great advocate of those involved in the transport industry, is silent on this. Presumably he has had a word to his minister and said, "No, no, no, don't bring it to us. Don't bring it to the planning and environment committee. It's too difficult." It is a shame on the Labor Party that the Labor Party are not interested in good public transport in the ACT.

You can add the failures of this minister over the implementation of changes in the taxi industry to the complete debacle that is now the ACTION timetable. When the Transport Workers Union are so vocal in criticising their mates in the Labor Party over the operation of the ACTION timetable and the ACTION bus service, we have a

real problem with public transport. This minister is not interested in innovation and introducing change in public transport, and this is a shameful day.

Motion negatived.

Environmentally sustainable solutions
Discussion of matter of public importance

MR SPEAKER: I have received letters from Mrs Dunne, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy and Ms Porter proposing that matters of public importance be submitted to the Assembly for discussion. In accordance with standing order 79, I have determined that the matter proposed by Ms MacDonald be submitted to the Assembly, namely:

> The importance of delivering environmentally sustainable solutions for the ACT community.

MS MacDONALD (Brindabella) (3.47): Mr Speaker, Australia and the globe are experiencing rapid climate change and face major environmental challenges. Since the middle of the 20th century Australian temperatures have, on average, risen by about one degree centigrade, with an increase in the frequency of heatwaves and a decrease in the number of frosts and cold days. We are all aware that rainfall patterns have also changed. The north-west has seen an increase in rainfall over the past 50 years while much of eastern Australia and the far south-west have experienced a decline.

Environmental sustainability is a significant global issue that requires a strategic approach from all levels of government, the business sector and the community. The ACT government has recognised that a strategic approach is required, as evidenced through its commitment to environmental sustainability and climate change. The government is an active supporter of and participant in national initiatives aimed at reducing greenhouse gas emissions and is preparing the community to cope with climate impacts that are already occurring.

The ACT participates on several COAG working groups for climate change and intends to adopt many recommendations in its own climate change strategy that is scheduled to be released for public consultation early in 2007. The new climate change strategy will build on initiatives under the current greenhouse strategy, with a number of new initiatives focused on not only abatement measures but also the very important aspect of adaptation.

The government has done more than talk. Significant emission reduction programs are already in place. In 2005 the ACT joined with New South Wales in the development of a greenhouse gas abatement scheme. This 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, which is 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.

The ACT is also active in the development of a national carbon trading market that will draw on the success of the existing ACT-New South Wales scheme and will place a realistic price on carbon emissions. The ACT government is also a foundation member of GreenPower, the only accredited green energy product in Australia, and has recently agreed with other members to increase the promotion and marketing of this product. Twenty-three per cent of the government's own electricity supplies is drawn from renewable sources.

The government has been active in promoting sustainability in the wider community. In the energy field, the Home Energy Advisory Team and ACT energy wise programs provide free householder advice and subsidised energy audits and rebates to encourage energy efficiency and emissions reductions. The government has long supported the principles of sustainable development and this is reflected in our planning guidelines, which require water-sensitive urban design and minimum energy ratings for buildings.

The design of the Alexander Maconochie Centre reflects the ACT government's commitment to sustainable design and responsible management of key resources such as water, electricity and natural gas. As part of the design process, a modified form of the green star rating tool was used to manage energy and water use, construction processes, emissions from the site, internal environmental quality, material selection, the site's ecological integrity and the provision of public transport.

A four-star modified green star rating was achieved for the site through the implementation of several ESD features, including use of internal thermal mass to stabilise internal temperatures; high levels of roof, wall and floor insulation; a combination of double glazing and high-performing laminated glass; building materials that have low embodied energy and are easily recycled; a comprehensive waste minimisation and recycling system; grey water recycled for use in toilet flushing and irrigation; low water-consuming landscaping used throughout the site; natural grassland maximised across the site and natural water courses maintained to provide flows to Jerrabomberra Creek.

The design process also involved benchmarking the AMC design of the Maconochie centre against comparable facilities. This was conducted to give a measure for the likely energy and water reductions that could be achieved. The benchmarking revealed a 30 per cent reduction in electricity and natural gas use could be achieved and a 40 per cent reduction in mains water consumption could be achieved.

The government's commitment to ecologically sustainable development has also recently been highlighted in our education system with the development of the new Harrison school. The ACT government has provided over $21 million in funding to build the new school, with a green building approach in which emphasis is given to making the building energy efficient, improving air quality, capturing and storing rainwater for recycling, and reducing greenhouse gas emissions.

Beyond just the school buildings, the ACT government has a goal to provide a more holistic approach to sustainability in ACT schools. The sustainable schools initiative is another example of the ACT government working, in conjunction with the

commonwealth, to develop close partnerships with the community. Funding and in-kind support provided by the ACT government, together with the funding from the commonwealth Department of the Environment and Heritage, has provided the opportunity for 20 of the ACT's 150 government and non-government schools, ranging from preschool to college, to participate in a sustainable schools pilot during 2006-07.

The ACT government recognises the significant current and long-term benefits of continuing the excellent progress made with schools in the pilot and is committed to continuing and expanding the program. The sustainable schools initiative is action based and involves the whole school community in the sustainable management of the school. It addresses a range of issues including energy and water consumption, waste, biodiversity, landscape design, products and material use, as well as providing the opportunity to achieve curriculum requirements in key learning areas.

During this financial year, 10 water audits have been undertaken as part of the pilot program and another 14 audits have been scheduled. Reports from completed audits will be made available to the schools to assist them to develop an environmental management plan, which will provide schools with an achievable, sustainable framework in which to manage waste, water and energy.

As an indicator of the dedication of these schools and the success of the program, Hawker primary, one of the pilot schools, won the schools category in the recent No Waste Awards. The No Waste Awards is an important annual event that provides formal recognition of the waste avoidance and minimisation efforts of leading organisations and businesses within our community. This year's awards were the most hotly contested to date, with a higher standard and more submissions than in previous years.

The word is spreading and these awards are an important part of communicating the importance of no waste throughout the wider community. This year's winners were clear leaders in their sector. From schools to community groups, businesses to government, these organisations are all making exceptional efforts towards sustainable waste management. What they all have in common is the desire to reduce their waste and therefore the footprint they leave on the environment. This year's awards provided many significant success stories of waste being innovatively avoided, reduced, reused and recycled. Significantly, many of the winners extended their efforts beyond waste minimisation towards real sustainability.

The awards featured some outstanding entries, particularly in the business category. The government category was also hotly contested, with several federal departments effectively communicating their excellent efforts in responsible waste management. It should be a matter of pride to all of us here that the ACT Legislative Assembly has been commended for its efforts in establishing an innovative and effective waste management system throughout the building. This initiative shows true leadership across the ACT government and demonstrates our clear commitment to the no waste strategy.

The no waste strategy provides a clear example of the government's commitment to the sustainable use of our resources. Another example of this is our commitment to

the appropriate and sustainable management of one of our most precious resources: water. The Water Resources Act establishes a regulatory framework, which is fundamental to the sustainable use of water. The regulatory framework identifies and protects the environmental flows needed to maintain our aquatic ecosystems; identifies the water resources across the ACT and in the ACT water sharing plan Think Water, Act Water; sets the sustainable limit for abstraction in each subcatchment; and limits water use to the sustainable yield through licensing requirements. All water taken in the territory, except that used for such purposes as firefighting and stock watering, is licensed and metered. This ensures that we stay within sustainable limits.

With this framework we protect both the needs of the environment and the sensible use of water resources for our town water supply and a range of other uses. Additionally, we have avoided the overexploitation of water resources that occurs in some jurisdictions. A new, more equitable scheme for allocating the territory's water resources is under development and will be introduced through legislation early in 2007.

The government is committed to reducing its level of water consumption. We currently use a mix of water sources for public irrigation, including recycled, bore and potable water. The government is also committed to meeting the 25 per cent target in water conservation and our goal is to reduce the amount of potable water being used. The ACT government has sought assistance from Actew to provide recycled water as an alternative to potable water. Actew has confirmed that it can offer treated effluent to replace the use of potable water for activities like dust suppression and irrigation of trees and parklands.

The government has implemented a diverse range of initiatives and solutions to address the environmental challenges we as a society are faced with. It is through these initiatives, and in partnership with the private sector and the community, that we can make a difference and reverse the damage that has been caused by past generations. A healthy environment is critical to our survival and the survival of all living species, and the government has shown it is committed to ensuring we have a sustainable environment.

MRS DUNNE (Ginninderra) (3.58): The importance of delivering environmentally sustainable solutions to the ACT community is Ms MacDonald's topic for discussion today as a matter of public importance. I am grateful to have this opportunity to talk about delivering environmentally sustainable solutions. I suspect that the only environmentally sustainable solution that came from Ms MacDonald was that she did not expend 15 minutes worth of CO_2 in the course of extolling the virtues of the government on this matter.

Ms MacDonald: I drive a Prius and I subscribe to green choice.

MRS DUNNE: It was interesting to see Ms MacDonald trying to make a case for the environmentally sustainability credentials of the Stanhope government because really, when you look at it, there is very little that we can talk about. We can all engage in one-upmanship. Ms MacDonald drives a Prius and she subscribes to green choice.

Ms MacDonald: What do you drive? Oh, a Territory!

MRS DUNNE: I live in a pise house that has no heating or cooling and it works very well. We can engage in one-upmanship if we like, but it is about policy. It is not about individual action; it is about policy that helps to form sound individual action.

Ms MacDonald: Are you saying individual action does not have an effect?

MRS DUNNE: Individual action is important, but it takes leadership from government. I have been in this place for just over five years and, when it comes to the environment, this government is nowhere near out in front. Its members like to talk and they like to posture, but it is really all about them standing around and talking about what they have done. For another half an hour members of the government will be standing around here talking about what the government has done, but it cannot walk the walk. It can only do the talk.

When Mr Stanhope was Minister for Environment he instituted the Office of Sustainability but did not fund it. It was underfunded for a considerable period. He was the sort of person who would say, "I have got an Office of Sustainability. Aren't I grand?" We are still to have the first lot of sustainability legislation, which is long overdue. It has not arrived yet because, quite frankly, the government does not know how to go about it. It was all very well for Mr Stanhope and other ministers to swan around at international meetings in Wales and elsewhere talking about sustainability, but they have not actually done anything.

Mr Hargreaves: I haven't been to one.

MRS DUNNE: You have just missed out, haven't you? The previous Liberal government had a policy in relation to greenhouse gas emissions which was criticised here by Mr Stanhope. He criticised it so much that after the election in 2004 he quietly went away and killed the policy in relation to greenhouse gas emissions, despite the protestations of people who were active in the community and in the industry in relation to greenhouse gas emissions, and so far the government's response, apart from killing the policy, has been one of silence. There is no alternative policy.

It is interesting that a couple of weeks ago in the Assembly, after the Stern report came out and Al Gore flashed to prominence with his *An Inconvenient Truth* film, the Stanhope government suddenly was all too green. I think that for a whole week every dorothy dixer was about environmental sustainability, so that we heard at length about what environmentally sustainable things the government was doing in a range of agencies. I was thinking then that if I heard again about the Harrison school and how environmentally sustainable it is I would be physically sick. The minister kept talking about its thermal mass, its natural light and its ventilation. That means that it is a brick building with windows that open.

The thing is that a lot of the environmentally sustainable things that we might do in and around our houses are pretty much matters of common sense if there is leadership from the government and there is assistance to do so, which is why at the last election the Liberal opposition brought forward a range of policies to help people make those

choices, to ensure that they could cut their energy and water consumption and, by doing so, bring about a reduced cost to themselves and a benefit to the environment. Unlike some people in this place, we do not think it is about regulation and we do not think it is about sticks. We think it is about carrots.

Therefore, at the last election we brought forward, for instance, a policy called the green bank policy which would have allowed people to take out low-interest loans which would be repaid when they paid their utilities bills to make changes and adjustments to their house, perhaps to improve the insulation, to change the fitments in the house to lower energy consuming ones or to change the hot water system to a solar system that would provide them with improved measures. Of course, that was pooh-poohed by the then Minister for Environment as being entirely impractical.

It is interesting that at the time the conservation council said that it was probably one of the best policies put forward in relation to the environment and that, irrespective of which party got into government, that policy should be implemented. Of course, the then Minister for Environment has not taken up that suggestion. I offer it to the current minister for the environment as a suggestion for actually providing people in the ACT with practical possibilities for improving their houses so that they reduce their energy consumption by providing them with low-interest loans—so that they can improve their insulation and they can change their appliances to those which consume less energy and less water.

While this government has been talking—in the last little while they have been talking a great deal about Kyoto—there has been very little done. So that Mr Hargreaves will feel at home, I will mention in passing the failure of this government under successive ministers for urban services to do anything about putrescible waste. Ms MacDonald talked about the no waste awards and how important they are but, until we address the 15 per cent of putrescible waste that goes to landfill every year, we will not be making significant inroads. It would be good if this minister were to stand up here and announce his approach to putrescible waste. I would applaud him for it.

We had Ms MacDonald speaking about the "Think water, act water" strategy—I think that means that if you think about it hard enough the people in the ACT will have water, but it does not work like that—and the ACT government's approach to having a more rational allocation of water, both groundwater and elsewhere, which will eventually turn up in legislation next year. It is interesting that for the last little while, probably since halfway through last year, most landholders in the ACT have been prohibited from sinking a bore for watering, but it was possible for the Chief Minister to arrange for the sinking of a bore to water the land around the international arboretum and folly that he has proposed, in contravention of the water resources amendments that we made in relation to bores. I presume that there is an exemption. I understand from a quick reading of the relevant scrutiny of bills report that there is an exemption to that moratorium which allows the Chief Minister to do that. I think that it is a poor reflection on Jon Stanhope and his government that there is one rule for them and another for the struggling people in Gowrie or Charnwood who are looking at a dustbowl in their backyard.

While I am on the subject of the arboretum, we have the unedifying spectacle as we drive down the Tuggeranong Parkway of having a piece of land which until a few

months ago was at least vegetated. It had been replanted by ACT Forests after the 2001 bushfires. It was vegetated. It may not have been the Chief Minister's idea of how that piece of land should look, but at least there were plants growing on it, there was grass growing on it and the dust was suppressed. But, courtesy of the Chief Minister's international arboretum and folly, a large part of that area has now been scalped. There is no dust suppression in the area. This piece of landscaping courtesy of Jon Stanhope is a scar on a landscape which has already been ruined by fires over successive seasons.

Let's look at what our colleagues have been doing while the Stanhope government has been talking and not doing anything. There has been a great deal of criticism of the federal government for not signing the Kyoto protocol. Let's see what the commonwealth has done. In fact, Australia remains on track to meet its Kyoto target of reducing greenhouse emissions to 108 per cent of their 1990 levels by 2010. How has this been achieved? It has been achieved because we have developed a strong economy. Good economic management has allowed a thriving economy to develop, an economy which can fund important areas such as the environment. Let's not make any mistake about it: we can speak all that we like about how important it is to make changes for the environment, but if we do not have the money it is just empty rhetoric to do so. If we do not have a strong economy, it is just empty rhetoric.

From time to time, people in this place and elsewhere talk about triple bottom line accounting, but when it comes to making sound decisions for the environment they have to be also sound economic decisions or people will not make them. This is what we see with the innovations of far-sighted, economically driven environmental think tanks like the Rocky Mountains Institute. We are actually seeing people making inroads into the environment—into reducing greenhouse gas emissions; into reducing energy consumption; into reducing fossil fuel consumption—by making sound economic decisions so that you bring on board not just the mums and dads who want to reduce their power bill, but the large companies.

Look at what large—boo, hiss—companies such as Wal-Mart in the United States have been able to do. Wal-Mart, because of their environmental activities in reducing their dependence on fossil fuel, have changed the trucking industry so significantly in the United States that we are now seeing a reduction of close to 10 per cent in the use of fossil fuels in the trucking industry in the United States. That is happening because of the intervention of one large company. People like to say that Wal-Mart is a dreadful organisation. I do not have a view on that one way or the other, but when it comes to environmental action they have got the runs on the board when people like the Stanhope government are just talking about it.

Without the strong economy that we have in Australia at the moment, we would not be on track to meet our 1999 emissions target. In fact, these emissions would be 123 per cent of their 1990 levels rather than the 108 per cent which we have planned. Responsible economic management will allow the Australian government to deal with the increasing difficulty of securing long-term water supplies for many parts of Australia as well.

It was interesting to see just this week the Chief Minister suddenly becoming interested again in dams. It is an on-again, off-again situation with the Chief Minister.

He says that we need to do something about our water supply, but he is going to wait for Actew to tell him what to do. Actew tells him that we do not need to do anything until various times—2017, 2020 or 2023—and then suddenly on the weekend the Chief Minister was writing to the commonwealth asking for jagnastic sums of money. From the commonwealth! Why? Who has got the money? The sound financial managers have it, not this crew, not the Stanhope Labor government. No, they are writing to John Howard, the Liberal Prime Minister, to find money to secure water for the ACT.

At least the Chief Minister is now starting to talk about water security for the ACT and region. That is something that he would not do for a long time. It is interesting, of course, that he wants to talk about extending the Cotter dam. There are the pros and cons of that. I suspect that he wants to talk about extending the Cotter dam because he wants anything but a Tennent policy. He cannot possibly have a policy in relation to a Tennent dam because the Liberal Party had already thought of it. The Liberal Party has been out on the grounds talking to the people, coming up with practical solutions, while this Stanhope government has been fiddling.

Part of that, for instance, was the announcement of a policy outline by Mr Mulcahy, the current environment spokesman, about no regrets. This policy allows people to take practical measures to reduce energy wastage and costs and water wastage and costs and allows us to make serious inroads on an economic basis. If we do not have a sound economic underpinning of our environment policy, we will fail. We cannot afford to fail. We have to get it right, we have to have the right policy, and therefore we have to have a situation where we can afford to pay for that right policy. We will only be able to afford to pay for the right policy under a Liberal administration both federally and here.

DR FOSKEY (Molonglo) (4.13): I thank Ms MacDonald for bringing up this topic for discussion. Everything the government does that benefits the environment is good, so I am not going to stand here and bag the government totally. I have to say that the fact that this topic is on the agenda at all is a good thing. I have not prepared a speech, but I am going to respond to some of the things that have been said and recap on other things that have been said by me and my predecessors over the years.

We keep hearing about a climate change strategy. Until it is on the table in front of us, the climate change strategy is a phantom. It is like air, even hot air: it is colourless, it is invisible, we cannot smell it, we cannot touch it, and we do not know what is in it. Until we have it in front of us, we cannot say how the government intends to make our contribution to a reduction in the greenhouse gases that we believe are, at least partially if not mostly, responsible for climate change and the effects that we know it will have upon us and probably much worse in other parts of the world.

I note that Ms MacDonald spoke about some of our greenhouse gas abatement schemes being equivalent to removing some hundreds or thousands of cars; I did not catch the figure. I would like to see the government actually providing alternatives to using cars. While we continue to have a car-based economy and a car-based transport system, we will need to find ways of compensating for those cars and at some time or other we will have to bite the bullet.

In relation to green power, it is of course excellent that the government has a commitment to sourcing 23 per cent of its power from green sources. But I am very concerned, and we will talk about this more on Thursday, that the utilities bill is actually going to make it harder for people to afford green power. We know that there is a problem with taking up green power for the ordinary consumer in the ACT. At the moment, unless you are on an income that can afford it and have that commitment to doing it, there is nothing that would make you subscribe to green power. I would really like to see us beefing up the percentage of people using green power in the ACT. Sadly, the utilities bill is going to have the opposite effect. We will talk about that more on Thursday.

If we are prepared to commit the government to sourcing 23 per cent of its energy from green sources, why not go further and have in this so far phantom greenhouse strategy a 23 per cent commitment to renewable mandatory energy targets? That is the kind of thing we have to do. We can talk forever, but unless we start taking some of these actions, which by the way will have beneficial effects in other ways, it is just talk. I know that our community wants a lot more than that. People have been concerned about these issues for years, but the situation has been galvanised, of course, by the Stern report in particular and in a visual form by Al Gore in *An Inconvenient Truth*.

I was very interested to hear today that a Clinton adviser on energy who has been working in Australia for many years is going to head up the institute into which Al Gore is going to sink the millions of dollars that apparently this film is making to persuade the President of America, George W. Bush, that America has to change, because it is understood that, if America does not make the change, it is going to be very difficult to make any real impact on climate change. That is the global picture and positive things are happening there, but we have the local picture to look after.

Unfortunately, while there are some commitments to making sure that all houses now meet the five-star green energy rating, we are still somehow or other seeing houses built which are poorly sited and which have in their planning cooling systems which will either use plentiful water or plentiful electricity. My concern is that the planning reform bill that I think we are going to see tabled this week—if not, very soon—is going to make it very hard, with its private certifiers, to enforce these mandatory energy and water savings in new developments. We know that there is resistance in the building industry and that is resistance that the government has to put concerted effort into overcoming.

Our sustainable schools program is great. We are finding that the school communities are really into them. Of course, children do love the environment. They love doing things around nature, they love having chooks, they love doing things with animals and that is the right way to be because these are the people who are going to have to deal with the problems that our generation is creating. It is a pity that Melrose primary school is slated for closure, because the people there have a fantastic program, they have a great community development focus and they have sufficient land for that community, which is definitely a growing one, with people who would be very interested in working in this sort of area, to become a community resource of gardens,

chooks and other sustainable sourcing, because we are in danger of creating a generation of children that do not know where their food comes from.

We are also a city that is committed to consumption. It was bad enough to see the development of the Brand Depot, which unfortunately was out of this government's hands, but we have seen a similar project duplicated with the EpiCentre project, all of which is emphasising that we have a consumption culture. How can we talk about reducing waste when we are encouraging people to buy goods that are thrown away when they do not work? We should be actually looking at increasing facilities for repairing and reusing. Not only that, the future of Revolve is still up in the air. One of our huge growths in waste is in green waste, but it is actually the waste of items such as household items, hard waste, that we do not really know how to deal with. By the way, when we first started talking about a waste environment system for the Assembly, there was quite a bit of resistance to that. We are very lucky that we have some cleaners at the moment that have such a fantastic system that we do not even have to think about it. I am concerned that if we had to think about it, it would not be happening.

We need a whole-of-government approach. It is not just about planning, it is not just about the department of environment and Actew, though they have a very important role to play in setting standards for energy use and design, managing nature parks, catchment, water supply and electricity generation, and it is not just about the Office of Sustainability, which, by the way, did not even get a look at the utilities bill. It is about Treasury. It is about where we invest our superannuation funds. It is about business and economic development. It is about creating that cutting edge sustainable industry sector. We have the people here. We could be doing it, but we are not.

I really think that the government does not get it yet, and I think that is the problem. The government does not get it. It has got the words. It knows they are important, it knows that they are the words that everyone is talking about, it knows that the people care, but we have really got to take a whole-of-government approach to this issue as it is that important. I look forward to seeing some real action. I am certainly looking forward to the greenhouse and energy strategies. If we are going to have 500 new houses, I will be looking to see how we are going to compensate for the taxing of the environment that they will do, of water and energy use, because we cannot enlarge our ecological footprint any more.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (4.23): I thank Dr Foskey for recognising the government's 23 per cent green energy target. I am sure that accidentally she neglected to mention the fact that we achieved 17 per cent last year, that accidentally she neglected to mention that we have a percentage target for having hybrid cars in our fleet and also accidentally forgot to mention that we are now going to have four-cylinder cars for all of the fleet, unless there is an operational reason otherwise.

I am sure that Dr Foskey really meant to mention that we have so many compressed natural gas buses. I am that sure she meant to mention that the people in the ACT who have taken up green power represent five per cent of the users. We all know that that is not enough, but the national average is 1.5 per cent. I am sure Dr Foskey really

meant to mention all of those things and not really say that we have not done anything at all. I am sure that she was just fumbling around looking to use up her 10 minutes.

Mr Speaker, those are just some of the little things that the government has done. We are committed to delivering environmentally sustainable solutions in the ACT. Often our decisions are not particularly popular at the time. However, as one does with unpopular decisions, we just have to get on with it. For example, the restructuring to integrate more closely related activities such as environment and sustainability within the new Department of Territory and Municipal Services also included the integration of land management groups into a single land manager. It integrated the compliance and regulatory areas and it integrated the key policy areas relating to sustainability, no waste and the natural environment.

We recognise that there is intrinsic linkage in things such our natural environment, the urban environment, no waste strategies and water strategies. In fact, they actually come under the wider umbrella of sustainability. So it makes an awful lot of sense to try to bring those together within one area of government so that the conversations over the partition actually occur. We do not have silos. That is not what we are about.

I turn to some of the things that we do. We now have what we call parks, conservation and lands putting a lot of these things together. They are responsible for urban parks such as Glebe Park and Margaret Timpson Park, for district parks such as the ones at Tuggeranong and Point Hut, and for Tidbinbilla and Namadgi in the nature park. We brought all of those together in an environmentally sustainable approach. There are the things that Jon Stanhope kicked off earlier, such as the predator proof fence that is going up around Mulligans Flat. We hope ultimately, funds permitted, to extend into the Goorooyarroo area.

Mr Speaker, what really does irritate us is that environmental sustainability is a community thing and is not something on which we should be taking political points and pot shots at each other. Dr Foskey talked about the waste initiative for the Assembly building. We got a highly commended certificate in the no waste awards. We do not advertise enough, for example, for people to go and get their party supplies from Shop Basics in Fyshwick, where all of the materials on sale in the shop are recycled. The plates, knives and forks, all of that stuff, are recycled. I urge members who have not been there to go and look at that shop. Members will be absolutely astounded at the things in this place that can be recycled. It is about environmental sustainability.

Mrs Dunne talked about putrescible waste, which is a challenge to us all. It is not something to be just swept under the carpet. It would be a bit hard to sweep that stuff under the carpet, let me tell you, but it is a challenge. The work that is happening at the Mugga Lane landfill is something that we should be celebrating and applauding. The stuff that Chris Horsey of ACT NOWaste and his troops have pioneered out there at the MRF is just fantastic. We should be racking up those as credits for the ACT community. Certainly the government of the day can claim credit for that but, if it did not have the support of the community to do it, it just would not happen. The activities of the MRF are brilliant. I am happy to arrange a trip out there for those members who have not been there. I have extended such an invitation before. We are now looking at having some sort of a land arrangement, if we can, with another

company that wants to set up a recycling episode in the general area of the Mugga Lane landfill.

I believe that Jon Stanhope has done wonders in putting the discussion around the environment and sustainability into conversations at the dinner tables in this town. The sustainable skills initiative mentioned by Dr Foskey is brilliant. The other day I went to a function put on by half a dozen schools and what they are doing out there in those schools is phenomenal. It really is. It was a bit of a cheap shot, I think, to link that with the school closures, instead of congratulating those kids on what they have been doing. We know that if we want to effect cultural and attitudinal change, one of the best ways is through having the kids educating the adults on how to do it. That is happening.

I thank Ms MacDonald for putting this subject on the table today. We need to have people talking about it, but we do not need people arguing about it and saying, "I am better at it than you are," or "You are not doing enough". What needs to happen is the opposition needs to put ideas on the table. On this issue, try to resist the temptation to oppose for opposition's sake. Put your ideas on the table in this chamber. Let me tell you from where I am standing that if those ideas can fly we will pick them up, we will assist their flight and we will pay credit to wherever they came from. I have no particular desires in this portfolio to gain political points out of this issue as it is too serious. It is, quite seriously, much too serious an issue.

Talking about the effects of climate change, I think the things that we are doing in the ACT are way ahead of those of lots of other people, but then again we started from a pretty good spot. We did not have to retrofit so much. From memory, it goes right back to Mr Smyth's time for something for which I pay him credit. I think it was in Mr Smyth's time that this initiative actually occurred. I refer to the use of wood heaters in Tuggeranong. It was about getting people out of using rotten wood and into properly regulated mixed loads. I am quite happy to stand up here and applaud the then government of the day. The Tuggeranong Valley was the second worst city, or part of a city, in Australia for wood smoke, after Launceston. Due to the initiative of the government of the day, I think that the situation has improved immensely.

I do not wish to challenge anybody on this issue, but I do implore people to take into account that climate change is all about the next generations. Let's not score points off each other. Let's work together on this issue. I am quite happy to do that. I would encourage the opposition to put ideas on the table, remembering that we can only do things within our resources. We would all like to do more, but let's see how we can do them within the resources that we have.

MR SMYTH (Brindabella) (4.33): It is good that Ms MacDonald has put this on the table for discussion today because yet again it highlights how little she knows about the subject and how little the government has done in the whole area of delivering environmentally sustainable solutions for the ACT. I will start where Mr Hargreaves finished. He said, "Put your ideas on the table; let us have a discussion; let us put down the cudgels." I think you can read into that that the government has just surrendered. The environment minister has surrendered, because he does not have any ideas. After five years in office, they have achieved nothing on the environmental

front except to dismantle that which the previous government did, or walk away from things the previous government committed to.

I thank the minister for his reference to wood smoke in Tuggeranong Valley. We are very proud of that initiative. I acknowledge the four or five things he mentioned at the start of his speech—in the first minute and 20 seconds. But the rest of the waffle we had was an indication of a government and a minister with no idea on this issue. Ms MacDonald is right about the importance of delivering environmentally sustainable solutions. It is an important issue. That is what the previous government did.

If you consider the record of the previous government and the influence it has had not just in the ACT and surrounding areas of New South Wales but in Australia and around the world, it is not matched by the Jon Stanhope Labor government's record on the environment. Let us start at the top of the list. In 1997 we put on the table a greenhouse strategy that was a world first. It was a world first certainly for Australia and for the size of the jurisdiction. It actually set targets for 2008 and 2018. It said, "We can achieve these if we want to." We started to work towards it.

Just recently we heard from the Chief Minister, who said that it was too expensive; yet some months ago he said that the existing greenhouse gas strategy was too expensive. He had costed it at something like $144 million. That is way too expensive—much too expensive—but we can build a prison for $130 million.

You have to question, as he recently said: is climate change the most important issue or not? The words are cheap, but the actions have not followed. Well done the Liberal government that put in place the greenhouse gas strategy.

Then of course there was no waste by 2010. I am pleased to hear the minister say we should be proud of no waste. We on this side of the table certainly are, because what started as a program in the ACT is changing the world. There is nothing the Stanhope Labor government has done on the environment that they can claim is now changing the world in the way that no waste by 2010 has done. The problem for no waste by 2010 is that the minister is willing to stand there and say, "Isn't it fabulous," but we see no commitment to achieving it by 2010. He jokes that you cannot sweep putrescible waste under the carpet. He is right, but he has not been able to come up with a solution.

If I could run through the list of all the things the previous Liberal government did, it is an extensive list which cannot be matched by the current government. Ms MacDonald put a flyer out during the 2001 election lauding how wonderful the bio bin trial in Chifley was, but nothing happened.

I mention the firewood strategy we put in place that was incredibly effective in reducing smoke build-up in Tuggeranong Valley; Second Hand Sunday, which was an opportunity for Canberrans to recycle and reuse; the high-quality program that we put in place in planning to make sure we got sustainable design; and the building tune-up program that we started in my then Department of Urban Services at Macarthur House, where we went through and replaced light bulbs and put in place systems to make sure the buildings were as sustainable as we could make them.

Then there was methane mining at the tip. We went back into the tip at Mugga Lane, put the pipes in and sucked out the methane. We are now running electricity generation off that. There was the threatened species action plans. We were the first jurisdiction to complete all of the action plans for our threatened species. In fact, we were the first jurisdiction to go back and actually review them. That was another first for the previous government.

When it came to building design and setting the example, I refer to the Tidbinbilla Visitor Centre. The water system that supports it is environmentally friendly—the previous government yet again. We built several hundred adaptable and accessible aged persons units to enable people to stay in place as they aged. We also built buildings that could be reused—again the previous government.

The Stromlo mini-hydro system was put in place so that electricity could be generated from the movement of water. There was also the land back into the reserve system. Mr Humphries needs to be acknowledged as the man who moved an entire town centre to save a threatened ecosystem. We also said that we would not build on Jerrabomberra. We started the process to put that back into the reserve system in East O'Malley. There was the woody weed removal. We basically removed all the willows from ACT creeks and restored them to the way they should be. That was started under the previous government.

The previous government introduced the water tune-up program in ACT Housing, the water legislation, the differential vehicle registration, and programs to restock fish and to re-establish the environment for native fish. Work was done by the previous government to establish groynes in the river to allow deep pooling where the fish could breed.

We signed up to the national packaging accord so that producers of packaging took responsibility for that which they produced. The grey water mining at Southwell Park was started under the previous government. That has now been extended around a fair bit of the ACT, but not nearly enough because of the lack of commitment from this government.

School programs were started under the previous government. Greenchoice, Greenfleet and earth charter were done by the previous government. I give credit to Ms Tucker because she brought earth charter to my attention. We funded the earth charter conference which was to be funded in South Australia, but that did not occur. At the last moment the ACT Liberal government stepped in and brought earth charter to the ACT.

There were discussions in previous Assemblies about whether or not we as a jurisdiction would sign up to the earth charter. We did. We were the first in Australia to do it. That is leadership. That is sustainability. We also provided support to Revolve. We were there. At the national level, the NEPMs on things like diesel and air quality were signed by the previous government. I refer to the urban forest system, particularly in Tuggeranong, which connects five schools, some of which are about to close. I refer to the excellent work done by Tony Graham. That was all work of the previous government.

The minister says, "Show us your ideas." We put in place a number of ideas at the last election. You can have all of them, Mr Hargreaves. They are all on the website. Go and gather them up. Of course the largest is the dam. To have a sustainable bush capital, you need water. I notice now that the government is rapidly backing away from their view of the world, or their promise, which was that we did not need a dam for another 20 years. Now, suddenly, we need another dam. It is interesting because almost three years ago we said that. There is a policy you can have if you want it. We are quite happy to be acknowledged for that as well.

You have to ask how successful we were as a previous government in delivering environmentally sustainable solutions. Is there a measure, or is there a judge, that says we achieved great things? I think the Beijing organising committee for the Olympics is a judge we can go to. When Beijing was looking around the world for an environmental partner to help them prove to the Olympic committee that they could deliver an environmentally friendly Olympic Games in Beijing, who did they sign up with? An ACT Liberal government; that is who.

Of all the programs I have just run through that we put in place, we were judged as the jurisdiction—the best in the world—to help Beijing prove to the Olympic organising committee that they could hold an environmentally friendly Olympic Games. Not only did we help them but they were successful because of the assistance we gave them in writing their submission, particularly on proving, on environmental grounds, that we could do it, that they could do it and that they could win. And they did.

It is pleasing to hear Mr Hargreaves say that Jon Stanhope has done wonders to get the environment into the dinner table conversation. I am not sure what concrete things Mr Hargreaves can actually point to. I think that, when most people talk about environmental issues around the dinner table these days, they are talking about their dead and dying gardens and the lack of action by this government after five years to improve the water supply to the ACT in a sustainable way.

In Chifley they are talking about things like the bio-bin trial not going ahead and being made permanent, even though it was very successful. They are probably talking about things like the Office of Sustainability. That was underfunded to start with and was then gutted. It is now irrelevant because—it is not a normal government agency—it is tucked away in territory and municipal services. They are talking about the fact that the greenhouse strategy that we had in place has gone and has not been replaced and that, despite all the talk and the promises, we are yet to see anything that this government is putting forward. That is the sort of dinner table conversation that Jon Stanhope has started. *(Time expired.)*

MR GENTLEMAN (Brindabella) (4.43): It is clear that the government has adopted various initiatives to support its agenda of delivering environmentally sustainable solutions in the ACT community. Public education and awareness-raising I think is one of the most important ones. I welcome the government's initiatives mentioned by my colleagues here today. However, we need to follow up on educating the community about what they can do to cut back on greenhouse gas emissions.

Community information sessions which encourage the use of energy-saving household devices such as showerheads and light globes are ways in which we can further deliver environmentally sustainable solutions to the ACT. I would also like to recognise the contribution to delivering environmentally sustainable solutions to the ACT which conservation groups such as the National Parks Association and the Conservation Council of the South East Region and Canberra are providing to Canberra. The National Parks Association supports a network of national parks and nature reserves to preserve Australia's rich and diverse national heritage. The network of nature parks and reserves is crucial to preserving ecosystems which sustain a variety of flora and fauna.

It often remains unsaid, but it is well recognised, that the support of natural landscapes in and around the ACT strongly combats the effects of climate change. It is well known that the reinvigoration of natural vegetation, particularly trees, contributes strongly to greenhouse gas abatement. That was highlighted recently in the *New Scientist* magazine.

This government's policy of planting large tracts of open land with trees—some 4,465,000 in the non-urban area and a further 30,000 in the urban area over the last few years—as well as locking away hundreds of hectares of nature park both within the city and the region for our children's future, is perhaps the strongest argument yet for any government to deliver on the environment.

I would like to commend the Stanhope government on the contribution it is making to delivering environmentally sustainable solutions to the ACT community. However, there is definite scope for improvement and expansion of these programs. I would welcome further developments in this area.

MR SPEAKER: The time for this discussion has concluded.

Education Amendment Bill 2006

Detail stage

Debate resumed.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (4.46): I seek leave to move amendments Nos 1 to 9 circulated in my name together.

Leave granted.

MR BARR: I move amendments Nos 1 to 9 circulated in my name together *[see schedule 1 at page 4021]*. As I indicated this morning, the Education Amendment Bill was introduced in May to amend provisions relating to free education, enabling the minister to determine guidelines about charges for activities, services and facilities provided in relation to government schools. As is common practice when amending legislation, the government has used this opportunity to make a number of other

technical amendments that would not otherwise warrant a specific piece of amending legislation.

The government has had ongoing discussions with the P&C association concerning the issue of fees and charges. The outcome of those negotiations was that the guidelines could be given effect in other ways that did not require recourse to legislation. The government therefore decided that this amendment—and hence the main purpose of the bill—was no longer necessary.

However, the government was of the view that the bill should proceed with technical amendments and that it should take the opportunity to include some further minor amendments where the opportunity presented. It has come to our notice during the year, for example, that the "in-principle" provisions, which were a key aspect of the Education Bill when introduced in 2003, made reference to new schools and to additional education levels. However, the act was silent on the procedures for registering an additional campus.

In order to avoid ambiguity and to give effect to the intent of the legislation, this amendment has been included as a government amendment to the Education Amendment Bill. I am advised that members who were in this chamber during the debate on the original Education Bill in 2003 will recall that the bill was shaped in part by the recommendations of the Connors report, which recommended that the government establish procedures for the expansion of non-government schools.

The legislation was designed to ensure that there would be an open process where the minister could take account of comments on the proposal by people affected by it. The minister could then consider evidence of demand, community support and financial capacity.

This amendment does no more than remove any ambiguity that this "in-principle" process applies to any additional educational provision, whether it is additional education levels, a new school or an additional campus. Members will note that the amendments replicate, virtually clause by clause, those sections in the act that apply to the registration process for a new school or an additional educational level.

The government consulted widely at the time, including with the Association of Independent Schools and the Catholic Education Office, on these core elements of the new legislation. It is the government's view that these technical amendments do not necessitate further community consultation. Whilst I apologise for the short notice to the opposition and the Greens on the government amendments, I think the point has been made that consultation has been at the core of the government's approach.

We consulted extensively with the P&C associations before deciding to withdraw our amendment to section 26. We consulted widely with the community in 2003 on the inclusion of processes that enhance registration requirements for non-government schools. That process was supported by both the government and non-government school sectors at that time. This technical amendment gives effect to an open consultation process that was always at the heart of the Education Act 2004.

MRS DUNNE (Ginninderra) (4.51): The opposition has decided that it will be opposing all the amendments proposed today. A couple of them are straightforward and could, in normal circumstances, be supported, but there are two amendments that we are going to oppose.

The minister now wishes to oppose the amendments to section 26. That was the raison d'etre for introducing this bill in the first place. My experience in 2½ years-odd as the shadow minister for education is that the issues around the charging of fees—should we charge fees, and under what conditions—are matters of ongoing contention. These should be addressed in the way proposed in the bill.

There are people who have the capacity to contribute to their child's education and who get off scot-free by not contributing to voluntary fees, study levies and the like. As I have said this morning, I am concerned about study levies or subject levies. It should be made perfectly clear that it is the job of the department of education to fund subject levies and that subjects should be either properly funded or not run.

Cases have been brought to me where, basically, the home economics people are running on less than $5 a head per child in their home economics classes. In a sense it is a waste of time. Short of learning how to boil an egg and make toast, there is not much you can do on $5 a head or less for each child in your class. This leads to the question of whether or not subject areas are properly funded. It is an issue for the department, for the government and for school boards to decide which programs they will run and how they will be funded. I think the proposed amendments to section 26 were good; they went a long way to helping to address the issue.

This was a matter that was originally agreed to and signed off on by the P&C council, but they appear to have had second thoughts after the introduction of this bill. In the early days they said they were happy with it. I am disappointed that they have shied from—and that the government has been implicit in shying from—making a strong and definitive statement about school fees and when they are and are not compulsory. The matters relating to the registration of other sites for non-government schools may or may not be matters of contention, but today the opposition is opposing these amendments simply because of lack of time.

The minister has said here, and he has said to me privately, "We consulted on this back in 2003." Back in 2003 I was not the shadow minister for education. I did not have the benefit of having discussions with organisations like the Catholic Education Office and the Association of Independent Schools about their understanding of the provisions in and around section 88 of the Education Act, what they really mean and whether they relate to an extra campus for the same school.

I will give you an example, Mr Speaker. For instance, Trinity Christian School runs on a particular ethos. It decides by mutual agreement that it will take over another school with a similar ethos and that they will be run together. It is possible that, if these amendments come into play, the school that is taken over, which is already an operating school, may have to cease to operate for two years because of the provisions in this legislation. That may or may not be the case. At this moment I do not know,

and members of this house do not know, to what extent the non-government schools are aware of this provision proposed today and how comfortable they are with it.

The minister says that that was always the intention because the Connors report said that we should not have a proliferation of non-government schools. This is where ideology parts company from practicality. This government and successive Labor governments have a strong record of getting in the way of the establishment of non-government schools. This is not the ethos of the Liberal Party. I believe all schools should be registered. I believe there should be a rigorous process by which schools are registered and that this rigour should be maintained. The minister is quite right that the provisions essentially mirror those provisions for extending the levels of schooling or creating a new school.

The point is that at this moment I cannot obtain information from the Catholic Education Office or from the Independent Schools Association that they know that this minister is proposing these amendments or that this minister is proposing to change the legislation. They might have an understanding that the legislation already does what the minister says, and that is what they understand it to be. I do not know, and they at this stage do not know, that today the minister is moving six or seven pages of amendments that relate to their sector.

The minister did not have the courtesy to tell them, in the same way that he did not have the courtesy to tell me or Dr Foskey, even though these amendments were at least sufficiently drafted on Friday before lunch to be printed off as finals. It is not reasonable that we should go through this process today. I was assured by members of Mr Barr's staff that this is all just routine. I am not convinced.

We will therefore be opposing these amendments. If the minister wanted to bring them he could have waited, as I asked him to, and brought them back on Thursday, and we may have supported them. We are not supporting them now because there is no guarantee that the people affected by this even know of the existence of these amendments. The people who could answer those questions are not available today to do so. They were not available to receive the call from the minister who, as a courtesy, should have told them, "I am going to make some amendments that affect your school sector."

If the minister does not have the capacity to show courtesy to the members of this house and to his constituency, he does not deserve the support of this house. We will not be supporting the amendments he proposes to bring forward today. If he wants to adjourn this and bring them back on Thursday, we will probably support them then, but today they do not get our support.

DR FOSKEY (Molonglo) (4.58): I will address these amendments together, although I should point out that they do not just do the one thing. My concern, however, as I said this morning, is primarily with the process. I do not feel qualified to speak to the amendments. I would rather not take up too much time making the same point over again.

These amendments include changes to procedures regarding transferring and enrolling students. One amendment deletes the provision for the minister to issue disallowable

guidelines for activities, services and facilities in government schools for which costs and fees can be charged. The bulk of these amendments concern non-government schools and the legislating of requirements for registering additional campuses, consistent with the requirements that presently exist for non-government schools.

In the short time available today, my office has contacted the Catholic Education Office about these amendments, which it had not seen. In the short time available for people in that office to examine them, they could not identify any great concerns, although they had some questions about the expectation that there would always be a pre-existing community at any place where they might consider expanding.

People in the Catholic Education Office expressed surprise that they were not aware that the amendments were in the pipeline. They then wondered why they are being introduced now. It has been suggested to me that there may be a non-government school or two with expansion plans that these amendments are intended to address.

It would seem that the Non-Government School Education Council was also not consulted on these amendments. If that is the case, you have to wonder why the council exists, as its purpose would seem to be precisely in order to act as a key advisory and consultative body.

I cannot see any reason why this government would sit on a piece of legislation for more than six months and then push through a whole raft of amendments at the last minute without showing the courtesy of giving stakeholders or the Assembly reasonable time to assess them. This looks like a government which always thinks it knows best—not the advisory body that has been set up to assist them with decisions and to represent important constituencies affected by those decisions, and not other members of the Assembly. In fact, I think we all know that no-one always knows best. I think we are suffering because the government is not prepared to acknowledge that.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (5.01): I rise in closing the debate to reiterate that, in relation to the provisions around charging for activities in government schools, having, as I say, reached an agreement with the P&C council following extensive consultation on that issue, we have withdrawn that proposal from this amendment bill. Equally, I reiterate that all we are seeking to do through this amendment is to ensure that the same rules apply for the extension of additional campuses as apply for the registration of new schools or of changing year levels.

There is nothing new in this. The previous act was silent on that point. All we are seeking to do is apply the same provisions that already exist. It is not particularly controversial, in so much as those requirements were already in the legislation. We are just seeking to replicate to ensure that there is no ambiguity at all in relation to that particular issue. That is all the government is seeking to do.

MRS DUNNE (Ginninderra) (5.02): If all the government wants to do is ensure that there is no ambiguity, this minister or his officials should be in touch with the Catholic Education Office and the Independent Schools Association and do them the courtesy that is required by civilised behaviour. We will come back here on Thursday and debate this matter.

Motion (by **Mr Stefaniak**) put:

That debate be adjourned.

The Assembly voted—

Ayes 7		Noes 9	
Mrs Burke	Mr Smyth	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Stefaniak	Mr Berry	Ms MacDonald
Dr Foskey		Mr Corbell	Ms Porter
Mr Pratt		Ms Gallagher	Mr Stanhope
Mr Seselja		Mr Gentleman	

Question so resolved in the negative.

Question put:

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

The Assembly voted—

Ayes 9		Noes 7	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Mr Corbell	Ms Porter	Dr Foskey	
Ms Gallagher	Mr Stanhope	Mr Pratt	
Mr Gentleman		Mr Seselja	

Question so resolved in the affirmative.

Amendments agreed to.

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

Bill, as amended, agreed to.

Bill agreed to.

Adjournment

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

That the Assembly do now adjourn.

Valedictory

MRS BURKE (Molonglo) (5.08): Mr Speaker, this will be my first and last opportunity to wish all members a safe, peaceful and joyous Christmas. To all those

who do not celebrate Christmas, I also respectfully extend my best wishes for this festive season. I must first thank each and every one of you for your support and encouragement over the past eight weeks or so. It has not been an easy time having been left with temporary paralysis of the left vocal chord as a result of a viral infection. Just what a politician needs, I don't think. But the show must go on. I have done my best not to let any of you down, particularly the constituents who put me here.

Having said that, I would like to thank all the support services here at the Assembly—the Secretariat, the chamber support people, the attendants, the library staff, the committee office, Barry Schilg and any one else I have forgotten. I want to thank you very much because nothing is ever too much trouble for you. Thank you very much. Have a safe Christmas; if you are travelling, please be careful on those roads. May the children that you share Christmas with enjoy the special time. And, as I said, to anyone who does not particularly celebrate the birth of Christ, please have an enjoyable time. Do not eat and drink too much. Thank you.

Augusto Pinochet
Mr Daniel Bravo

MR BERRY (Ginninderra) (5.10): Yesterday I attended a very sobering affair which occurred on the death of the Chilean dictator Augusto Pinochet. It was an impromptu gathering, organised at short notice by the Chilean community, particularly Chileans who have been affected by that monstrous regime.

I first came in contact with Chilean refugees some time after Allende fell to a coup by the Pinochet regime, when a travelling refugee who had been tortured and left for dead came to Australia, generating support for a network of campaigners around the world working against the Pinochet regime. This woman was a university student who, with her friend, was taken from the streets by the military regime. They were tortured; they were doused with petrol, set on fire and left by the roadside. They were found by a passer-by and taken to hospital. The male died. The female went on to depart the country as a refugee to seek treatment in Canada and then embarked on a world tour to engender support for the campaign in Chile. She wore a complete body suit as a result of her injuries. It was quite a moving experience to meet somebody like that who had been exposed to such torture.

It was also my experience to have a Chilean in my office. Members in this Assembly would remember Daniel, who worked in my office. Daniel was a refugee from Chile as well. Daniel was on the death list in Chile, with his family. He was ushered from safe house to safe house for six months while advocates for refugees found a spot for him somewhere in the world. Of course, refugees and people who were being ushered from safe house to safe house were not told where they were going. In the middle of the night, somebody would come to the house and say, "You are coming with us." They would not know whether they were friends or foe. They and their families would take off in the middle of the night and end up in another safe house somewhere. Imagine what that would be like.

This went on until one night when a priest came to his house and said, "We are going." Not knowing where they were going, the same routine was followed. He was

taken to the airport, given $50 and put on an aeroplane to Australia, a place that he had not heard much about. He came here. Of course, he landed in Australia with no English, with $50 in his pocket and not knowing a thing about the country. Imagine the stress that that would have created.

The gathering yesterday was, in many ways, a gathering of some sadness, because these people have not been able to get closure on the horrendous events that occurred and justice has not prevailed in relation to Augusto Pinochet. His death has allowed him to escape justice—assisted along the way by some who ought not have assisted him. I refer in particular to the British government's freeing of him after he had been taken into detention in England. He was allowed to escape because he was too unwell to face trial.

The horrendous regime which he led tortured and murdered many Chileans. Thousands upon thousands of Chileans are now left without closure, because the justice systems in various countries have not been able to catch this scoundrel—as has been the case with many others. That is why I think it is extremely important to note that we must at all times defend human rights and ensure that our justice systems are up to the job. *(Time expired.)*

Augusto Pinochet

DR FOSKEY (Molonglo) (5.15): I would like to follow on from Mr Berry because I also want to speak about the death and the dictatorship of Augusto Pinochet. I think it is quite a sad thing when one cannot stand up after someone's death and say something good about them. That is, I believe, what we try to do; we are brought up not to speak evil of the dead. And yet, in the case of this man, I almost wish that I believed in the Old Testament concepts of hell, punishment and just deserts.

Augusto Pinochet is a person who should have had those just deserts during his life. He lived a long life, and one can only hope that in the last decades of it he may have experienced some regret. He could have had some very bad dreams; I do not believe that you can thoroughly suppress those kinds of guilt. But, if he did not experience regret, he could have experienced at least some fear that he would be caught and tried as he should have been.

I searched the internet, as one does at these times. I was unfortunately unable to go to yesterday's event in Civic. Interestingly enough, I was at a much more life-affirming event, the launch of the Chorus of Women CD. People might know of A Chorus of Women. It is a group of women who got together in the first days of the Australian government's commitment to join Bush's troops in Iraq. Under Judith Clingan, they produced a beautiful piece called *The Lament*. I guess that really says it all.

We can lament the people who suffered under Pinochet. I have a number of friends who are in Australia because they knew that their lives probably would not have been long if they had stayed in Chile. I can imagine how they feel today. It is interesting that Baroness Thatcher said that she was "greatly saddened" by the death of her old ally; she always maintained that Pinochet had offered the British invaluable help during the Falklands conflict of 1982. Therein might lie part of the problem.

Nonetheless, there are other voices. Amnesty International said:

> General Pinochet's death should be a wake-up call for the authorities in Chile and governments everywhere, reminding them of the importance of speedy justice for human rights crimes, something Pinochet himself has now escaped.

I heard that Pinochet attributed human rights to Marxism—that he said that the concept was allied to Marxism. Human rights actually evolved from the small "l" liberal tradition.

We need to remember that there are a number of other people in the world who are currently escaping justice for their crimes. Marcos died without ever really having his crimes against his people addressed. President Suharto is another case. We have too many of these people around the world. It is to be hoped that the International Criminal Court is strengthened and that people like Pinochet are not protected by their own kind—by people who will also go down if these people are tried.

Your Rights at Work Rally

MR GENTLEMAN (Brindabella) (5.19): Today I would like to talk about the Your Rights at Work Rally which was held across Australia on 30 November. It was a resounding success for all workers in this country.

In spite of the Prime Minister's claim that it was poorly attended, and despite the stringent laws that he has put in place preventing all workers from leaving their workplaces without approved leave, under the threat of harsh fines, I am pleased to say that 279,000 workers attended rallies across Australia. Many more have indicated that they would have been there except for the proposed fines that they may have incurred by daring to attend.

In the ACT, over 4,000 workers, and their families and friends, attended the rally at Manuka Oval. The broadcast from the MCG was greeted with great interest and involvement by those at the oval. After the broadcast at Manuka concluded, all participants assembled outside the oval for a march to Parliament House. Most who attended the rally were able to be part of the march. ACT Assembly members and federal members of parliament took part in this march, which attracted much attention from the travelling public plus office workers along the way.

Once at Parliament House, the rally was joined by many of our federal Labor Party colleagues. The enthusiasm of the workers was hard to miss. The determination of all those attending the rally and the march was infectious. All left the day with a renewed determination to fight right up to and including the next election to ensure that we win this fight. It is going to be the fight of our lives, but we are all ready for it.

Unions were well represented across all sectors. There were ambulance workers, firemen, nurses, public servants, mothers with children in tow, and elderly folk now retired. In fact, people from all areas of the community thought that this was a sufficiently important issue to make an effort to attend.

Unions have made a commitment to continue the battle against the Howard government's draconian laws right up to the next election. The federal opposition has also vowed to rip up the IR laws should it win the next election. That promise was greeted with much applause by the attending crowds right around the country.

At the MCG in Melbourne, over 60,000 workers and members of the community made the effort to attend despite the fact that three train lines were down. Sharan Burrow, ACTU president, opened the rally and spoke of some of the unfair aspects of the new IR laws. She focused on the ability of bosses to sack people without notice, and for little reason, without any protection now being available.

Increasingly, the agenda of the Howard government is becoming obvious—to ensure that every Australian worker earning average or below average wages learns to accept that they should be thankful just to have a job and not complain about what the boss is offering. Australian workplace agreements—individual contracts—are becoming increasingly the method of employment. Almost every one of these contracts has had at least one award condition stripped away. Public holiday rates, overtime rates and penalty rates are all disappearing out of the AWAs. Employees are being told to take it or leave it, giving them no choice other than to accept what is being offered.

Over 100 years of hard won rights for ordinary workers are now under great threat from this government's draconian legislation, with the wishes of the employers prevailing over the desires of employees. Workers have no way to defend themselves from this onslaught.

ACTU secretary Greg Combet told the MCG rally, and the national broadcast, that it was undeniable that the longer these laws are in place the more people will be directly affected. He stated that the ACTU was not involved in a scare campaign—which is what the federal government has been promoting. In a measured approach, as always, Combet restated that the aim of the ACTU is to win the support of the Australian people by telling them the facts.

The unions in this country will now embark on a concerted campaign to overturn the IR laws and will win community support to vote for a change at the next election. This is not just for the benefit of the workers of today, but for our children and future generations. We must ensure that future generations are afforded the same rights and protections at work that we have enjoyed in our lifetime.

Working families are already under great pressure with increased interest rates. Now these IR laws are impacting negatively on all aspects of their family life, threatening their children's sporting activities and their ability to participate in family activities of any kind.

SpringOut festival
FashionACT Tantrum 2006
DLA Phillips Fox government and business triathlon

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 talk

briefly about three events I have had the pleasure of attending since the Assembly last sat. The first is the SpringOut festival. SpringOut is a month-long festival that celebrates the pride, joy, dignity and identity of Canberra's gay, lesbian, bisexual, transgender and queer communities. The festival aims to showcase and support the talents and creativity of Canberra's gay and lesbian community and provide a focus for community events and participation. It also provides a platform for local gay and lesbian people to celebrate their identity and to make contact with other gay and lesbian people and their friends and supporters in Canberra. SpringOut is an inclusive and positive contribution to Canberra's sense of community and its celebration of diversity.

On Thursday, 30 November, the Canberra gay and lesbian community turned out in force for the Canberra Pride award ceremony and the closing night of the BentFest film festival and the SpringOut festival itself. At this event, I had the great pleasure of presenting the 2006 Canberra Pride awards. Four very deserving Canberrans received awards for their work for the Canberra queer community. I would like to again extend my congratulations to Leanne Linmore for her years as musical director of the Canberra Gay and Lesbian Qwire; to Mr John Guppy, the outgoing president of the AIDS Action Council of the ACT and the founder of the Spring Lit queer literature festival; Robert Henderson for his many years of contribution to the AIDS action council, the Canberra Gay and Lesbian Qwire, the Meridian Club and the Canberra Pride Group; and Kelly Mullen and the Purple Party Committee, the team that deliver the highly successful annual Women's Purple Party. It was another great SpringOut festival in 2006 and I extend my congratulations to the Canberra Pride Group for their efforts in organising the event.

On 3 December, I had the opportunity to attend the 2006 CIT FashionACT Tantrum graduating fashion parade for 14 fashion designers who were graduating from the bachelor of design fashion degree course. It was Canberra's largest and most exciting collaborative fashion event. The parade was the final product of three years of dedicated work by students from Canberra and students from across Australia who decided to make Canberra their place of study and to make the world of fashion their own.

It was a dynamic performance by all of the designers and their models on the night. Nearly 700 people were in attendance at the National Museum of Australia, which has formed a fantastic partnership with the CIT to host the event. I am sure many members of the Assembly will be pleased to know that, with such fantastic designers emerging from the CIT, collectively our sartorial elegance will surely improve if we are able to get into some of the wonderful outfits that were on display that night.

Finally, I had the opportunity to participate in the DLA Phillips Fox government and business triathlon on Sunday morning. This triathlon is largely a social event, but one that seeks to promote fun and fitness. It is a bit of friendly competition between government departments and the private sector. Nearly 700 people participated, all supporting a worthy cause, Diabetes Australia—ACT. The event was largely put together by the Triathlon ACT team. I would like to pay tribute to Monica Lindemann, Debbie Styman and Suzanne Davies of Triathlon ACT, and also to Anthony Willis of DLA Phillips Fox for his involvement in putting together this event.

A team that consisted of Liz Lopa, my media adviser, doing the swimming leg, me, in the cycling leg, and Penelope Layland, the Chief Minister's chief media advisor, was successful in winning the state and territory division of the short course of the triathlon. For Liz and me, it was our first triathlon event. It may well be that there were not that many competitors in our division, but nonetheless it was very pleasing first up to be able to have a win in that event—and also to see just how much money was raised for diabetes research and how many people were involved in what is a fantastic event.

I encourage keen members of the Assembly to join me in an Assembly team next year. We have a bit of a title to defend now in the short course. As it involves only a 200-metre swim, a six-kilometre bike ride and a two-kilometre run, I am sure it would be within the means of the Assembly to put together a team next year. *(Time expired)*

Wally Cup
Motor sport

MR STEFANIAK (Ginninderra—Leader of the Opposition) (5.30): I am delighted to hear Mr Barr talk about the triathlon. I thought it was just a very strange excuse he used for not playing in another excellent epic event involving members of the Assembly—the Wally Cup, which he missed. He was meant to play in the back line. Mr Seselja did, I must say, but helped by the ACT vets and sundry others, including staffers. I must commend Karin MacDonald's former staffer Jeremy Johnson, who did a couple of effectively try-saving tackles on some rather quick media guy to start with. We managed to be one all until nearly half-time, when we nudged in front. The second half clearly showed our great superiority. We won by about five tries to one, or whatever it was—winning the Wally Cup for the third time in a row. The Assembly now has won the Wally Cup three times out of five. It is very pleasing. I must go and get it engraved for the last two victories.

I would like to thank everyone who participated in the Wally Cup. Mr Barr has now put on record his excuse—and a very reasonable one it was—for not attending. I hope that event does not clash in future, Andrew. I look forward to going in that triathlon myself, actually. We should put in an Assembly team. But make sure you play in the next match. You will be selected—I give you forewarning—for the states and territories versus the commonwealth match. I expect to see you there at the very least.

While I am talking on sporting matters, I note that we only have two more days of sitting before the Christmas break. The dragway community are getting a bit concerned as to what, if anything, the government are doing in relation to this project. I reiterate what I have said earlier: I certainly hope they are not setting it up to fail or be shafted. I note that they are to make an announcement by the end of the year. I hope they honour their promises and I look forward to seeing what they are doing there. It would be a great betrayal if that did not go ahead.

On a more positive note, and also involving motor sport, I am pleased to see a lease being issued for Fairbairn Park. There were some issues in relation to just exactly how much they have to pay, but I think that is a positive step. I attended a number of Christmas parties on the weekend, going from the vets out to Fairbairn Park and then

to a Polish function. It was pleasing at the hill climb to see that the lease had in fact come through. It was a very good event held there. It will greatly assist in terms of providing at least some certainty for motor sport.

It is quite tragic that we do not have a dragway, despite repeated promises. I think it was a very misguided move by the government to get rid of the V8s or whatever they were around Parliament House during June. That event could have been moved. All the work had been done and the money had been spent on infrastructure. It was a great event, which another capital city gladly snapped up.

All that is left at this stage is Fairbairn Park. At least the lease is a positive step. It took some time. I thank the former Deputy Chief Minister, Ted Quinlan, for his efforts there. I think they were quite genuine and they assisted greatly. I will give those opposite a tick in the box for that one at least, but they should bear in mind what I have said in relation to the rest of motor sport and the dragway. And, Andrew, let me know when your triathlon is on; I will certainly let you know when the next rugby match is on.

Question resolved in the affirmative.

The Assembly adjourned at 5.33 pm.

Schedule of amendments

Schedule 1

Education Amendment Bill 2006

Amendments moved by the Minister for Education and Training

1
Proposed new clauses 7A and 7B
Page 3, line 11—

insert

7A Compulsory enrolment
Section 10 (3) (a)

substitute

(a) the child lives in the ACT but is enrolled in a school under State law and the parents have given the chief executive written notice of the enrolment; or

7B Student transfer register
New section 17 (2)

insert

(2) The principal of a school must comply with any procedures established under subsection (1) for recording the transfer of students to and from the school that are notified to the principal by the chief executive.

2
Clause 9
Page 3, line 15—

oppose the clause

3
Proposed new clauses 28A and 28B
Page 8, line 9

insert

28A Schools to be registered
New section 82 (2A)

insert

(2A) The principal of a school commits an offence if—

(a) the school is not registered or provisionally registered under this part for education at a particular campus; and

(b) the school begins educating a child at that campus.

Maximum penalty: 10 penalty units.

28B Applications for in-principle approval for proposed registration
New section 83 (1) (ab)

insert

(ab) section 88A for registration of a school at an additional campus; or

4
Clause 29
Proposed new section 83 (3)
Page 8, line 15

after

at the

insert

additional campus or

5
Proposed new clauses 29A to 29E
Page 8, line 18

insert

29A Deciding in-principle applications
New section 84 (1A)

insert

(1A) In deciding whether to give in-principle approval for the registration of a school at an additional campus, the Minister must have regard to—

(a) whether the provision of the additional campus by the school would undermine the viability of other existing schools; and

(b) the demand for the additional campus, including the level of registration of interest shown by the community for the proposed provision of the additional campus by the school.

29B Section 84 (3) and (4)

after

subsection (1)

insert

, (1A)

29C New sections 88A and 88B

insert

88A Application for registration at additional campus

(1) This section applies if—

(a) a proprietor of a registered non-government school has in principle approval under section 84 (Deciding in principle applications) to apply for registration of the school at a stated additional campus; and

(b) the proprietor has given the registrar written notice of the proprietor's intention to apply at least the prescribed period before the first day of the school year or term when it is proposed to begin operating the school at the additional campus; and

(c) the in-principle approval has not lapsed.

(2) The proprietor of the school may apply in writing to the Minister for registration of the school at the additional campus.

(3) The chief executive must publish notice of the making of the application in a daily newspaper printed and published in the ACT.

(4) The notice must state that written comments on the proposed registration may be made to the Minister within a stated period of at least 60 days after the day the notice is published.

(5) The chief executive must make a copy of the application available for inspection by members of the public at the chief executive's office during ordinary business hours.

(6) In this section:

prescribed period means—

(a) 6 months; or

(b) if the Minister approves a shorter period for the application—that period.

88B Registration at additional campus

(1) This section applies if an application is made under section 88A for registration of a school at an additional campus.

(2) Before deciding whether the school should be registered at the additional campus, the Minister must appoint a panel to report to the Minister on the application.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

(3) If the Minister is satisfied after considering the panel's report that the school meets the criteria mentioned in subsection (7), the Minister must direct the registrar to register the school at the additional campus.

(4) If the Minister directs the registrar to register the school at the additional campus, the registrar must register the school at the additional campus by—

(a) entering the particulars of the school required under the regulations in the register of non-government schools; and

(b) giving the proprietor of the school a certificate of registration that includes the additional campus (a ***new certificate***).

(5) If the registrar gives the proprietor a new certificate, the proprietor must return the school's existing certificate of registration to the registrar within 14 days after the day the proprietor receives the new certificate.

(6) If the Minister is not satisfied after considering the panel's report that the school meets the criteria mentioned in subsection (7), the Minister must direct the registrar to refuse to register the school at the additional campus.

(7) The criteria for registration of a school at an additional campus are that—

(a) the school will have appropriate policies, facilities and equipment for—

(i) the curriculum to be offered by the school at the additional campus; and

(ii) the safety and welfare of its students at the additional campus; and

(b) the curriculum (including the framework of the curriculum and the principles on which the curriculum is based) meets the curriculum requirements for students attending government schools; and

(c) the nature and content of the education to be offered at the school will be appropriate for the additional campus; and

(d) the teaching staff will be qualified to teach at the additional campus; and

(e) the school will have satisfactory processes to monitor quality educational outcomes at the additional campus; and

(f) the school will be financially viable.

29D Certificate of provisional registration or registration
Section 92 (1) (c)

substitute

(c) state the location of the campus or campuses for which the school is provisionally registered or registered under this part; and

29E Inspection of panel reports for school registration etc
New section 98 (1) (ba)

insert

(ba) section 88B (Registration at additional campus);

6
Clause 37
Proposed new section 130 (1)
Page 10, line 4

omit proposed new section 130 (1), substitute

(1) The parents of a child may apply, in writing, to the chief executive for registration of the child for home education.

7
Proposed new clause 41A
Page 11, line 6

insert

41A Schedule 1, part 1.1, new item 4A

insert

4A	88B (6)	directing registrar to refuse to register a non-government school at an additional campus	proprietor of the school

8
Proposed new clause 46A

Page 14, line 1

after clause 46 table, insert

46A Education Regulation 2005, section 5 (1) (c)

substitute

(c) the street address of the school's administration office;

9
Proposed new clause 48
Page 14, line 3

insert

48 Education Regulation 2005, section 7 (1) (a)

substitute

(a) the child's full name as shown on—

(i) the child's birth certificate; or

(ii) if the birth certificate is not available—the child's passport or another document approved by the chief executive that identifies the child;