



# Debates

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**Wednesday, 7 March 2007**

**The Assembly met at 10.30 am.**

*(Quorum formed.)*

**MR SPEAKER** (Mr Berry) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

## **Environment—climate change**

**DR FOSKEY** (Molonglo) (10.32): I move:

That this Assembly:

(1) notes:

- (a) the threats of climate change to our environment, economy and society; and
- (b) the failure of the Howard Federal Government to ratify the Kyoto Protocol on climate change; and

(2) calls on the ACT Government to:

- (a) immediately release its Greenhouse Strategy;
- (b) calculate and release an inventory of current ACT greenhouse gas emissions;
- (c) adopt:
  - (i) the targets for greenhouse gas emissions reductions and strategies outlined in the Kyoto Protocol, understanding that this is a first, essential and minimal response to the problem; and
  - (ii) a mandatory renewable energy target at least equivalent to NSW;
- (d) ensure the Government's imminent Greenhouse Strategy incorporates:
  - (i) timelines and targets to achieve emission reductions at least equivalent to 60% by 2050; and
  - (ii) mechanisms to strengthen these targets if events require it; and establish the ACT as a Centre of Sustainability Industries and a model for Australia and the rest of the world in sustainable urban planning and management.

The Greens did not need Al Gore or the Stern report to alert them to the dangers of human-induced climate change. And what an understatement that term is proving to be as we learn more about the potential impact of even minimal rises in temperature on our environment, our economy and our lives, not to mention the lives of other species. Many of the scientists who first modelled its potential frightening impacts

wanted to call it “climate catastrophe” but their language was moderated by the spin doctors. I prefer the less emotive term “climate crisis” even though that does not quite encapsulate the long lead time into the changes we will now inevitably undergo and the long time we will be experiencing a deteriorating environment, with inevitable ramifications for our society and our economy.

Last year the film *An Inconvenient Truth* brought the message to mainstream Australians with its graphs and picture of receding icebergs and melting icecaps. The images of polar bears struggling to hang onto ever-diminishing fragments of ice melting in the oceans were heartbreaking. The climate crisis is indeed a catastrophe, one that we now know sits squarely on the heads of the human race and, most particularly, those who consume more energy created by fossil fuels. Residents of Canberra have enjoyed our materially enriched lifestyles at the expense of our climate, in ignorance for the most part of our far-reaching impact.

We are also a population with a profound love of the natural beauty of our region and we are probably among the world’s most frequent flyers, giving us a global consciousness and interest in the other peoples on the earth and increasing our greenhouse emissions. As an educated and relatively wealthy society we have the responsibility and the ability to act, and we must for the sake of our rivers, the woodlands, the grasslands, and the forests; for our towns and our cities; for our relatively peaceful societies; and for the many species who share this wonderful and unique earth with us.

Perhaps I will hear this morning that it does not make much sense for little Canberra to act because we are only a small fish in a very large sea, just as Howard says it does not make much sense for little Australia to sign the Kyoto protocol. Howard’s line has lost traction with his electorate and it will not impress many Canberrans.

When I first proposed this motion I expected the ACT government to release its energy policy and its greenhouse strategy any day. We were then told that we would see it at the end of December, which was rather a strange time, and certainly it was in the dreams of the minister for the environment. We were then told that we would see it at the end of February but that deadline has also come and gone.

The only acceptable excuse for this lack of action could be that the strategy is being sharpened and strengthened. But I have been told that it is not even on the radar. Is this because the functional review led to the gutting of the Office of Sustainability? On behalf of Canberra, shame, Mr Speaker, shame. In any case, it is clear that this motion is still timely. It is the Greens’ argument for putting teeth into the strategy when it is released. Following the recent storms and the super-cell storm last week in particular, it is a plea to broaden the strategy and to consider all the potential impacts of climate change, where events that occurred once in 100 years can occur with greater regularity.

The United States and Australia stand out for their refusal to join the rest of the developed world in signing or ratifying the Kyoto protocol. Labor federally has said that it will ratify it if it gets elected, but right now every state and territory has a Labor government, and there is an opportunity to take strong action without the federal imprimatur. In the United States 330 mayors have signed up their municipalities to this challenge. They have done so because their president will not act but their people

want them to. A number of local government regions in Australia have adopted the Kyoto targets and some have gone further; for example, Bega. New Zealand has just adopted a zero emissions target, the first country in the world to do so. Clearly, this country did not think it was too small to make a difference.

While Kyoto sets the target of 60 per cent reduction by 2050, and this is endorsed by the Australian Business Roundtable on Climate Change, a great deal of scientific evidence suggests that this is not enough to avert the worst impact of climate change. Furthermore, any action must start now. There is a lag of decades before the impact of today's emissions will have their full impact, and even then carbon stays in the atmosphere for around 200 years. The news is bad but we must be optimistic and put in place the right policy settings if we want to take people on this journey with us, as the Chief Minister says he wants to do in his foreword to the "Climate Change" discussion paper released at the beginning of last year.

Allen Consulting recommended that to save our economies we need to start acting now rather than making sudden changes later. New South Wales has set targets equivalent to the Kyoto targets. New South Wales has set a mandatory renewable energy target of 10 per cent by 2010 and 15 per cent by 2020.

*Members interjecting—*

**DR FOSKEY:** It will be interesting to see how you amend a motion when you have not even listened to my speech on that motion. That energy target is too little but it may be sufficient to kick-start the renewable energy industries which can then be picked up by the market, but governments must start the process.

The Howard Government's dismantling of the MRET was a kick in the teeth for a very promising industry, much of it rooted in Canberra, and now our technologies are being developed offshore, and that is where the profits stay too. Because Canberra lacks heavy electricity using industries we can afford a higher target and sooner—perhaps 15 per cent by 2012, 20 per cent by 2016 and 25 per cent by 2020. We could develop our excellent solar industries, put research in the forefront and make the ACT a testing ground for renewable energy technologies for which the world is hungry.

Not having a coalmining industry is definitely a plus for the ACT in tackling the climate crisis. Our major energy industry is solar. Let us get behind it. Many Canberra businesspeople see the potential for a thriving sustainable technology sector in the ACT. We can turn the clever city to the service of the world. The ACT has the people, the institutions, the innovative entrepreneurs and, I believe, the funds to invest to become a centre of sustainability industries and a model for Australia and internationally in sustainable urban planning.

I see there is a problem with the amendment. I was trying to alert the minister's office to that problem before I came into the chamber. This is an opportunity to expand our secondary industry sector, again with a kick-start, by supporting innovative structures like cooperatives and social partnerships. At the same time, we can augment our vocational education training centre to specialise in sustainability, training people not just for our city and region but for the rest of Australia and the world.

The ACT government produced a greenhouse gas inventory in 2003 and then promised to produce one every year. This motion calls on it to keep its promise. Even the greenhouse discussion strategy lacks emission numbers, although chapter 5 has a breakdown of sources of emissions. You have to go to the draft energy discussion paper to find them—in 2003-04 at 2.185 million tonnes of CO<sub>2</sub> equivalent, which was an increase of 11 per cent over the previous year, attributed to a decline in people's take-up of green power. Last week I heard that people's take-up of green power has increased by a major amount as they are doing their personal thing to reduce greenhouse gas emissions.

So what steps do we need to take now? Prior to 2004 we had a greenhouse strategy which tied itself to the Kyoto targets—a strategy moved by the first Greens in the Assembly. My motion suggests that the government must ensure that we do not go backwards with our 21st century climate crisis strategy but we must at least recommit to those targets. Mr Stanhope talked about the cost of implementing the strategy, and I ask him to calculate the financial cost of not implementing it. In other words, I suggest that the government reveal its cost-benefit analysis of the impact of climate change in the ACT and, if it has not done so already, to undertake such a study as a matter of urgency. Perhaps it can be done under the auspices of emergency services, as they are the people who will be at the coalface of its impacts.

There has been no study of the impacts of the climate crisis on the ACT. We rely on work done for south-east New South Wales. I suggest that the government ask the commissioner for the environment, if we still have such a person, to undertake a study of the climate change's environmental, social and economic impacts on the ACT, in collaboration with relevant government agencies. This study needs to model the impact of various intensities of climate change on our water and our agriculture, on our housing, our workplaces and other built environments, and then we can get a better picture of how to act to safeguard our region's future.

This knowledge can become the basis of conversations occurring at the level of neighbourhoods in the style of the agenda 21 local government consultations which followed the 1992 UNCED conference in Rio. Because the impacts of the climate crisis will be felt in every area of our lives there must be a whole of government approach to dealing with it. We need a climate crisis strategy, not just a greenhouse emissions reduction strategy. This strategy should incorporate: planning on the likely health effects from climate change; improvements to building codes to prepare for extreme weather events; building and retrofitting to make them energy efficient, including climate change education in school curricular at various levels; preparing emergency services for unusual and sudden extreme weather; as well as looking at the impacts on habitat for rare and endangered species and what we must do to reduce extinctions.

The greenhouse discussion paper invites ACT people on a journey, and that is a good and a positive image. I believe that if we factor the climate change story, both current and likely future, into all our policy making and planning, governments' responsibilities to people and land become very stark indeed. This matter is not one to shirk or postpone, or belittle or laugh at, or just say, "It is one of those Greens' things that we can ignore." The Greens have been talking about this for over a decade and

the science was always there. The media have now caught up with us and we are now seeing people like John Howard and the other usual suspects—unfortunately, increasingly the state leaders—trying to spin their meagre reactions because they know people want something to happen.

But this is not an issue that spin will fix; this is an issue that involves real commitment from governments and, at the very least, it requires a climate change strategy from this government. If it has not appeared because the Office of Sustainability has been gutted, let us hear about that today. I have already seen the foreshadowed amendment. Admittedly there were problems with it, which I identified, and I assume that they have been fixed in this second version.

**Mr Mulcahy:** That is my amendment.

**DR FOSKEY:** Okay, we have two amendments now. If they underplay the importance of this issue I will be extremely disappointed. Not only that, the people of Canberra will have been let down entirely on probably the biggest issue that faces us now. We can talk about bushfires until the cows come home, but we will be having more bushfires under climate change. We cannot wreck the environment in order to avoid that one; we have to work out how to be the clever capital that we are. I believe it is obvious that everyone has to be involved. The climate change issue has the potential to be a tragedy of the commons with all the problems of free riders.

We know that the rich think that they can protect themselves in their airconditioned houses on the hill while the rest of us swelter down in the valleys, but that is not good enough for me. We have to have a solution that has equity written into every bit of it. We need to seek innovative approaches to new problems. Government will need to facilitate the means of sharing, because the market does not play fair. People are ready, they want to reduce their harm to the planet, but they need the government to set in place the framework to help them do so. (*Time expired.*)

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (10.48): I thank Dr Foskey for bringing the matter before the Assembly and I acknowledge her passion for the subject, which was amply demonstrated by the tenor of her delivery. I hope she calms down enough to stay with us and enjoy the rest of the debate so entertainingly commenced by her.

Dr Foskey asked the Assembly to note “the threats of climate change” and “the failure of the Howard government to ratify the Kyoto Protocol”. The government is happy to note both matters. Rising greenhouse emissions pose a significant threat to the social, environmental and economic welfare of ACT citizens, present and future. Even small changes in global temperature have been shown potentially to affect our way of life, increasing the severity of droughts and storms, threatening ecosystems and shifting disease patterns. The ACT will be affected by climate change and should prepare for our future to ensure that we remain a strong and sustainable community.

The ACT is likely to become warmer, with more hot days and fewer cold nights. There is a real potential for an increase in heat-related deaths, particularly in our older population. There is also the potential for higher temperatures to contribute to the

geographic spread of vector-borne, water-borne and food-borne pests and diseases. While the ACT is expected to have little change in total annual rainfall, there are expected to be more intense storm events. Greater runoff from storms and higher evaporation from overall higher temperatures will lead to less water being available for consumption. There is a predicted decrease of up to 20 per cent in the ACT's Cotter and Googong catchments.

Climate change will impact on health, agriculture, water availability, the natural environment and urban planning. This government recognises the threats and the need to take actions to reduce our greenhouse emissions, as well as to adapt to the changes that will occur. However, this is a challenge the whole community must embrace, as it cannot be addressed by the government alone. The recently released Stern report, which was commissioned by the UK treasury, identified that climate change will have significant effects on the economy and all basic needs of societies. While stabilising emissions will have costs these are manageable but further delay would be dangerous and much more costly.

We clearly have an inescapable responsibility to future generations to address the problems now. The ACT is an active participant and supporter of action at the national level. However, a truly national approach has been limited by the commonwealth's unwillingness to ratify the Kyoto protocol or to commit to any longer term target for reductions.

I need to put on the record the extent to which the ACT has jurisdictional authority, as it were, to sign up to the Kyoto protocol. Kyoto is in fact a compact between nations, not parts of nations or smaller parts of them, and it applies its wording to industrial activity and land clearing, neither of which we have in the ACT. That is not to suggest, however, that the ACT does not fully support the principles behind the Kyoto agreement. The burden of responding to climate change largely has been left to state and territory jurisdictions, individual businesses and community groups.

Australia's state and territory governments, as a group, have acknowledged the existence and pressing nature of the climate change problem. The difficulty has been getting the commonwealth to the table. The Prime Minister's late-life conversion is welcome but it has left us playing catch-up. On the question of our greenhouse gas emissions, it saddens me that, even with all the vigour, venom and vehemence Dr Foskey projected her voice and pushed the case for climate change strategy, she did not acknowledge some of the leadership things the ACT government and communities have been doing.

**Dr Foskey:** That is your job.

**MR HARGREAVES:** Dr Foskey says that that is my job and I am happy to shoulder that. However, if she truly purports to represent the community that she says she does, she ought at least to tell the complete picture and not give us those little pieces of cherry pickings that she chooses to use to support her argument. I see no acknowledgment from the Greens of this government's application of 23 per cent green power for its own uses, second only to Tasmania, which is a hydro state. I see no acknowledgment of our commitment to put CNC buses on the road. I have heard nothing from Dr Foskey about Mr Corbell's move to put cycle lanes in this city, or the



bagging that he copped for that. I see nothing like that on the public record from Dr Foskey.

**Dr Foskey:** You have seen it before today.

**MR HARGREAVES:** Shame on you, Dr Foskey.

**Dr Foskey:** Come on, John.

**MR HARGREAVES:** At least think locally. If you are going to talk locally and claim locally you should at least think locally. Right now you have blown it. In February 2006 the Council of Australian Governments, or COAG, agreed to develop a new national climate change plan of action and to establish a high-level interjurisdictional climate change group to oversee the implementation of the plan's recommendations. The ACT is a participant of the group and a member of a number of its working groups.

The commonwealth government has recently begun taking a more active role in adaptation and the ACT government welcomes this. However, it also believes it would be preferable that more of the resources of the commonwealth were available to assist it with a wider range of abatement and adaptation options such as clean renewable energy and in taking a firmer lead in emissions trading and emission reduction targets.

I believe that this government, the Stanhope Labor government, has done a lot to put reality into our commitments to the Kyoto principles. I mentioned a few of them just a moment ago. I also announced recently a change to the rules around hire cars to allow hybrids. I know that a company called Eco Taxis in Melbourne is highly successful at the hybrid hire car end of the market. I believe that would significantly contribute to the attitudinal change that has to accompany our attack on climate change. At this stage I would like to move the amendments that have been circulated in my name. I seek leave to move amendments Nos 1 to 5 in my name together.

Leave granted.

**MR HARGREAVES:** I move amendments Nos 1 to 5 circulated in my name together:

“(1) in paragraph (1) (b), omit ‘and’;

(2) insert new paragraph (1) (c):

‘(c) the Government’s climate change strategy will be released soon; and’;

(3) omit paragraph (2) (a);

(4) omit paragraph (2) (d), substitute:

‘(d) notes the Government’s imminent climate change strategy intends to incorporate.’; and

(5) omit paragraph (2) (e), substitute

- ‘(e) notes that the Government is progressing measures to ensure that the Australian Capital Territory implements best practice sustainable urban planning and management.’”.

Essentially, the first amendment is really just procedural. The second amendment states, “the government’s climate change strategy will be released soon”. It will; it is in the final throes of approval. Dr Foskey’s motion talks about a greenhouse strategy. The climate change strategy is a bit more up to date than that. There is a bit more to climate change than just greenhouse gases, so the approach of the strategy has been changed to reflect that.

The third amendment is merely procedural, and the fourth amendment talks about a change to Dr Foskey’s old paragraph 2 (d). Dr Foskey is saying she wants us to ensure that the government’s imminent greenhouse strategy incorporates X, Y and Z. We have had the draft strategy out in the community for consultation and people know what is in it. It is Dr Foskey’s intention, through this motion, to take the ground that the government has so ably taken in its movement forward on climate change strategy.

This strategy is something that evolved out of expert and community consultation; it did not evolve from the mind of some bright spark in the Greens party. This strategy is not an expression of Bob Brown’s election manifesto and it is not a reflection of Greens policy; it is a reflection of expert and community opinion coming together and moving forward together.

I will seek leave to change paragraph 2 so it says that the Assembly notes that the government’s climate change strategy will be released soon and also, of course, that the Assembly notes that the imminent climate change strategy intends to incorporate those targets of 60 per cent by 2050, together with mechanisms to strengthen the strategy.

I also wish to change paragraph 2 (d) by moving an amendment that states that the government’s imminent climate change strategy intends to incorporate those targets of 60 per cent by 2050. Of course, mechanisms will be put in place to strengthen those targets.

In paragraph 2 (e), Dr Foskey wants us to “establish the ACT as a centre of sustainability industries and a model for Australia and the rest of the world in sustainable urban planning and management”. My colleague Mr Corbell will address the urban planning and management issues. However, I do not have the faintest idea what Dr Foskey is talking about when she says that she wants the government to “establish the ACT as a centre of sustainability industries”.

**Dr Foskey:** Come and ask me.

**MR HARGREAVES:** I would not waste my time. I am afraid that I do not have a clue what she is talking about and I suspect that there are many people around this town who share my bewilderment with respect to this proposal. As I mentioned before, I think that the ACT has been doing some very positive things. If my memory serves

me correctly, when preparing for the 2001 election we started talking about environmental sustainability with respect to the sustainable transport plan that I and Mr Corbell had something to do with, and that Mr Corbell had carriage of in the first Stanhope Labor government.

That plan has been embraced by this community in relation to our cycle lanes, bikes on buses, lockers at the interchange and our relationship with Pedal Power. We now have hybrid cars available as hire cars and we now have compressed natural gas on the buses. We struggle with ways in which to make the bus system even more attractive for people to get on. It is a challenge and one that we accept. The government is using 23 per cent green power and we have encouraged people in the community to pick up green power. I am using green power at my place, if Dr Foskey wants to do an FOI on me, or on my wife for that matter.

We have seen the introduction of wood heater rebates. We know that Tuggeranong Valley is the second worst place in Australia for wood heater smoke during wintertime, second only to Launceston, and we now have a rebate. Five hundred people have taken us up on that since it has been introduced, which is a pretty good thing. I do not really care who introduced it; I would just like to congratulate the 500 people who took it up. Hopefully more people will take it up.

Quite frankly, I think that these Johnny-come-lately Greens ought to go back and congratulate previous governments in this town—this current Labor government and the previous Labor government—because they have done something. As long as the grass grows, the Greens will never be ever in a position to run a policy. They need either the Liberal Party or the Labor Party to give effect to their policies. Standing in this chamber and screaming at us like a rabid banshee will not do the slightest bit of good.

**MR MULCAHY** (Molonglo) (11.02): I am a bit overwhelmed after that eloquent address and I will struggle to match it, but I will give it a go.

**Mr Barr:** Do your best, Richard

**MR MULCAHY:** I will; thank you, Mr Barr. Dr Foskey's motion calls on the Assembly to note "the threats of climate change to our environment, economy and society". In November last year I said in this place that you would have to be living in the dark ages if you were not willing to recognise that currently there are significant climate issues. I believe that debate must focus, however, on genuine attempts and approaches to address the issue of climate change.

Too often people like the Greens are unwilling to adopt a holistic approach to climate change. Yes, it is an issue that obviously has to be confronted but should this confrontation be ahead of the Australian national interest? It seems that the answer is yes when it is the Greens' philosophy, but it is not a position that I can support and it is not a position that the opposition will support. No-one doubts that change needs to occur globally, but it needs to be change that is in the interests of society, in the interests of people locally, the people of Canberra, and all Australians on a national and international level, and it needs to take into account economic and social factors.

We need to recognise that actions must be taken to develop a broad-based and coordinated approach to the issue of climate change, but at the same time we need to recognise the economic realities that inevitably affect any implementation of policy in this area. Arguably the ACT government recognised these realities when it took a position that was critical of our 2004 greenhouse policies and when it said that they were too expensive. I do not agree with what it is saying but it illustrates that one has to weigh up economic considerations.

If one accepts the view of the government that the program may have been too costly for the territory one then has to ask: where is the viable alternative? We are still waiting for an answer. For that reason I would struggle with Mr Hargreaves's proposed amendments that take out that element of Dr Foskey's motion that seeks an immediate release of the greenhouse strategy, because we have a reasonable expectation that this should be forthcoming.

We are seeing initiatives on all fronts, nationally and globally, and it is important that the ACT government catch up to community expectations and deliver a policy in this regard. One of the few points with which I agree in Dr Foskey's motion is the need for the territory government to quickly release its greenhouse strategy so that we can all examine it and so that the people of Canberra can know where we are heading. On 21 February Mr Hargreaves said in the *Canberra Times*:

In the ACT we take a holistic approach to reducing energy emissions.

I appreciate the sentiment but I am curious as to what action has been taken to back up this proposition. The Australian government, for its part, is correct in its approach. A strong economy has allowed high levels of expenditure on specific items, including combating climate change. The strength of the economy cannot, however, be undermined through these measures. A former federal minister for the environment said:

I think what we all need to understand is that to address climate change, you are going to need to invest in excess of \$17 trillion globally to transform entirely how we produce energy and how we use it. We need a massive investment, a step change, in how we produce energy ... All of that requires massive investment so measures that unnecessarily harm economic growth will in fact harm our response to climate change. You have to find policies that transform how we create and use energy but also maintain economic growth. The two are essential; you can't have one without the other. You can't harm economic growth or you'll harm the world's capacity to address it ...

I think that is an important principle that we need to appreciate but which I do not believe the Greens can come to terms with. As the minister pointed out, it is very easy to have policies that really do not call for that level of accountability for the entire economy when you know that you are never going to have the ultimate responsibility of governing.

Policies must take the direction of encouraging private sector and industry partnerships whereby considerable investment is put into newer and cleaner technologies that replace and improve the economic viability of existing industries.

Adverse impacts on economic growth must be minimised so as to create the most efficient transition to greenhouse-friendly industry practices, and this means extensive education, support and advice to industry to guide them in this new direction, not punish them with draconian taxes, unrealistic targets and contentious restrictions on production.

This approach is reflected in the ACT Liberal Party's approach at territory level. Last year I indicated that we would be developing and pursuing a no-regrets approach to environment policy. The Liberal Party, in government, will incorporate practical measures to reduce energy wastage and costs. By introducing sensible environmental measures the community will support the changes resulting in a practical result at a local level.

For its part, the Australian government has also shown a willingness to take practical steps to implement measures to reduce consumers' impact on the environment. On 20 February this year the Minister for the Environment and Water Resources, Malcolm Turnbull, announced that the Australian government will be taking action to phase out inefficient light bulbs, a move that should reduce Australia's greenhouse gas emissions by four million tonnes by 2012.

The greenhouse challenge plus program is another example of this approach. When I said that you could do these things the Greens were dismissive of it and said, "This is stuff from the 1960s." It is not from the 1960s; it is actually a very contemporary program. It is a \$31.6 million partnership between the Australian government and industry to support and encourage industry to help reduce Australia's greenhouse gas emissions. I would encourage Dr Foskey to get herself briefed, understand how successful it has been, see how it has delivered savings for industry, and how it has helped the environment in which we are all living and which we are trying to preserve.

Current projections suggest that challenge plus will deliver more than 15 million tonnes of abatement each year in the Kyoto period 2008-12. So I would encourage Dr Foskey and her colleagues not to so quickly dismiss no-regrets type policies, because they can in fact achieve considerable change. While we are dealing with the Kyoto protocol let me also make mention of that. I noted that Dr Foskey's motion refers to "the failure of the Howard Federal Government to ratify the Kyoto protocol on climate change" therefore concluding that we have failed in these tasks of managing the environment.

Firstly, the Australian government is playing a major role in the Asia-Pacific partnership on clean development and climate with key countries such as China, the USA, Japan and India, which together make up a considerable proportion of greenhouse gas emissions worldwide. It is significant that Australia chairs the United Nations Commission dialogue seeking to engineer the new agreement that will replace Kyoto. Secondly, I want to talk about some of the problems with Kyoto itself. What we need to recognise is that the Kyoto protocol has not been successful and that the global mood is towards developing a new Kyoto protocol that better reflects the realities of greenhouse gas emissions and control.

Of the 166 countries that ratified the Kyoto protocol, only 35 signed up to greenhouse gas emission targets, none of which are developing countries. Many crucial countries

are not meeting their targets. France is nine per cent over target, Norway is 22 per cent over its Kyoto target, Portugal is 26 per cent over and Spain is 36 per cent over its target. Despite not ratifying Kyoto, Australia is still on track to meet the targets that were established through its own policy initiatives. The new Kyoto protocol needs to appreciate the comparative advantage that Australia has in natural resources, and so does the Green movement, and it should not disadvantage Australian economic development over the longer term.

Unfortunately, the Greens seem to have a commitment to this past notion of what is necessary and they failed to recognise the failings in the original protocol and its implementation. The Australian government, for its part, deserves to be commended on playing a major role internationally in addressing climate change. Clearly, there is a need to develop strategies to combat climate change. There is work to be done here at the territory level that is overdue. There is work going on nationally, which I think is making wonderful progress in fulfilling our environmental goals, and for that reason I propose to amend Dr Foskey's motion. I seek leave to move the amendment that is circulated in my name.

**MR SPEAKER:** You cannot do that yet, Mr Mulcahy, until we deal with the other amendments.

**MR MULCAHY:** All right. I conclude my remarks but state that I have fundamental issues with Dr Foskey's motion. I do not think it shows vision and I think it is short-sighted. I would certainly encourage members to support my forthcoming amendment.

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.12): I seek leave to amend my amendment No 4 by adding the existing paragraphs 2 (d) (i) and 2 (d) (ii) contained in Dr Foskey's motion.

**MR SPEAKER:** That has been circulated, hasn't it?

**MR HARGREAVES:** It has been circulated, with my signature on it.

Leave granted.

**MR HARGREAVES:** Thank you very much. I move amendment No 4:

Add the existing paragraphs (2) (d) (i) and (ii) contained in Dr Foskey's motion.

By way of explanation, in the drafting of the amendment there was the inadvertent removal of paragraphs 2 (d) (i) and 2 (d) (ii) of Dr Foskey's motion. The government supports those particular clauses, so I would like to have them reinstated.

Amendment agreed to.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (11.13): I am very pleased to join in this particular debate. It is a very important debate and, as Dr Foskey said in her remarks, is most certainly the most significant

global issue facing the world today and, I would think, for the next century. In her motion, Dr Foskey has called on the government to take a number of measures in relation to greenhouse emissions and climate change. I will speak briefly to each of the points that Dr Foskey raises.

Firstly, in relation to the release of the greenhouse strategy: as members are aware, the ACT government is in the process, and has been for some time, of developing a climate change strategy following public consultation on a climate change discussion paper. The climate change strategy, which the government has been developing, will replace the current ACT greenhouse strategy. I know there has been some frustration at delays that have occurred in the development and release of that particular paper. I acknowledge that frustration. It is a matter of significant importance to the government and we are working to finalise it. A cabinet submission has been circulated but has not yet been dealt with by cabinet, but it is at that stage of its development.

With the climate change debate moving quickly and with significant information and work on climate change issues coming from COAG and other organisations and other jurisdictions, we have reviewed the draft strategy to ensure that it is relevant and that it is up to date. In that context, it needs to be acknowledged that we are not standing still; it is not a static issue; the government is continually pursuing initiatives and initiating matters, issues, discussion and programs to deal with the issue of emissions. We are at this stage achieving significant results.

The motion also asks for an inventory of greenhouse gas emissions. Accurate emission information targets most certainly are an issue and were a major challenge in the development of the previous strategy and continue to be so. Our most recent data is for 2004, when our emissions were estimated to be 4.295 million tonnes. Over 70 per cent of the ACT greenhouse gas emissions are caused by our heavy and increasing use of electricity and gas to heat, cool and light our houses, our offices and other buildings.

Emissions from transport fuels are the second largest and make up about 23 per cent of total ACT emissions. However, accurate data on transport emissions is currently not available and that has been creating a problem with the calculation of accurate and up-to-date emissions for the ACT.

It is relevant to note that 93 per cent, or thereabouts, of ACT greenhouse emissions come from those dual sources of electricity and gas and transport fuels, which is a very different configuration of the source of greenhouse gas emissions than any other place in Australia. With 93 per cent of all emissions coming from those two sources, it is a reflection of the difference and the different makeup of the ACT and the nature of our economy.

The ACT has, to date, relied upon indirect estimates based on the Australian Bureau of Statistics survey data on the average fuel consumption and distances travelled by ACT vehicles. It is seeking to achieve accurate data on transport emissions. The most recent ABS data is not currently available. The government recognises that, without effective and readily available data, it is difficult to keep track of this significant proportion of our emissions. Carbon dioxide emissions from the transport sector can

be accurately estimated by multiplying the volume of the fuel consumed in a year for each fuel type by an emission factor. However, there are no official statistics that report on consumption of transport fuels in the ACT.

To address that—and it is very important that we address that—the ACT government is currently working to implement an amendment to the Environment Protection Act which is designed to ensure that we can collect ACT fuel sales data for the calculation of greenhouse gas emissions within the ACT transport sector, having regard to the fact that it is such a significant source of emissions within the territory. That will assist us greatly in the implementation of the new climate change strategy.

The motion also refers to the adoption of targets for greenhouse gas emission reductions and strategies as outlined in the Kyoto protocol. The ACT government has stated regularly its commitment to the Kyoto principles, and we reiterate that commitment today. However, it is not for the ACT to adopt the Kyoto targets which are intended, I am sure everybody is aware, as national targets. It is simply not possible to translate the Kyoto targets to an ACT jurisdiction.

It is worth noting that the ACT is a small contributor to the global greenhouse gas emissions. We create one per cent of Australia's emissions, and Australia contributes one per cent of global emissions. However, the ACT government and our community are ready to play their part in reducing emissions. In fact, it is vital that we do. All areas of the community have a collective responsibility to mitigate greenhouse gas emissions. All areas of the community will be impacted directly by climate change, and each of us needs to have the capacity to adapt to these impacts.

In addition, the ACT government will undertake to advance the national policy debate and will lobby the commonwealth government for changes to address climate change. We will continue to petition for the ratification of the Kyoto protocol by the commonwealth government and for the adoption of a national target for emissions. As part of this process, the ACT recently joined with the state and territory governments in the Council of Australian Federation. We have, in fact, written to the governors of those US states that have, despite their national government's refusal to ratify Kyoto, accepted the principles underlined in the protocol in the way that each of the Australian states and territories have. It is anticipated that this approach will establish a basis for international cooperation at a local level.

Community feedback from the consultation process of the climate change discussion paper was strongly in favour of ACT targets and there was support for the position put by the government for a target of 60 per cent reduction by 2050 as well as the interim targets. The ACT government will carefully consider this feedback and will address the issue of targets under the new climate change strategy which will, as I said before, be shortly considered by cabinet. ACT targets will be consistent with and support those developments regionally and nationally. In that way our targets will contribute to national greenhouse emission reductions.

The motion also deals with the issue of mandatory renewable energy targets. In April 2001, the commonwealth established a mandatory renewable energy target through the Renewable Energy (Electricity) Act. The target has been achieved several years early, and further progress has been resisted by the commonwealth. Since then, the



states and territories have tried to progress work through an interjurisdictional working group, but that stalled when constitutional barriers were encountered from the commonwealth. However, Victoria, South Australia, Western Australia and now New South Wales have established, or are currently in the process of establishing, their own jurisdictional targets. Most of these jurisdictions are yet to define how they will go about overcoming the constitutional barrier.

Victoria has set a 10 per cent renewable target by 2016; the South Australian bill proposes a renewable target of 20 per cent; Western Australia is currently debating a bill to mandate 20 per cent renewable energy by 2020. The renewable energy target just announced by New South Wales is 10 per cent of end-use consumption by 2010 and 15 per cent by 2020. These targets would apply to all electricity consumed in New South Wales, which should provide impetus to renewable energy certificate trading and penalties for non-compliance. However, as the New South Wales scheme has just been announced, details of the scheme have not yet been fully analysed.

The ACT and New South Wales GGAS scheme is already in place and has a trading scheme designed to lower emissions through increased purchasing by retailers. It is acknowledged as a very successful measure.

The other issues raised in the motion go to ensuring the incorporation of a 60 per cent reduction by 2015. I have addressed that particular issue. It was the subject of the government's discussion paper. It was supported through the community consultation and feedback and is an issue and a target which will be considered by cabinet in the near future.

The motion also proposes the establishment of the ACT as a centre of sustainable industries and a model for Australia and the rest of the world in sustainable urban planning and management. My colleague the Minister for Planning, in his address to this motion, will address that particular issue in detail. I will not go to it, other than to say that I believe that some of the leadership shown in planning through ACTPLA and by the minister has us on the road to achieving those aims or aspirations.

Let me conclude by saying that the ACT government is absolutely committed to this. I acknowledge this issue of climate change as one of the most significant issues facing this and every community and every individual in Australia. I will pursue the issue personally over the course of the coming years. (*Time expired.*)

**MR SMYTH** (Brindabella) (11.23): I welcome the opportunity to speak to this motion. It touches on a number of critical issues. At the same time, we need to be reasonable about the issues. It is actions, not words, that will count in this debate. As the Chief Minister just said, it is a most significant issue. But it is a significant issue that the government has ignored for virtually the life of this government. You cannot blame Minister Hargreaves; he has just been lumbered with the portfolio after four years of nothing occurring.

It really is actions, not words, in this debate. Look at the actions of the government. They have gutted the Office of Sustainability. The NOWaste by 2010 strategy is now being called the no action by 2010 strategy because nothing is happening. We see a government that, for five years after coming to office, has not been able to put

together their greenhouse gas strategy. If they want to call it a climate change strategy, yes, that is fine, but they have not been able to put it on the table.

I was recently minister for the environment and I bring to this debate some of the legacy that the Carnell and Humphries governments put in this place. I am very conscious of our achievement. We were the first jurisdiction in this country, courtesy of the Liberal government, to sign up to Kyoto and were the first jurisdiction in this country, courtesy of the Liberal government, to put a greenhouse gas strategy on the table.

When you go through the list of our achievements in the environment, you see we not only have a strong commitment to it, we carried through on it; we put in place a greenhouse gas strategy with targets; we set up NOWaste by 2010, which has formed an entire industry around the world; we put in place the firewood strategy, EER, the water legislation and the hot-water tune-up program; we started to rehabilitate rivers; we got rid of the woody weeds; we set up the action plans for endangered species and ecosystems and did the review on them, all 24 of them; we had feral animal management; we put land back into the reserves, places like East O'Malley, and confirmed that Jerrabomberra would never be built on; we had the methane gas capture at the tip. The list goes on and on. It is that number of initiatives during the period of the previous government that is unmatched by the current government and, I suspect, will never be matched by the current government. The Chief Minister said the Minister for Planning is going to speak about this.

We are the government that put in high-quality design and sustainability principles to address these issues. We did it years ago. We helped with green power; we set up the green fleet; we signed the packaging covenant; we started the grey-water mining in North Canberra and then extended it where we could. In overall terms, when you compare what we achieved as a government with what this government has achieved, what you see, truly, is words and no action whatsoever.

Mr Hargreaves has moved his amendment, which we will be objecting to. We think it does not address the issues seriously. Mr Hargreaves said something important: this cannot be addressed by government alone. I agree. It has to be addressed by the community. We saw, particularly during the Asian meltdown in the late 1990s, talk that recycling by the community, particularly in recycling their waste paper, was at risk and that paper would go to the tip. The community was outraged. They wanted guarantees that their efforts were going to be fruitful, and we were happy to give those guarantees.

The government must show leadership. What it lacked under the previous environment minister, the Chief Minister, was leadership on these issues. They have rested on our laurels because we set up most of what was achieved. But they have not done a lot. Mr Hargreaves referred earlier to the list of things that they achieved. The list was pretty short and pretty well non-momentous. It is about movement; it is about making things happen. At the rate we are going, if the doomsayers are correct and the glaciers are all melting, the glaciers will be melted before this government gets anything in place on the entire issue of sustainability, greenhouse gas and climate change because their rate of change will be glacial. You may well have a beachfront

property if you live in Canberra because of the inactivity of this government. They simply have not got a clue.

Mr Hargreaves said he did not understand what a sustainability industry was. Dr Foskey says she wants to set up the ACT as a centre of sustainability industries. John, I am pleased to tell you that Mr Quinlan knew because he funded, through the knowledge funds, firms like Perpetual Water, who were setting up systems that were affordable and that people could incorporate in their homes so that they could contribute to sustainability. At the same time, you have got the industry based in Canberra. It shows that we are a smart city. It uses environmentally friendly materials. That is a sustainability industry.

Before that, we funded things like prime water. The prime example of that, pardon the pun, is at Tidbinbilla where the water retention system is. We have now got firms in the ACT like GECKO, who are using environmentally friendly building materials, that help make homes more environmentally friendly so that homes use less energy and we put less demand on the environment. They are the things we should be looking at. As we said in our creative Canberra document, environmental industries are an industry of the future and we should be capitalising on them on in the ACT. Yet again, we were ahead of the game; we knew exactly what had to be done; and we were out there doing it.

When you look at what the Chief Minister said, all you can say is that his plan was a long time coming. To have somebody stand here and say that it is a most significant issue for the century and virtually to have done nothing in the last five years, except unwind, wind back and delay what the previous government had done, shows that it is, again, just words. They are just words because they mean nothing.

It is very important that we all understand the part we have to play in this. We are lucky that, in Canberra—through a combination of climate, the expertise we have here, the research institutions that we have here, the government departments that we have here and the small business people that we have here—there is the potential and an enormous opportunity for Canberra to develop world-renowned expertise in sustainable energies. The word from Andrew Black of the ANU, which we were pleased to support as the previous government, is a clear indication of that.

I do not know whether members are aware of the Desert Knowledge CRC. It is a research centre that looks at desert-based technology. It is based in Alice Springs. They are doing enormous work that is applicable to our Aboriginal and isolated communities, but it has enormous potential to be taken overseas. They are the things that we have to be working towards.

With all due respect to the details of Dr Foskey's motion, I simply note that the Stanhope government has generally gone backwards in its approach to environmental policies and practices and in particular note that we used to be acknowledged as a world leader in sustainability; we used to be out there talking about it, selling it and making sure people knew that they could make a change; and we were a Mecca in many ways. Delegations from Wales, Mexico City, the Cook Islands, Singapore, South Africa and Australia used to come to Canberra to look at, for instance, NOWaste by 2010. But other places now have bypassed us on that whole issue. They

have gone much further than that. They were inspired by us, but they have now overtaken us because of the inactivity of this government.

There will be some excellent amendments from Mr Mulcahy that are based on reality. This is what we have to have in this matter. I think Mr Hargreaves said that at well. This has to be a debate based on reality. We have to make sure that we are all working towards the same end, to make sure that we create a benefit not just for the world but certainly for the city. We all have to make sure that we do it as quickly and as expeditiously as we can.

We are not seeing that level of leadership from the government. We are not seeing that level of programs from the government. I am sure Mr Hargreaves will take the opportunity to read the full list of things his government has done. I look forward to hearing it. I suspect it will still be quite a short list. That said, the government has now said that their cab sub will be out soon. I notice that Mr Hargreaves, in his amendment, used the Quinlanesque words “the government’s climate change strategy will be released soon”, which means anywhere from the end of this debate to sometime next year. We look forward to that.

There will be a lively debate about it because it is an issue that this community has an interest in, an issue that this community used to be quite proud of—what their government was achieving, not just locally, not just nationally, but also on the world stage, and making a difference—and an issue that they know that this government has been backsliding on.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.32): I thank Dr Foskey for bringing this matter to the attention of the Assembly this morning. The issue of climate change—global warming is perhaps better terminology, because that is essentially what it is all about—is a matter of the most significant importance. Today I focus on the issues of land use planning, transport planning and those matters which Dr Foskey refers to in her motion and which I believe the government is taking significant steps to address. I will outline places where we need to continue to focus our efforts.

Transport and land use planning is an integral part of addressing global warming and reducing greenhouse gas emissions. In this city, we already have a range of policy mechanisms in place to tackle this issue. This was recognised when we released the spatial plan in 2003. We said two very important things. The first was that we needed to contain growth within an urban containment boundary for our city, and we needed to try to then get that accepted in a regional framework as well. If you have highly dispersed settlement patterns and highly dispersed locations of housing that stretch out for kilometres, kilometres and kilometres away from the city centre, then you are fundamentally encouraging increasingly unsustainable levels of energy use associated with transport, particularly if your main reliance is on the private motor vehicle.

We said in the spatial plan that the urban containment boundary must be in place. That is 15 kilometres from the city centre. That is recognised and in place in the spatial plan. We also said in the spatial plan that intensification must occur within 7½ kilometres of the city centre. Again, that was designed to say that these are where the real gains can be made to reduce energy use associated with transport and

encourage a pattern of urban development that will support increased levels of public investment in public transport infrastructure to reduce the number of journeys that take place by the private motor vehicle.

So the fundamental policy setting is there. We have sought, since putting in place the spatial plan, to channel development activity to support that outcome and to do the planning work to put in place the public transport infrastructure we need to again reduce our reliance on the private motor vehicle and the energy consumption that it undertakes.

Let us be in no doubt about transport as a significant generator of greenhouse gas emissions. Outside the built form itself—outside buildings, commercial, retail and private dwellings—energy is the largest consumer. Transport is the second largest consumer. It is also the area where we can get some of the most significant gains. Dealing with energy reduction in dwellings, whether they are public buildings, private buildings or homes, is often more difficult because the buildings are already there; they were built 30 or 40 years ago; they are sited the wrong way; they often have inefficient systems of heating and cooling; and they have poor insulation and so on. That is intrinsically more difficult to tackle. That is not to say we should not tackle it; we should. I will come to that later. It is more difficult.

The issues of transport are where we can get some really significant gains in terms of changing people's behaviour and reducing our reliance on private motor vehicles. We said, in our policy settings for the spatial plan, we need to contain and manage growth, to encourage greater levels of sustainability in transport use. We also said that, when it comes to the types of journeys to work that take place, we need to try to shift people's behaviour. At the moment, over 80 per cent of all journeys to work are by the private motor vehicle. Actually, it is closer to 90 per cent. We said we want that down to 70 per cent by 2026. We set those targets in the sustainable transport plan and said we want to see increases in public transport usage, walking and cycling over the same period of time. We will put in place policies to achieve that as well.

Since that time, we have seen significant increases in public transport patronage. Yes, there have been issues with the off-peak services, but peak services, where we capture that journey-to-work market, are showing a significant improvement. We are on track to meet our targets on increased public transport usage for journeys to work. It is those journeys to work that make the difference. Those are the peak times; those are the areas where you can tackle congestion; and those are the times also when a large number of those journeys are simply from the home to the office and return. If we can get people using alternative transport modes, even for some of their journeys during that time, we can make a real difference.

The policy settings are strongly in place and are being implemented. If you look at the city centre at the moment, you will see intensification of uses in the city centre. It is also happening in our town centres and along public transport corridors. You will see more residential uses in the city, Woden, Tuggeranong, Belconnen and so on and more opportunities for people to live closer to other activities and reduce the need to undertake journeys by the private motor vehicle.

These challenges are real in Canberra and are significant because of the highly dispersed nature of our city. We are about half the geographic size of Melbourne, but with only 300,000 residents. That really highlights the real transport and spatial challenges we face.

What are the government's future directions in this area? First of all, when it comes to transport, we have recently released our new parking strategy, which is designed to put in place a policy framework that encourages people to consider other transport modes for some of their journeys. The proposals are modest but significant in the Canberra context, in terms of reducing the growth in the level of parking and in terms of putting in place a sustainable transport contributions fund to support other modes of transport into the future, not just car parking. Those are important measures.

On the land release and development side of things, we are undertaking the work in relation to Eastlake. Shortly I will be making a major announcement about the ACT government entering into an alliance with the CSIRO to develop a sustainable communities initiative at Eastlake. That initiative will see us using the resources of the CSIRO locally in terms of building and establishing a strong research base and parameters for the development of a best practice, sustainable development in Eastlake. That information will also be used for other development in the Molonglo Valley.

Finally, turning very quickly to the area of building: the government has runs on the board in terms of a mandatory five-star rating for all new single residential buildings. We have also put in place significant measures in terms of reducing water use by 40 per cent. So part of the water use must be reduced by 40 per cent in all new estates, homes and commercial buildings. Those guidelines were released by the government last year.

Further work is to be done on mandating and pushing the owners of commercial buildings and retail buildings to lift the energy performance of their buildings. The government is currently exploring a range of mechanisms to tackle this issue further, in conjunction with the Green Building Council of Australia. There are a range of initiatives on foot and already in place. The government believes it is taking an important leadership role in pushing these issues.

I conclude by highlighting that the government is also advocating at a national level the development of a national action plan to create sustainable cities around the country. Members may have seen some coverage of this in the *Sydney Morning Herald* a couple of weeks ago and in the *Canberra Times*. The ACT is a lead jurisdiction in encouraging all states and territories to sign up to a national action plan for sustainable communities, a national action plan that would see the commonwealth government providing support for initiatives that improve the sustainability of our cities, the establishment of a national commission for sustainability and the implementation of local action plans which deliver the outcomes on the ground in terms of environmental, social and economic sustainability for communities.

This agenda is a significant, wide-ranging and complex one. I welcome the opportunity to discuss it further with members if they are interested. The government

is committed to addressing these issues. Yes, there is more work to be done, but I believe, certainly in the land planning and transport planning side of things, we are leading the way and putting in place significant measures—measures that we will continue to build on into the future.

**DR FOSKEY** (Molonglo) (11.42): I would like to respond to some of the earlier speakers and, in doing so, speak to the amendment.

**MR SPEAKER:** You can only speak to the amendment.

**DR FOSKEY:** Thank you.

**Mr Hargreaves:** I raise a point of order, Mr Speaker.

**MR SPEAKER:** You can only speak to the amendment.

**Mr Hargreaves:** You are not closing the debate.

**DR FOSKEY:** I believe we have all been debating the amendment since the second speaker moved it. First of all, I want to disabuse both Mr Hargreaves and Mr Stanhope of the idea that the Greens naively believe that the ACT can follow all the provisions of the Kyoto protocol. That was never a part of my motion; therefore, that is one part of Mr Hargreaves's amendment that I can support. However, at the last count 300 municipalities in the US had adopted those targets. There is no doubt that these commitments could be deepened. It would have been rather good if we had seen an amendment that actually did stress our commitment and deepen it.

Unfortunately, Mr Hargreaves constantly takes a line of abuse when he is addressing issues that I raise in the Assembly. I know it is very personal abuse, but I do not take it personally. I think that people who observe the Assembly when such speeches are made walk away very disappointed in how we behave here. The abuse often indicates a lack of knowledge about the issue. It is the only possible excuse for it. I would not like to think that Mr Hargreaves is as nasty in all his relationships as he comes across here.

Mr Hargreaves suggested that I did not praise the government. I have only 15 minutes to speak to my motion; I do not believe that I can afford to waste time repeating the list of the things that the government has done—the list that I have heard over and over again in this place. It is a very short list; I have heard it many times and I was quite well aware that it would be mentioned by the government.

The big concern, of course, and the one that the amendment does not address, is the lack of a climate crisis strategy. It is not enough to assure the Assembly and the community that we are getting it soon. I used to say “soon” to my small children when they would ask, “When is dinner?” and I did not even know what we were cooking. “Soon” is not a particularly impressive answer.

The way Mr Hargreaves descends to personal abuse demeans his role as minister. I believe it earns the community's disrespect. I have not heard any addressing of the

issues that I raised—issues like “do we have a commissioner for the environment?” I would be very interested to hear about that at some time.

The government goes to great lengths to say that there is no way it could support my motion because it has to show that it is influenced not by the Greens but by experts. That is funny, though, because the Greens’ policy on these issues is informed by the experts. By “the experts” we mean the scientists, engineers and other people who work in the sustainability area.

The minister says that he does not have a clue what I mean by part 2 (e) of my motion, about developing a centre for sustainable industries. I see that it is missing from his amendment. That says more about the minister than the idea. I was pleased to see that Mr Smyth did understand what I mean and can see that it could be a very exciting thing. Unfortunately, that is something that the government has omitted from its motion; it shows that the government still doesn’t get it.

It might also show that they do not talk to the people in the community—those businesspeople, of whom there are many. They certainly do not listen. They do not listen in the Assembly, so I guess they do not go out and seek knowledge in the community either. There are people who need just a very small amount of support—like Perpetual Water, like Andrew Blakers. They have the idea; they just need the policy setting and perhaps a little bit of support to get those industries going.

Mr Hargreaves disparages the Greens but praises earlier governments. He forgets that it was the Greens that put the issue on the agenda in the first place. By the way, I have to apologise for getting very loud last time, as Mr Hargreaves said, but I was very aware that he was not listening. There are two things you can do when people are not listening to you. One is that you can shut up; the other is that you can speak up. I choose to speak up. I thought that if I raised my voice he might hear me, and apparently he did.

Mr Mulcahy is like any other person—interested to see the greenhouse strategy. No doubt he is partially reassured by the fact that there is one coming soon—like Christmas. It was coming last Christmas; it might come next Christmas. I will speak later on Mr Mulcahy’s amendment, which he has not yet put.

It was very good to hear Mr Stanhope’s more reasoned response to the motion. At least he acknowledged its importance without personal abuse or discouragement of the Greens’ role. No, we do not expect to take government in the short term. But if the Labor and Liberal parties keep trivialising these matters, which are of great concern to people in the community, then, if people have the choice between a dead planet society, which these two parties look as though they are becoming, and the Greens, they will probably choose the Greens.

I heard it again: “too small”. The ACT is small, but it has a very strong leadership role. We are a community with a very large ecological footprint, but we also have a large footprint in that we are highly visible as the national capital. Sustainability could become part of our brand, along with the national institutions that we like to trot out to attract tourists.



I would have liked to hear more from Mr Jon Stanhope as the minister for economic development. After all, he plays a major role in supporting sustainability industries. I did not hear Mr Stanhope speak in that way, and that concerns me, because it makes me wonder what exactly is happening in these areas. If we go by that speech, I suspect it is not a lot, and that is a worry to us all.

Mr Stanhope mentioned ACTPLA, and it was mentioned at greater length by Mr Corbell. I believe that ACTPLA is committed to change—I have seen a lot of change in the 2½ years I have been here—but I think it is relying too much on voluntary measures and on guidelines rather than regulations. It is not offering enough carrots or using enough sticks. And, of course, the development industry in this town does seem to have quite a lot of sway. Every time they say, “Too much, too expensive,” the government seems to bow down.

I am always pleased to hear Simon Corbell talking about transport. It is one of the things that I believe he does have a passion for and an understanding of. I wish that he were still the minister responsible for ACTION. It seems rather bizarre to me that the person who is responsible for transport is not responsible for ACTION—given that that is our major alternative to the car in this town. Every trip made in a bus, on foot, on a bike or in a full car is a contribution. That is the message that needs to get out there, not the all-or-nothing that denialists accuse the Greens of. Every time a car is left at home, we have made a contribution to reducing greenhouse gases. The government’s role is to make it easier for journeys not to be taken in a car.

Seventy per cent by 2026? We were well on the way—we were probably exceeding it—before the Costello report. But we all know what happened. I have not heard today whether it is the Costello report that has been responsible for the delay in the release of this strategy. We do know that there was a gutting of the Office of Sustainability, which I believe had charge of this process.

I do think that the Liberals need to acknowledge the federal coalition government’s role in diminishing the advance of our solar and other renewable energy industries, and sending them overseas. We cannot blame the ACT government alone for that. We know that the reduction in the renewable mandatory energy targets was a great disincentive.

Question put:

That **Mr Hargreaves’s** amendments, as amended, be agreed to.

The Assembly voted—

Ayes 9

Mr Barr	Mr Hargreaves
Mr Berry	Ms MacDonald
Mr Corbell	Ms Porter
Ms Gallagher	Mr Stanhope
Mr Gentleman	

Noes 8

Mrs Burke	Mr Seselja
Mrs Dunne	Mr Smyth
Dr Foskey	Mr Stefaniak
Mr Mulcahy	
Mr Pratt	

Question so resolved in the affirmative.

**MR MULCAHY** (Molonglo) (11.57): I seek leave to move a further amendment circulated in my name.

Leave granted.

**MR MULCAHY**: I move:

Omit all words after “notes”, substitute:

“(a) the need to recognise that actions need to be taken to develop a broad-based and co-ordinated approach to the issue of climate change; and

(b) the economic realities that affect policy implementation in this area; and

(2) calls on the Legislative Assembly to:

(a) commend the work of the Federal Government in playing a major role in the Asia-Pacific partnership on clean development and climate with key countries such as China, the USA, Japan and India; and

(b) encourage broader implementation of such Federal Government programmes as the Greenhouse Challenge Plus in mitigating and abating greenhouse gas emissions in partnership with industry and local communities.”.

As I indicated earlier, there is important work going on at a national level, and it is critical that we recognise this. There has been an enormous amount of rhetoric that has been perpetuated by the Greens. I must say that I noted with some interest that today even the Chief Minister was not willing to accept the notion advanced by Dr Foskey that you could give strict application to the Kyoto protocol and apply it across the ACT.

Clearly, as I indicated, Australia has played a vital role in terms of climate change issues. Despite not ratifying Kyoto, we have not achieved the targets that were established through our own policy initiatives. As the debate continues internationally, we have held the view that the new protocol will need to recognise that Australia does have natural resources; we cannot allow ourselves to be economically disadvantaged as a consequence of this push by the Green movement to embrace all things European. The European countries that have been such strong advocates of this have an appalling track record in terms of compliance; I put those figures on the record earlier.

For its part, the Australian government is tackling this issue in a constructive fashion. It has engaged with the two most populous nations in the world, China and India. It has engaged with the world’s strongest economy, the United States—and then Japan. For that reason, it is important that we recognise the lead role that we are playing in the Asia-Pacific Partnership on Clean Development and Climate.

I have spoken in some detail about the Greenhouse Challenge Plus program. I will not get into more detail on that, other than to say that I have personally worked with the

Greenhouse Challenge program since the mid-1990s and I can attest to the enormous success they have had in the hotel sector. There were massive savings generated for hotels. It was done in a no-regrets fashion. There were illustrations that in many hotels there was enormous wastage—for example, in kitchens, with salamanders being left on throughout the day and gas being wasted, and with different practices in lighting in car parks and the like. All of these things could be addressed without disturbing the amenity of the hotel. Most people have seen the pretty much stock standard line saying to hang your towels up if you do not want them replaced.

But a vast amount more has occurred, and it was possible only because of the greenhouse program established by the federal government in the mid-1990s. That program has been embraced by industry. It has avoided the necessity for the job losses that people sometimes see as an inevitable consequence of environmental reform. It ensured that the amenity of people utilising those facilities throughout the country was not disturbed in a fashion that they would find uncomfortable, but at the same time it tackled important issues related to energy.

There was one hotel in Darwin that had an energy bill of a million dollars a year, because of airconditioning and the tough climate in which they operate. These are major cost issues for businesses. If governments can develop improvements through partnerships, they should be embraced—not criticised as happened when I announced the submission last year.

**Mr Hargreaves:** Was Brian Burke involved with the AHA initiative?

**MR MULCAHY:** It was an AHA program, and it was a very successful one. It was supported by the Australian government.

**Mr Hargreaves:** Did Brian Burke advise on it?

**MR MULCAHY:** No. I have never met Mr Burke, I am happy to say.

**Mr Hargreaves:** Is that right?

**MR MULCAHY:** I've never had lunch with him.

**Mr Corbell:** I bet you are.

**MR MULCAHY:** And I have never had any dealings with him.

**Mr Hargreaves:** That is not what the paper says.

**MR MULCAHY:** Not me. No.

**Mr Hargreaves:** The paper says the AHA was one of his clients.

**MR MULCAHY:** Not me. Not me.

**Mr Barr:** Given the edict, Mr Mulcahy, I bet you are.

**MR MULCAHY:** I have never met him, I have never laid eyes on him and I am very happy—

**Mr Hargreaves:** Were you with them when the AHA was a client?

**MR MULCAHY:** I am very happy that I was not at any lunch with Mr Burke. But let me go back to the topic in question, the amendment. I say that without hesitation. At the local level, though, Mr Smyth detailed some of the initiatives taken when he was the minister. It is important that actions are the feature of policy in this area, rather than rhetoric. I have heard about the New Zealand initiatives and I have heard Dr Brown. The first time I saw him he was sitting on Mount Wellington in an igloo in 1976, protesting because the Americans had a warship in Hobart—a nuclear-powered warship. They said they wanted it to park a few hundred metres down the river in case the nuclear bombs went off: it would be safer down there and it would not affect the city. Interesting science! I think he should stick to general practice and not go in for nuclear science.

I have heard Dr Brown's rantings for the past 31 years. Good luck to him. What you need in these areas of environmental management are applied measures along the lines that Mr Smyth pointed out—actually getting on with the job, understanding and working with the community to try and reduce energy waste and things such as smoke issues, particularly out in the Tuggeranong Valley. For that reason, we on this side are anxious to hear what the government's greenhouse strategy will be all about. It is all very well to criticise—

**Mr Corbell:** Climate change—climate change strategy.

**MR MULCAHY:** Climate change strategy—so be it. The fact of the matter is that this side was criticised; we were told that the earlier plans of the Liberals were too ambitious, too costly. If you are going to knock something down, you have to have something to replace it with. We have been sitting waiting patiently, and “soon” has become quite a long time. I was sweating to see this wonderful document at Christmas. Christmas came and went, and we still have not seen it. I am hoping that we might see it by Easter, but I would not be holding my breath. We will see what happens in terms of the tangibles there—what the answers are for the territory. I hope that in these programs we have applied measures that are realistic and—rather than being measures that are anchored in rhetoric and ideology, that deal with global approaches—take the issue back to how this can work in the Australian Capital Territory.

I hope that the minister will have that approach. We will be looking to support things that we think are sensible and for the betterment of this territory and the community in which we live. I do not think the environment is an area that can be monopolised by those who call themselves activists. We all have an interest in the environment, for our subsequent generations. It has been politically a populist issue since about the 1970s, with the Franklin Dam movement and so forth, but I speak to many people who went bushwalking 30, 40 or 50 years ago and who take offence at assertions that they are not part of the environment movement and who take offence when they are dismissed as people without a view of the environment. This is an area in which we all have ownership: we are entitled to have ownership and we all should have

ownership. It is for our own children and subsequent generations that we have to ensure that the environment—

**Mr Hargreaves:** Have you got green power on at your place?

**MR MULCAHY:** I do not have any grandchildren yet, but—

**Mr Hargreaves:** Have you got any green power on at your place?

**MR MULCAHY:** Green power at my place? I have got green lights.

**MR SPEAKER:** Order, members! Mr Mulcahy has the floor.

**MR MULCAHY:** In conclusion, it rests with this territory government to get on with the job of producing this strategy, getting it out there, ensuring that there is ample public consideration of it and ensuring that it does contain measures that are realistic, that are achievable and that will improve the society in which we live.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (12.06): I thank Mr Mulcahy for raising the issue of developing a broad-based and coordinated approach. When Dr Foskey brought this motion on this morning, I thought it would be appropriate to make some observations around the ACT education system and how we are seeking to embrace ecological sustainability within our education system, in our school buildings and also through our curriculum in terms of educating the next generation of Canberrans on the importance of looking after our environment. As Mrs Dunne has noted, I have raised this issue before, but—

**Mr Hargreaves:** That is why she is hiding over there.

**MR BARR:** That is why she is hiding over there in the corner. It is important to take this opportunity to put some of the achievements on the record again and to look forward to how the government will be expending our \$90 million capital injection into government schools—an injection that I note Mrs Dunne has described as throwing good money after bad.

I would like to note that we are promoting a whole of building approach in our schools—something that Mrs Dunne has noted—when we look at the design and upgrade of our facilities and also in building new school facilities. The sustainable design approach is about making buildings more energy efficient, improving their air quality and reducing their greenhouse gas emissions. This approach is being incorporated into our existing buildings and, of course, in all new buildings.

An example is the new Harrison school, which, members would be aware, the ACT government funded with over \$21 million in this year's budget. It is being built with a green building approach. Emphasis is being given to making the building energy efficient, improving air quality, capturing and storing rainwater for recycling, and reducing greenhouse gas emissions. The design features of the school will address ecological sustainability and the issues of greenhouse gas emissions and climate

change. This design builds on the success of Amaroo school, which won an MBA award for national environment and energy efficiency for the building.

**MR SPEAKER:** Mr Barr, you should draw a connection between that and the amendment that is before the house.

**MR BARR:** I am talking about the broad-based and coordinated approach to the issue of climate change

**Mrs Dunne:** And also on repetition. He has made this speech several times before.

**Ms Porter:** Is it mentioned in the amendment?

**MR BARR:** The first part. Part one. Mr Speaker, I am responding to the need for a broad-based and coordinated approach to the issue of climate change. I am commenting on the approach that is being taken within my portfolio of education.

**Mr Corbell:** Energy efficiency of buildings.

**MR BARR:** Yes.

**Mr Corbell:** It is about the energy efficiency of buildings, which is relevant to climate change.

**MR SPEAKER:** Proceed.

**MR BARR:** Thank you, Mr Speaker. As I was mentioning, the Amaroo school won a master builders award—

**Mrs Dunne:** It is a lovely one. It has a window.

**MR BARR:** Yes. The Birrigai outdoor school, which we opened in May last year, also addresses sustainability issues, making use of solar power, low water use appliances, and natural ventilation and lighting. I am pleased to advise the Assembly that the new P-10 schools in West Belconnen and Tuggeranong, and the new college in Gungahlin, will also follow these design principles and will be responsive to the demands of environmental sustainability and climate change. I can advise that 13 government schools are participating in the Sustainable Schools pilot program, which has begun to coordinate each school's approach to environmental sustainability through the establishment of a school environmental management plan. This approach complements existing programs in schools such as Energy Smart, Wastewise, Waterwatch, Waterwise and Landcare. The program educates students about the importance of caring for and respecting the environment.

It is not just new schools that boast these initiatives. We are aware—I have highlighted it in this place before—that Campbell high, Farrer primary and Hawker primary also have initiatives and have won awards for their approaches to environmental sustainability.

These are just a few of the projects that have been undertaken in our schools. The government would like to see this approach expanded across all our schools. A major component of the record \$90 million capital investment over the next four years will be the retrofitting of older schools to make them more ecologically sustainable. We will be taking advice from groups such as the Green Building Council of Australia, which is developing a green star rating tool, in order to fund projects within our schools that improve energy efficiency.

It is not just our schools that are becoming more ecologically sustainable. The Canberra Institute of Technology has also embraced the need for environmental sustainability. Over the past decade, it has progressively implemented strategies to reduce energy and water consumption and to recycle waste. I am pleased to advise the Assembly that these measures have reduced energy consumption at the CIT by over 35 per cent; water consumption has been reduced by 40 per cent and waste disposal by 45 per cent. The CIT seeks to continue to improve on these outcomes. It is undertaking further audits on electricity, gas and water consumption, to identify further areas of saving in terms of energy consumption and maintenance costs and seeking to deliver greater efficiencies in these areas. The CIT is also teaching students about emerging sustainable technologies, particularly in areas such as engineering, automotive, construction and plumbing.

As previous speakers have identified, we all have a responsibility here. It is important that our education system takes the lead in these areas. We take this responsibility very seriously through all of our educational institutions and will continue to educate our students on the importance of respecting the environment.

**MR SPEAKER:** Mr Barr, I apologise for the point I raised with you earlier. I had not realised that you had not spoken on the motion.

**DR FOSKEY** (Molonglo) (12.12): I am glad you clarified that, Mr Speaker. I was wondering in what way Mr Barr's speech was a comment on the amendment. He has had his say now. I acknowledge all those things. I acknowledge everything that is being done to reduce our greenhouse gas emissions. I also acknowledge, as Mr Mulcahy said, that there are great gains to be made by no-regrets actions: those gains not only are good for our greenhouse gas emission reductions, but also make business sense.

But it is simply not enough. It is always very interesting to see the way Mr Mulcahy has a bit of a go at the Greens. He said that Bob Brown sat in an igloo. It is an interesting image, and I can imagine him doing it, but I do not really see its relevance, except as part of a belittling and demeaning process that I guess we will continue to see in the lead-up to the federal election.

Mr Mulcahy's motion and speech raise some questions for me. For a start, has Mr Mulcahy read the Stern report? Does Mr Mulcahy know that Stern is a World Bank economist who comes from probably the same neo-liberal background as Mr Mulcahy.

**Mrs Dunne:** I raise a point of order, Mr Speaker. This is not question time and Mr Mulcahy cannot answer those questions—

**MR SPEAKER:** Order!! They are rhetorical questions, I am sure.

**DR FOSKEY:** Does Mr Mulcahy know that the Stern report—

**Mr Mulcahy:** Did you not read my media statement on the Stern report?

**MR SPEAKER:** Order! Order, members, please. Can we quieten it down a bit? Dr Foskey has the floor.

**DR FOSKEY:** I just wish that everyone in the Canberra community was watching the level at which this debate is being conducted. Has he heard of the Allen Consulting Group? Did he read their report to the Business Roundtable on Climate Change? The fact is that these people are not coming from outside the discipline. I am well aware that most economists are not able to take on issues that are raised outside the discipline—and not only outside the discipline, but outside the very narrow, neo-liberal economics which is currently taught within our institutions. The fact is that these economists—

*Members interjecting—*

**MR SPEAKER:** Order! Members, there are too many conversations going on in the room. Dr Foskey has the floor.

**DR FOSKEY:** These economists are all saying that, if we are going to avoid economic collapse as well as ecological collapse, we have to act now. We will have a great deal of regret if we do not. I think I heard Mr Mulcahy belittling the New Zealand government because it has adopted a zero-emissions target. Does he think that New Zealand is interested in sacrificing its economic growth because it cares about the rest of the world? New Zealand sits in the Pacific; it has a lot more contact with our Pacific neighbours—

*Members interjecting—*

**MR SPEAKER:** Order! We have got a conversation going on my right and interjections on my left. Order, please!

**DR FOSKEY:** New Zealand is much more aware that it will be the recipient of many more environmental refugees. In countries like Tuvalu and Kiribati we are already seeing the impacts of rising seas. These are real impacts; this is not just me imagining and talking.

We can all install fluorescent long-life light bulbs—I believe the federal government is going to spend quite a bit of money persuading us to do that—but these fluorescent light bulbs contain mercury. Things have to be thought through. We might have a mercury problem. Is that better? Is nuclear power better? We will have a radioactive



waste problem instead of a greenhouse problem—actually, as well as a greenhouse problem. We have to think it through.

Ian Lowe has written an article I want to mention. Ian Lowe is a scientist. He talks about what has been happening to scientists who have spoken out. CSIRO has been a particular part of that agenda. We have had the CEOs of large companies like BP, Westpac and Origin Energy prepared to call publicly for the very measures that I mentioned in my motion and that are rejected by Mr Mulcahy. These are obviously not the business voices that the Howard government is listening to—the ones that I believe Mr Mulcahy is representing here today. Ian Lowe writes:

The depressing conclusion is that the present government has gone to extraordinary lengths to silence independent opinion within the research community. Individual academics, the university system as a whole, government research organisations and individual scientists now practise what a colleague called the “pre-emptive crumble”, falling over before they are pushed and taking great care not to antagonise Canberra.

That is because, of course, Canberra is where the money comes from.

We might see some interesting things happening here. Mr Mulcahy says we are a resource-rich country. But what if other countries decide they do not want to buy our coal? China is making a lot of noises. China is very well aware that it is losing social and environmental amenity due to its incredibly polluting industrial nature. China has a 20 per cent renewable energy target. It might stop buying our coal. That will show us, won't it?

Mr Mulcahy said that we should have realistic targets. The only realistic targets are those that will achieve the reductions that are clearly necessary. Let us get realistic here—not about what industry wants: it wants to continue with the same old same old; it wants to use up every bit of coal and then move on to nuclear power production. Here we have someone who is speaking as though the economy can exist without ecology. How can we have an economy if we do not have the resources upon which it is based: clean water, and plenty of it; and clean air, because people need to breathe and be healthy. We need healthy people to have a healthy economy; we need a healthy environment to have a healthy economy.

Furthermore, Mr Mulcahy's motion ignores all the work from economists that shows that a strong economy is possible without burning fossil fuels at the rate we do. We know that clean coal is a furphy at present. Carbon sequestration, underwater sequestration—all these sorts of ideas are at least a decade away. The amount of money that is being spent on these technologies could be much better invested in things like wave power—which is just sitting there waiting for harvest—and exploiting and supporting our solar industry, which is our major industry.

With the very interesting conversation that we are having now, it is as though Mr Mulcahy has not read the literature. I will be very interested to see his comments. I was expecting him to deliver to me an annotated version of the Stern report, with the refutations of the arguments within it. I believe that, unless he can convincingly refute those arguments, he does not have any economic credibility in relation to this issue.

Question put:

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

The Assembly voted—

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

Question so resolved in the negative.

Motion, as amended, agreed to.

**Sitting suspended from 12.25 to 2.30 pm.**

## Questions without notice

### Bushfires

**MR STEFANIAK:** Mr Speaker, my question is to the Chief Minister. Chief Minister, on 13 May 2004 you advised the Assembly as follows:

It is a matter of record that on the afternoon of Monday, 3 May—Monday last week, budget eve—a member of my staff informed me that telephone records of Mr Mike Castle, the Chief Executive of the Emergency Services Bureau at the time of the bushfires, as tendered to the coronial inquiry, showed he had made a call to my mobile telephone at 7.14 pm on 17 January 2003. I was told that Mr Castle's records showed the call lasted six seconds.

Chief Minister, why didn't you take Mr Castle's call, and did you check your message bank later that evening to see if you had missed any important calls?

**MR STANHOPE:** I did not take the call—I assume because I did not hear the phone ring or I was otherwise distracted. I cannot remember exactly what I was doing at 7.14 pm on the evening of 17 January 2003. What were you doing at 7.14 pm, Mr Stefaniak? Did you take the call that you received?

**Mr Stefaniak:** I was actually on a bus to Wollongong.

**MR STANHOPE:** Yes. I would know if I was on a bus to Wollongong, too. At 7.14 pm—

**Mr Stefaniak:** Reading a book about the French contribution to World War I.

**MR STANHOPE:** You, Mr Stefaniak, were obviously seriously alarmed by the circumstances of the territory on 17 January! You left town. Such was the level of

Mr Stefaniak's concern as a resident of western Belconnen on the 17th that he baled out and left town. At this stage I assume that I did not take the call because I did not hear the phone ring. Why I did not hear the phone ring is probably susceptible to a whole range of possibilities—possibilities that at this stage and this juncture have no answer. I do not know what I do not know. I do not know why I did not answer the phone that evening.

In the context of claims that have been made about this as recently as today, particularly by Mr Smyth, I can refute them absolutely—as just completely and blatantly false. Mr Smyth said this morning:

We've been asking him to verify where he was and what he was up to because on that night, the night of 17 January, he was the only government minister on duty. He was the government and he should have had the phone on and he should have been taking calls because if a state of emergency had to be declared that night he's the only person that could do it. Yet they couldn't find him. He was AWOL, he was absent without leave, nobody could find him, nobody knew where he was till 12.30 the next morning.

That is a complete fabrication. Not a single one of those assertions is true. I did have my phone. I was available. I was contactable. The Emergency Services Authority did not seek to contact me. They did not seek to contact my chief of staff. They did not seek to contact my media adviser. They did not seek to contact a single person in my office. They did not seek to contact the Chief Minister's Department. There was no attempt to contact me—or my chief of staff, my media adviser or any other of my advisers on that particular evening.

**Mr Stefaniak:** What about the six-second call then?

**MR STANHOPE:** Every one of those assertions is simply false. You stand here today and say, "What were you doing at 7.14?" I can think of a range of things—some of them quite private—that I may have done at 7.14 that led me to perhaps miss the phone call.

Do you want me to dwell on those? Do you want me to speculate on those? Do you think that would be helpful to this forensic inquiry of yours—this post-coronial inquest? Of course, it is an issue which was agitated by the coroner. This is a significant vote of no confidence in the coroner by the Liberal Party. I gave a statement. I was called as a witness. I was examined. These issues were raised by counsel assisting—a most significant senior counsel. He raised these issues in his examination of me in the court.

Are you dissatisfied with the coroner's assessment of these issues? You wish to go where the coroner perhaps went and where the coroner perhaps desisted from further investigation. What is it precisely about the coroner's examination of this issue that does not satisfy you? You want to revisit the coronial process. You want to express this vote of no confidence in the coroner that you are expressing now. This matter has been agitated. I was available. The fact that I was not contacted that night—nor was my chief of staff, my media adviser et al—is a complete vindication of the position which I and my colleagues have been putting about the advice available to us: about the advice available to us on the Friday night—

**Mr Stefaniak:** Meaning they tried to contact you.

**MR STANHOPE:** Through the cabinet meeting of Thursday. Here we have the Leader of the Opposition saying, “Oh, they were trying to contact you”—a six-second call at 7.14, which was not repeated. A six-second call at 7.14, not taken and not repeated! No call to my chief of staff. No call to my media adviser. No call to anybody in my office. No call to the head of the Chief Minister’s Department. All of a sudden, this is some dereliction! A single call that was not taken represents drastic or dramatic attempts to contact me! What a nonsense.

**MR STEFANIAK:** Mr Speaker, I have a supplementary question. Chief Minister, why didn’t you check the message bank on that evening—or the following morning—to see if you had missed any calls?

**MR STANHOPE:** I presume I did.

### **Bushfires**

**MR SMYTH:** My question is to the Chief Minister. On 16 January 2003, cabinet was briefed by senior officers of the Emergency Services Bureau on the status of the bushfires that were burning in the Brindabellas. When Mr Quinlan was asked in the Assembly on 3 March 2004 about his understanding of the severity of the bushfires, as opposed to what was disclosed at that briefing, he said:

... I was aware that the following week would be pretty tough, but I knew I could relax over the weekend.

Was this the same rationale on which you based your decision to make yourself incommunicado on the Friday night?

**MR STANHOPE:** For the sake of his drastically or dramatically wounded pride, reputation and honour—an honour that will never, ever be restored or recovered—Mr Smyth had to stand up today to show us how brave he was and ask another question on the same subject because he is tough and brave; he has got broad shoulders, as we heard this morning. For the sake of his completely tattered reputation and honour, which no longer exist, the question had to be asked. It is interesting on this question of honour that there is a whole range of stories on the fire that will probably never be told and that perhaps should be told and not lost to the distance of time.

I recall, in fact, the long afternoon and evening of the 17th and that late in the night, after a most horrifying and traumatic day for everybody concerned, the Emergency Services Bureau central staff had spent the day at some distance from the fire. It is an interesting experience to be that far from an emerging and then palpable disaster and not be able to see it and not be at the front. We spent the entire day in that circumstance.

The point I make is that during that entire time we had no contact with fire fighters, either urban or rural; they were out fighting the fire, except that later in the evening,

I think it was probably after 10.00 when we were still consulting on a range of things, a rural fire fighter came into the Emergency Services Bureau. The one and only rural fire fighter I saw that day was Mr Smyth. He came into the centre at, I think, about 10.00 or 10.30. He walked in, walked down the corridor, turned around, walked back, went down another corridor, walked through a few offices and came back.

I was talking at the time to Peter Lucas-Smith and Mike Castle. I said to Mike and Peter, because I was feeling a bit awkward that Mr Smyth was not doing anything or talking to anybody, "He is obviously looking for something. Perhaps somebody should give him a hand." The response came back: "Oh, no, there is no way we can help him. The TV cameras left half an hour ago." The only visit to the Emergency Services Bureau headquarters by a rural fire fighter on the evening of 18 January was by Mr Smyth, and the knowing response of the Emergency Services Bureau senior headquarters was: "There is no way I can help him. The TV cameras have already left." That sums up Mr Smyth's sorry role in all of this.

**MR SMYTH:** Chief Minister, why do you think it is acceptable for the position of Chief Minister of this territory to be a 9.00 to 5.00 job, especially in the face of the impending disaster?

**MR STANHOPE:** I work extremely hard, always have and always will, as Chief Minister—a position which I hold with enormous honour and respect; a position, I am glad to say, for the sake of the people of the ACT, Mr Smyth will never hold. We thank the wisdom of his colleagues for that, to some extent. It was a decision that they had to take and in relation to which there was no alternative. It is a position which I hold with enormous honour and gratitude, which I intend to hold for quite some time yet, which I enjoy and in relation to which I work enormously hard. On any day of the week, compare my work program and my hours with those of anybody in this building and I know what the result would be.

## **Bushfires**

**MR SESELJA:** My question is to the Chief Minister. Minister, yesterday you gave your account of the meeting called on Saturday, 18 January at 2.00 pm where it was agreed to declare a state of emergency. Chief Minister, why does your account of the meeting contradict the account given by the chief police officer under oath to the coroner?

**MR STANHOPE:** I gave an account of the meeting under oath to the coroner as well and I stand by it.

**MR SESELJA:** I ask a supplementary question. Chief Minister, who called the meeting and what was its purpose and agenda?

**MR STANHOPE:** I think those are facts that are probably able to be determined through a study of the transcript of the coronial inquest. I would refer the member to the transcript. I am sure he can find the answer to those questions.

## Hospitals—elective surgery

**MS PORTER:** My question is to the Minister for Health. Given that the provision of essential and elective surgery by public hospitals is a crucial element of the provision of high-quality public health services to the people of the ACT and one that can place significant pressure on our hospitals, can you advise the Assembly how our hospitals are performing in this regard and of the extent of the demand for public hospital surgical services in the territory?

**MS GALLAGHER:** I can say that our public hospitals are busier than ever. We are seeing an unexpected and significant increase in the demand for emergency surgery services—up 13 per cent for the last six months, or 512 separations, totalling just over 4,000 emergency operations for the first half of this financial year. At the same time, access to elective surgery in the ACT has been maintained. We have seen 4,537 elective surgery procedures and removals from the list, an amount which is on track with the first half of the last financial year. Overall, we have had a six per cent increase in total surgical activity across the two public hospitals in the ACT.

Whilst we could not have predicted this growth in emergency surgery, I think that the important thing to note here is that we have been able to maintain our capacity to deliver elective surgery, despite this increase in demand for emergency surgery. In the past, a demand of this magnitude—a 13 per cent increase in emergency surgery—would have meant a decrease in the access to elective surgery. That has not been the case.

That is about the investment this government has put into surgical services. It is not just about the dollars, of course, which we have discussed before. It is about the work that is being done to make sure that we have a strategy to deliver services on demand in the future.

We have established the Surgical Services Taskforce, which has as its membership our senior surgeons, nurses and administrators. Their job is to identify new ways of improving the services to the community. It is in its early stages, but I have attended a meeting of that task force and I am confident that this body, because it is made up of people who work in the area—the surgeons, nurses and people who organise the surgery—will be able to come up with solutions for making sure that our surgical services are delivered in the most efficient, patient friendly way that they can be.

This task force will complement the work of the Critical Care Taskforce which has been established to set the direction for critical care services in the future. Already, this task force has delivered on an enormous amount of work. There is an intensive care network strategy for the region, and an inter-hospital transfer policy is already in place.

That is some of the work going on behind the scenes. It is work that is being supported by the addition funding that we have provided to increase access to surgery overall at the hospital. We have increased the operating theatre times. We have commissioned a night theatre at the hospital. We have doubled the amount of non-elective orthopaedic surgery sessions at the Canberra Hospital this year in direct

response to the demand that orthopaedic surgeons were experiencing to address some of the needs of their patients.

The access improvement program recently moved on the surgical journey. It will look at how things such as the operating theatre lists work, theatre start times, improving communications across the hospital between the theatres, and how the procedures around day surgery operate. There is a lot of work being done to make sure that we are in a position to meet the needs of our region as the regional hospital, that we are able to deliver on emergency services and that, at the same time, we are able to deliver all the elective surgery that we need to do across the community.

For those who are interested in the elective surgery waiting lists, I have recent data. Mr Smyth, I endeavoured to provide it to your office today as well; that is how recent it is. There was a small increase in the elective surgery waiting list, of 17, over the four months that we were not able to report due to problems with the patient administration system. Your media release could say that the elective surgery list is up by 17, but 17 is not unusual in the sense that that is the figure for December, and at that time, of course, not a lot of elective surgery is performed at the hospital. The people in his office could start drafting the release now.

It is up by 17 but, importantly for those who are waiting for surgery, we have seen a 12 per cent decrease in the long waits, or those who are waiting more than one year. That is still not good enough. There are still too many people in the long waits, but in all of the criteria we have been seeing big improvements over the past year in access to elective surgery.

**MS PORTER:** Mr Speaker, I ask a supplementary question. How has the government been able to respond to this increase in demand for surgery?

**MS GALLAGHER:** I thank Ms Porter for the supplementary question. I have outlined some of the ways. We have looked at this very strategically. It is about additional money—that is for sure. In every budget we have provided more money for elective surgery. In this budget we allocated \$2.5 million for additional elective surgery, \$3 million for additional bed capacity, \$1.5 million for additional acute aged care capacity and extra money to increase the capacity of our emergency departments. As I said yesterday, it is about looking across the system, not just a one-solution-fits-all to deliver the outcomes we want to see.

Yesterday I spoke about 126 additional beds. Not all of those beds are in the surgical services area. However, we are seeing that the increase in bed capacity across the system will enable the hospital to deal more flexibly with changes in demand. We have funded additional medical and nursing staff, and the biggest example of this was in the 2004-05 budget where we had \$3.2 million to fund additional surgeons. That funding has greatly improved access to emergency general surgery and has reduced some of the waiting times for elective general surgery. This flexibility is required to respond to the changes in demand for services across the system. We are seeing a big increase in emergency surgery demand. But at the same time, while we removed over 4,700 from the waiting list in the first six months, the waiting list remains fairly stable at around 4,720. So the demand still remains and we have to keep working on it.

The elective surgery performance measures have not been reported in recent months due to the new patient administration system. We feel that most of the issues around that have been resolved now but there are a couple still outstanding. We report more than any other government in Australia on the performance of our health system and we are very proud to do that. I think it is important information to have. However, most of the issues have been resolved. There has been a small blip in access to some information but we will be in a better position to provide that—

**Mr Smyth:** A “small blip”? It was four months, wasn't it?

**MS GALLAGHER:** Well, we prioritise, making sure that patients are looked after in the hospital and Mr Smyth's need to have an accurate waiting list figure probably slipped down the line a bit in terms of issues that needed to be dealt with at the time. But we have been working on it.

The information is all there and we are happy to provide it to everyone. We will have the figures for January and February fairly soon. There may be some minor changes to the numbers as the final refinement to the data is made but the overall picture is not expected to change. What that shows is more emergency surgery than ever before and increased access to elective surgery. We have all of the staff at the hospital working together on solutions to more long-term management ways around how surgery is performed at our hospital to make sure that it is delivering the most efficient and patient-friendly surgery that can be done. But all is well really. I will wait and see how the negative slant can be put. Really, the only negative figure that I can see is the increase in 17. But I sure there is something else and I will respond to that, as I do most graciously, on the radio when it comes out.

### **Water—recycling**

**MR MULCAHY:** My question is to the Chief Minister. Chief Minister, it is a matter of public record that only now has Actew come up with a contingency plan to pump recycled water into an expanded Cotter Dam to protect the ACT if water inflows to the territory's reservoirs continue to be worse than originally forecast. Can you explain why your government has taken almost six years to act on an increasingly dire situation? Why, only after almost six long, dry years, is a contingency plan now being developed?

**MR STANHOPE:** I thank the shadow Treasurer for the question. I think it does deny just a tad of history, the fact that, in the view of the Australian Bureau of Meteorology, over the last six years Australia, including this region, has experienced the worst drought in our recorded history. Indeed, the bureau of meteorology is now suggesting a worst drought scenario well beyond our recorded history. This is highlighted by the fact that 2006 is now regarded by the Australian Bureau of Meteorology as the worst ever drought year suffered in Canberra post or pre European settlement.

The dam capacity that we currently enjoy through the four dams within our system is, in the view of some, capable of ensuring a secure supply for a population well over two times that which we currently have, and that includes the region. We have been in government for just over five years, and in relation to the sixth year that Mr Mulcahy



talked about, he would perhaps need to ask some of the colleagues sharing the bench with him.

I notice and I comment again on the clever politics of an aspiring leader. In every question Mr Mulcahy leaves just a gap which allows the obvious criticism of those of his colleagues who previously occupied the government benches. Here it is again. Who was the relevant minister? I am not quite sure who it was. In fact, it was now Senator Humphries, and his senior policy adviser on water, of course, was Mrs Vicki Dunne. But, then again, she is on your side in this never ending leadership dispute.

We are now counting down the next 18 months to the election. Let us be blunt about this. We do know, Mr Mulcahy, that it will be you and I that go head to head at the next election. We all know it. Your colleagues know it. Mr Stefaniak might not be fully aware of it yet, but in his heart in the quietness of the night he knows it. I do look forward to the stoush in 18 months time, Mr Mulcahy. I am sure it will be fun, but you have not got a hope.

**MR SPEAKER:** Order! Can we come back to recycled water?

**MR STANHOPE:** I will. I am coming back to recycled leaders. I will stick to recycled water and not persist with the recycling of leaders. We are up to—what is it?—three or four. Actually, we could get to the next election with four separate leaders of the opposition in a single term. That would be an all-time Australian record. We might make it that in a four-year term; we might see four separate leaders of the opposition before we actually get to the election.

**Mr Mulcahy:** Mr Speaker, I raise a point of order as to relevance.

**MR SPEAKER:** Can you, Chief Minister, in the next minute and a half, come back to recycled water?

**MR STANHOPE:** I will. Mr Mulcahy, I am pleased always to receive questions on this government's responses to water because over the last four years they have been quite magnificent! We have invested in the order of \$100 million on infrastructure. We were prepared to pursue innovative initiatives such as the Cotter-Googong bulk transfer system. That initiative was resisted by you and was resisted by your previous minister for the environment, who was responsible for water.

We would be in far more serious circumstance now if it was not for some of the innovative steps that we have taken. For the first time ever in Canberra's history, we have the capacity at Stromlo to treat all the water which our people need on a daily basis. That is something that you should have had in place, but did not in your previous seven years. You left this city exposed and without the capacity to treat water. After seven years in government you left the catchment in such a state that it did burn as it did because you did not do any of the remediation or hazard control work that you should have done.

There were seven full years of neglect. There was no water treatment capacity and no capacity to think laterally to actually develop a capacity to transfer water from the

Cotter to the Googong. There was a fetish with the construction of the Tennent dam, a dam which would not be full now. At the last election, Mr Smyth promised that the day after the election, after they converted that \$100 million of capital for the prison into \$100 million of recurrent expenditure for the hospital, they would start building the dam. (*Time expired.*)

**MR MULCAHY:** I have a supplementary question, Mr Speaker. Chief Minister, why, with the benefit of the knowledge of a trend of consistently low inflows, did your government not act in 2004 to expand the territory's water storage capacity? Isn't it true that if you had done so such a facility would now be well advanced towards completion?

**MR STANHOPE:** We could have concentrated on the Tennent Dam, as the Liberal Party would have, had it won the last election—an option which I understand from briefings that Mr Mulcahy received from Actew he no longer supports. I understand that Mr Mulcahy's last conversation with the Chief Executive of Actew, and Actew post a detailed briefing on the situation we currently find, was that the Tennent Dam option is a dumb option—and of course it is.

We could have, as Mr Smyth promised to do on the day after the last election had the Liberal Party won that election, commenced construction. I remember the words now: "We will commence construction the day after the election." That was the promise 2½ years ago. It would not be completed; it would have no water in it. Even if it were completed, it would have no water in it. It would not have been done; it would still be up to the planning stage. There would be absolutely not a drop of water in it because it has not rained and inflows have been down to less than 10 per cent over the last year.

What we have done is repair the neglect of seven years of government. We have created and expanded on the capacity to treat enough water for each of us to drink. You left us, when you left government, in a situation where we did not have the capacity to treat sufficient water for every man, woman and child in the territory. We now have it; for the first time in our history, we now have it as a result of our initiatives. We now have the capacity to transfer water from the Cotter catchment to the Googong catchment, to a well-performing-in-a-reasonable-year catchment, to an extremely poorly performing catchment.

We have a capacity now to store water, which we previously did not have. Indeed, during that process we have transferred over 10 gegalitres of water which, in the context of the 34.8 per cent total that we now have, is very significant. That 10 gegalitres, which is the result of the innovation and the foresight of Actew and of this government, now resting in Googong, is a fundamentally important extra 10 gegalitres that, had we pursued your policies, your single-minded fetish for a new dam at Tennent, we would not have. It has given us a buffer at this stage, which may prove to be invaluable.

In addition to that, we have sunk a major sump and pumps into the Murrumbidgee River. They are there. We now have a capacity, for the first time, to take water out of the Murrumbidgee River. Because of the major construction of a sump and the planting of significant pumps within the river we now have the capacity to take water

from the Murrumbidgee River and a fall-back position which would in extremis carry us through and which we are now in a capacity to utilise should the need arise.

Over and above that, we are currently enhancing the water treatment facility at Stromlo with an ultraviolet treatment capacity, state-of-the-art, highest level of treatment available in the world, to ensure that there is at no stage no water of unacceptable quality that we cannot render acceptable and consistent with Australian standards.

We are as well positioned as any city in Australia as a result of the \$100 million of expenditure in the last four years, of the innovation, the lateral thinking, the foresight and the planning that has gone into ensuring the security of water supply. Over and above that, as an essential ultimate fail-safe position, we have now begun a process of considering recycling water from the lower Molonglo water treatment plant through a major re-engineering of our system, which, if we do pursue, if we do carry through with it, would secure in almost any extreme circumstance security of supply for the people of Canberra.

It is a position that we could arrive at within two to three years whilst other fall-back positions, most notably the Cotter-Googong bulk transfer system, the Murrumbidgee pump transfer capacity with ultraviolet, and ultimately recycled, are initiatives pursued in the possibility of a repeat of last year's dire level of inflows, if repeated this year or repeated next year—circumstances that not even the CSIRO in its modelling has contemplated. Decisions that we have taken over the last couple of years relied heavily on advice from the CSIRO and its modelling, which the CSIRO is now revisiting as a result of the extreme circumstance of last year, a circumstance that the CSIRO had not included as possible in its modelling.

### **Animal welfare**

**DR FOSKEY:** My question is to whoever is the minister in charge of the welfare of chooks.

*Members interjecting—*

**DR FOSKEY:** It is sometimes difficult to tell.

**Mr Pratt:** They call him chook Hargreaves.

**DR FOSKEY:** Right, I was not sure. Given ACT Labor's policy commitment to abolish the practice of battery cage egg production in the ACT and the need for cage egg producers in the ACT to change to new battery hen cages as large as the size of an A4 page by 1 January in line with the August 2000 decision of the Agriculture and Resource Management Council of Australia and New Zealand, will the government move to start to implement a ban of ACT cage production facilities prior to 1 January 2008?

**Mrs Dunne:** Mr Speaker, I seek your guidance. I know that this is already apparently published policy, but the timing would also be a policy matter. Is Dr Foskey asking the minister to announce policy on the timing of such a ban?

**MR SPEAKER:** Would you repeat the question, Dr Foskey?

**DR FOSKEY:** Given ACT Labor's commitment to abolish the practice of battery cage egg production in the ACT and subsequent to the need for cage egg producers in the ACT to change to new battery hen cages by 1 January 2008 by enlarging them to the size of an A4 sheet of paper in line with the August 2000 decision of the Agriculture and Resource Management Council of Australia and New Zealand, will the government move to start to implement a ban of ACT cage production facilities prior to 1 January 2008?

**MR SPEAKER:** Order! There is no point of order. I call Mr Hargreaves.

**MR HARGREAVES:** Thank you very much, Mr Speaker. I thank Dr Foskey for the question. I confess, Dr Foskey, that I do not carry that information around in my head. It is a very complicated and complex question requiring a very complicated and complex answer. I will go away and find one and bring it back for you.

**DR FOSKEY:** I would appreciate that. I would also appreciate, as a supplementary question, the minister advising the Assembly of the cost to government of implementing a ban after 1 January 2008 once the slightly larger cages have been installed, and will he undertake to have his department make that cost comparison if it has not already been done?

**MR HARGREAVES:** I will endeavour to seek advice as to whether that cost comparison has been done. If it has been done I will give some thought to whether I can provide it or whether I cannot. Then I will come back to the Assembly with that answer.

### **Emergency Services Agency—headquarters**

**MR PRATT:** My question is to the Minister for Emergency Services, Mr Corbell. Yesterday, during the press conference on the latest restructuring of the ESA—probably not the last, by the way—the commissioner said that he “hoped” that all emergency agencies would be relocated from Curtin to the new headquarters complex at Fairbairn by June 2008. Minister, in the hearings on annual reports in November 2006 you said, “We,” the government, “have asked the ESA to ensure that its operations are paid for within its budget allocation ... The government's requirement is simply that the ESA works within its budget allocation.”

Minister, I remind you that in answer to a question on notice you have advised that you are paying \$3.3 million in rent per annum for four or more properties at Fairbairn which clearly are 75 per cent unoccupied. Minister, what additional costs will be incurred because of the delay—already 12 months and now by your reckoning likely to be two years—in the relocation of ESA functions and staff to Fairbairn? How will these additional costs be funded?

**MR CORBELL:** I thank Mr Pratt for the question. To the best of my knowledge, and I will undertake to confirm this, no additional cost is incurred as a result of this. The costs are set and are built into the budget. As the commissioner indicated yesterday at

the press conference he anticipates that the ESA relocation could very well come in as slightly under budget, but he has indicated that it certainly is not exceeding budget.

**MR PRATT:** I ask a supplementary question. Minister, what are the reasons for the delay in the completion of the new headquarters complex for the ESA at Fairbairn?

**MR CORBELL:** The chief reason for the delay is that, in a number of the buildings the airport has offered to the territory to lease, it has been difficult to determine the exact condition of those buildings. The airport management has been reluctant to provide full building reports on those assets so that we can determine what remedial work needs to be undertaken. In particular, issues such as asbestos and other dangerous goods, dangerous substance removal, are issues we need to fully quantify before a final commitment can be given to lease, let, fit-out and tenant those buildings. So those matters are the subject of continued negotiation between ourselves and the airport. We will seek to resolve those as soon as possible.

### **Emergency services—FireLink system**

**MRS DUNNE:** My question is to the minister for emergency services and relates to FireLink. During briefings late last week and on Monday about the restructuring of emergency services, someone let it slip to volunteers that the digital data communication project known as FireLink is to be scrapped. Can you confirm that the ESA is going to scrap FireLink?

**MR CORBELL:** A full analysis has been undertaken of all of the IT projects and communication projects being undertaken by the ESA. That was a piece of work that was undertaken following the incorporation of the ESA into the justice portfolio. A full assessment of all the IT and communication projects was undertaken. That work is being finalised. I am awaiting final advice from the department on the decisions which should flow from that. I am not in a position at this stage to confirm the decision on any of the IT or communication projects until I have received that final advice.

**MRS DUNNE:** Can the minister tell me when he will be in a position to make that announcement, one way or the other, and what will he be doing to ensure that an adequate operational communication and asset location system is available before the next fire season?

**MR CORBELL:** No, I am not in a position to advise Mrs Dunne today what the time frame on that will be. In relation to the provision of an adequate and comprehensive communication system, I can advise members, with a high level of confidence, that we have that in place now. The TRN system is working extremely well across most of the territory.

In addition, a repeater is proposed to be installed on Mount Tennant and, potentially, on Mount Clear. That would provide us with the additional coverage we need for the southern areas of the ACT. The provision of a repeater at Mount Tennant is subject to some fairly detailed assessments because there is no power supply to the top of Mount Tennant at this time. Solar power is not adequate to provide the level of power supply needed to maintain a reliable radio network. That means that a detailed environmental

impact assessment process has to be gone through to install power to the top of Mount Tennant, because it involves a significant level of trenching to bring power to the top of the mountain. That work is ongoing.

In relation to Mount Clear, investigations are continuing as to the location of not just a repeater but also a fire tower at the top of Mount Clear. That work is also ongoing and is subject to further government consideration.

With those provisos, I can assure Mrs Dunne and other members that the TRN system is providing a very high level of coverage across the remaining areas of the ACT. VHF continues to be used as the primary channel for the RFS, but TRN is now being used by the fire brigade, the SES and the ambulance service. I am hopeful that we will be in a position to make a decision soon on moving to TRN as the primary channel for the RFS as well.

## Education

**MS MacDONALD:** My question is to the minister for education. Can the minister inform the Assembly how the ACT education system is performing compared with other states and territories and other countries?

**MR BARR:** I thank Ms MacDonald for the question. I am very pleased to report to the Assembly that the ACT system performs very well when compared with other states and territories, as well as other countries. This performance is measured by a number of key indicators.

Members may be aware that last week the Australian Bureau of Statistics released their *Schools, Australia, 2006* publication. Key statistics include the number of schools, enrolments, participation rates, retention rates and the numbers of teaching staff. This publication shows that the ACT has the highest apparent retention rates from year 10 to year 12. We retain 88.9 per cent of students compared with 76.1 per cent nationally.

Across the government sector we actually gain students compared with the rest of the nation, with an apparent retention rate of 101.1 per cent compared with 70.8 per cent nationally. This seemingly curious outcome occurs because students from the non-government sector and New South Wales move into our public schools during the year.

These figures are in stark contrast to the statement made by Mrs Dunne on 24 February. In that statement she said that Canberrans would be surprised to learn that up to 30 per cent of students who commence year 11 in the ACT do not complete year 12. They might be surprised, but it is not true.

I can inform the Assembly that, of the 4,887 students to commenced year 11 in the ACT in 2005, 4,229, or 86.5 per cent, were still enrolled in year 12 at the August 2006 census, a loss of 13.5 per cent. In fact, going back to 1988, the largest exit rate was 16 per cent in 2004.

The ACT also has the lowest or equal lowest student-to-teacher ratios in the government sector, both in primary and secondary schools. In the primary sector there is a teacher for every 13.8 students compared with a national average of one teacher for every 15.8 students. In the secondary sector there is a teacher for every 11.9 students compared with a national average of 12.4.

On the international stage I am also happy to report that the ACT performs as well as, or better than, other OECD countries. The trends in mathematics and science study, otherwise known as TIMSS, which assesses achievement of the concepts and processes learnt in year 4 and year 8 mathematics and science shows that ACT year 4 students performed best in Australia, both in mathematics and science.

Year 4 science performance was statistically the same as that of Singapore and Chinese Taipei, the best performing countries. ACT year 4 mathematics performance was equal to the fifth highest achieving country, Belgium. ACT year 8 mathematics and science results were significantly above the international average and second only to New South Wales in a national comparison.

The program for international student assessment, or PISA, which focuses on measuring 15-year-old students' abilities in reading, mathematics and science shows that the performance of ACT students was on par with students in the highest performing OECD countries in the reading, mathematical and scientific literacy measures.

In mathematical literacy the ACT was above the national average and on par with Hong Kong, the highest performing country. In reading literacy the ACT was above the national average and on par with Finland, the highest performing country. In scientific literacy the ACT was above the national average and on par with Finland and Japan, the highest performing countries. These results bode well for students in the ACT.

The information age and globalisation mean that our students now, more than ever before, will need to compete in an increasingly global work force and be equipped to deal with the constant change that will be the defining feature of the 21st century. These results show that our schools are succeeding in equipping our students for life beyond school. Of course, more can always be done.

The Stanhope government is committed to building on the successes of our education system. Since being elected we have increased funding to education by 30 per cent. We have begun a four-year program, investing a record amount of money to upgrade teaching and learning environments in our schools.

Since 2003, classroom teachers have received pay rises of between 15.5 per cent and 18.7 per cent, while promotional positions received increases of up to 23.4 per cent. I note that the new EBA that is being voted on now will deliver a further 11.5 per cent pay rise to teachers. We are currently undergoing a curriculum renewal process with involvement from both government and non-government schools, and we are contributing to the national debate and work on a national curriculum.

**Members' staff—use of email**

**MRS BURKE:** My question is to the minister for education, Mr Barr. Minister, a member of your staff resigned last week for sending to some MLAs an email purporting to be from the Australian Christian Lobby. I thank you for your letter of explanation which was received by my office today. Minister, when did you first become aware of the existence of the email? When did your senior staff become aware of its existence? Who else in your office was aware of this email?

**MR BARR:** I received advice that an investigation was under way in relation to the email on Monday, 26 February. Following confirmation that a staff member in my office had entered an email address that misrepresented the content of the email, such that it could be construed as being sent from the Australian Christian Lobby, that confirmation being received on Thursday, 1 March, I immediately asked for the resignation of the staff member. That resignation was received and processed.

I have apologised to the Australian Christian Lobby and to all members of the Assembly who received the email. I understand that it was also cc-ed to the federal Attorney-General. I have written to apologise to Mr Ruddock as well. I sincerely regret the incident.

Certainly, my view on the issue is well known. I have spoken in this place on a number of occasions in relation to my view on the civil partnerships, civil unions, legislation. My very strong conviction is that, in making those statements, you put your name to them. So the error and the misdemeanour that the staff member made was to send this email and potentially and obviously to misrepresent the views of the Australian Christian Lobby.

I need to state very clearly that it was an isolated incident, one email from one member of my staff. It was something that that staff member did of their own volition. As I say, I do not condone that act. I find it very disturbing. I was very distressed when I became aware of the extent of the misrepresentation and sought to act immediately.

**MRS BURKE:** I have a supplementary question. Minister, thank you for that answer but I do not think that you really answered the major part of my question. Who else in your office was aware of the email? To add to that, what measures have you put in place to ensure that a similar event will not happen again?

**MR BARR:** Other members of staff in my office became aware of the email on the 26th when I received a letter from the Chief Minister advising me that Mr Mulcahy had written to the Speaker, that the Speaker had written to the Clerk and that the Clerk had referred the matter to the Chief Minister's Department. The Chief Minister then advised me in writing that the investigation had determined that it was a staff member in my office. My other staff became aware of the matter at that time.

As to the second part of the question, I have indeed counselled all of my staff members in relation to the appropriate use of emails. There is a series of guidelines that the Assembly has on the acceptable use of information technology. I would



suggest, not just to members of my staff but to all staff members and anyone else who is using a computer in this building, that all of their activities are, of course, monitored and recorded. Whilst this was an unfortunate incident and the staff member concerned has suffered a very high person price in terms of their professional career, it should serve as a lesson to everyone in this building. It is not the first time that such an incident or a like incident has occurred, but let us hope that it is the last time.

### **City West master plan**

**MR GENTLEMAN:** My question is to the Minister for Planning. Minister, you recently unveiled the new Childers Street arts precinct. Can you tell the Assembly how this project contributes to the achievement of the City West master plan as well as to enlivening the city?

**MR CORBELL:** I thank Mr Gentleman for the question. I was very pleased to see the finish of the first stage of the Childers Street arts precinct, which people may have seen over the past couple of weeks. This project is a major project for the ACT government. It is a \$6 million project funded by the territory and it has created a brand-new and striking arts centre or precinct for City West.

What we are seeing at the moment in City West is quite extraordinary. Within the next 12 months we will have 5,000 people working in City West. Within the next 12 months we will have 700 permanent residents and 500 students living in the precinct, an area that was previously dominated by large areas of surface car park. It really is one of the most significant mixed-use urban development projects we have seen in Canberra.

The government believe it is important that we improve the public realm in these areas at the same time as we see this significant level of private development. So that is what Childers Street is all about. We could have chosen to have it upgraded just like any other ordinary street but we saw the opportunity to make this street a centrepiece, a place for people to gather, to enjoy and to use the space not just as an everyday street but also for festivals and events, leveraging off the fact that we have a large student population locating in the area as well as the street theatre, the school of music, the school of art and other developments that will emerge in the coming years.

Childers Street sets a new standard in terms of the quality of development for public spaces in Canberra. The road pavement, footpaths and all underground services in Childers Street needed replacement and we took the opportunity to upgrade all these assets significantly. The design of the street brings together the visual and performing arts and gives physical expression to music and movement. It will encourage private investment in City West and it gives certainty to that investment because property owners and prospective property owners looking at sites along Childers Street will see the commitment the government has made in terms of public infrastructure and they will have greater certainty that they can make a significant contribution in terms of their own private investment in that location.

The new works are designed to focus the energy that exists within the ANU, the arts community and the commercial areas of the city. A number of innovative measures are in place in Childers Street. We have water harvesting into rain gardens, space to

accommodate street festivals, high levels of pedestrian lighting and striking new public artwork to really highlight the street.

I would like to talk a little bit about the public art on Childers Street. It consists of light sculptures and coloured awnings along 200 metres of Childers Street, designed around a term called synaesthesia, which is a phenomenon where the human senses overlap. The work uses a blending of sight and hearing, with the musical score of Percy Grainger's *The Walking Song* transcribed in the coloured glass canopies. If members have not seen the new artwork I would encourage them to go and have a look, especially at night time which is when they are most effective.

Other features of the stage one public works include outdoor spaces that will encourage cafes, restaurants, festivals and special events; the creation of more pedestrian-friendly areas that reduce traffic speed—this is truly a mixed use street; it encourages vehicular movement but also pedestrian and cyclist movement in a very safe way and creates a really genuinely shared space—and a whole range of new street furniture, including benches, bins, bollards, bike racks and light poles that will set the standard for other public works across the city as we continue with upgrades of public spaces in other parts of Canberra central.

Finally, I have to acknowledge the people involved—all local companies—in particular local firm GHD Pty Ltd, which designed and documented the project; Thylacine art projects, based in Queanbeyan; and Urban Contractors Pty Ltd, a notable local urban development firm. (*Time expired.*)

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

### **Supplementary answers to questions without notice Emergency Services Authority—management**

**MR CORBELL:** Mr Speaker, I wish to provide a further answer to a question that Mr Pratt asked of me in question time yesterday. In question time yesterday, Mr Pratt raised his concerns about my seeming inability to meet with the ESA commissioner because, according to Mr Pratt, of all the layers of bureaucracy that exist between the commissioner and me. I undertook to provide to Mr Pratt further information on how often I have met with the commissioner in the last six months.

I am pleased to advise Mr Pratt and members that, since 25 September last year, I have met with the commissioner on 15 separate occasions. In addition, I have met three times with the chief officer of the RFS, two times with the chief officer of the fire brigade, three times with the chief officer of the ACT Ambulance Service and three times with the chief officer of the SES. In total, that is 26 times in the past six months with either the commissioner or one of the chief officers of the ESA. I look forward to Mr Pratt's retraction of the statement that the commissioner and the chief officers of the ESA are unable to meet with me, but I am not going to hold my breath.

**Government investment policy  
Public service—superannuation**

**MR STANHOPE:** Yesterday, in question time, I took two questions on notice. The first related to the terms of reference for an inquiry into the territory's investment portfolio. I have the terms of reference and will table them for the information of members.

The second related to a question on notice from Mr Mulcahy. I regret that I did not have the information available to me yesterday in relation to the Chris21 human resources system and miscalculations that have been detected in relation to the payment of superannuation. I do have an answer, which I will table. I do regret that at this stage it does not advance the level of information available to me or to the Assembly much further than that which I provided in December, which was essentially that at that stage I did not have a very complete picture. I still do not, but when I do I certainly will provide it to Mr Mulcahy and members. I have a fuller answer, but it is along those lines.

I present the following papers:

Potential inclusion of environmental social and governance issues within Territory investment practices—review.

Chris21 HR system—systematic faults.

**ACTION bus service—timetable**

**MR HARGREAVES:** Yesterday, Mrs Dunne asked a question relating to the implementation costs of Network 06. I am advised that the introduction of Network 06 and the dissolution of the authority was achieved within an ACTION budget framework that was to achieve an estimated overall saving of \$6 million. Regarding the proposed changes, I said in my earlier answer that I have asked the department for a full briefing, including costs.

**Members' staff—use of email**

**MR BARR:** Upon reflection on my answer to Mrs Burke's question, I omitted one piece of information; that is, that I received the email at the same time as all other members for Molonglo, on 6 February, but I did not become aware of the nature of the email and that it had been generated from my office until 26 February. I just wanted to clarify absolutely that the email arrived in my office at the same time as it arrived for all other members for Molonglo and the federal Attorney-General, but it was 26 February when I was advised of the origin of the email.

**Offensive language—Speaker's ruling**

**Mr Smyth:** Mr Speaker, in question time yesterday a number of insults were thrown across the chamber that I believe offended against standing orders 54, 55 and 57, and

would ask that you review the *Hansard*, particularly the references to cigarette butts, dog turds and wasted life, and determine whether they are parliamentary.

**MR SPEAKER:** Mr Smyth, thanks for giving me some notice that you were going to raise this matter. It has given me a chance to reflect on it. The Clerk just happened to have the *Hansard* in front of him. The difficulty with regard to the use of offensive words—in fact, there are precedents on that in *House of Representatives Practice*—is that members should raise such issues when the use occurs. I think the notion is that protest delayed is protest diluted. However, I will say that the use of this sort of language can sometimes lead to disorder and the tone in which it is delivered can lead to disorder.

I note from the *Hansard* that at about that time I called for a return to the subject matter of the question. Whether one is offended by this language or not is really determined by the show of offence at the time, I think, but, in the interests of moving on, I will rule that, for somebody to mention dog excrement in the terms that it was, I do not find particularly offensive. As to the language that drew you into focus in the context of what was being said at the time, I would have to say that if you had raised it at the time I would have ruled it as offensive. But I do not feel as though I can justifiably do that now because I cannot see how, if somebody was not offended yesterday, they could all of a sudden become offended today. But I would in any event ask the Chief Minister to withdraw those words because I think they are unparliamentary in the sense that they are likely to lead to disorder. I would ask him to withdraw them.

**Mr Stanhope:** Mr Speaker, I withdraw any words that you have determined as disorderly. I am not quite sure what you include in that, but I withdraw those words.

**MR SPEAKER:** Thank you.

### **Supplementary answer to question without notice Emergency Services Agency—management**

**MR CORBELL:** Mr Speaker, if I may, I would like to add to the answer I previously gave in answer to the question I took on notice yesterday from Mr Pratt. Mr Pratt indicated that he wanted further clarification on the nature of these meetings. As to whether the meetings were sit-down meetings or cups of tea, I do not tend to have cups of tea with public servants. I tend to sit down and work with them. I can advise Mr Pratt that the meetings I can list were as follows: I met with the ESA commissioner and dealt with three separate agenda items. I met with the commissioner at the ESA at Curtin and dealt with preparation before a media interview. I conducted a meeting with the ESA commissioner with one particular agenda item, another meeting with one particular agenda item, and another meeting with one particular agenda item.

I met with the commissioner in relation to Operation Cumston, which was the pandemic flu scenario. I met with the commissioner in relation to the first meeting of the ESA governance committee. I met with the commissioner at an awards function at Curtin. I met with the commissioner prior to an annual reports hearing here at the Assembly. I met with the commissioner at the ministerial council meeting for

emergency services in Adelaide. I met with the commissioner again to deal with two separate agenda items. I met with the commissioner again to deal with another agenda item. I met with the commissioner to discuss the ESA governance arrangements. Finally, I met with the commissioner to deal with the announcement of the ESA charter and governance arrangements.

As members would see, these were not just little sit-down chats; they were substantive meetings. Again, I look forward to Mr Pratt retracting all of the suggestions he has made that I do not meet with the commissioner and that the commissioner is unable to meet with me on a regular basis.

## **Emergencies Amendment Bill 2006 (No 2)**

Debate resumed from 13 December 2006, on motion by **Mr Pratt**:

That this bill be agreed to in principle.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (3.38): Mr Speaker, the government will be opposing Mr Pratt's amendments to the Emergencies Act. Mr Pratt presented the Emergencies Amendment Bill (2006) (No 2) to the Assembly on 13 December last year. Mr Pratt wants the government to change the act and add new sections that relate to the content of the strategic bushfire management plan, hazard reduction tasks, bushfire breaks and bushfire operational plans, as well as guidelines for vulnerable communities.

Mr Pratt, in short, wants the Assembly to amend the act in a way that will create an enormous glut of paperwork and requirements on land owners and managers. I will address each of Mr Pratt's proposed amendments in turn to show not only that they are unnecessary but also that they would lead to bushfire management being handled in a paper war rather than in a streamlined and proactive manner.

Mr Pratt proposes a new section for the act, section 71A, entitled "Hazard reduction tasks". Within this section it is proposed that the commissioner must each year inspect rural areas and for each area assess the level of fire fuel, analyse the risk of bushfires, and identify all requirements for the prevention of, and preparedness for, bushfires to be undertaken by various agencies, land owners and managers.

It is the government's view that this section is not required and that, if Mr Pratt had read the Emergencies Act properly, he would have seen that all the things he proposes are already covered by the act. But, for Mr Pratt's benefit and for members' information, I will let members know how to find that. Under sections 29 (3) and 30 (3) of the act the chief officer of the fire brigade and the chief officer of the rural fire service both have as part of their functions statutory responsibilities to undertake operational planning for preparedness and response to fires. It would seem to me that Mr Pratt thinks that the commissioner should be doing this job as well as the two officers—an extraordinary level of duplication.

The strategic bushfire management plan currently requires risk assessment and the development of strategies for prevention and preparedness. That already exists, again,

under section 74 (1) of the Emergencies Act 2004. Within the plan itself, bushfire operational plans are required of land managers to implement prevention and preparedness strategies on their land. These bushfire operational plans are prepared annually, or every two years, and that is a statutory requirement. The requirement for bushfire operational plans from rural lessees is also delivered through the farm fire wise program. Again, Mr Speaker, what Mr Pratt proposes is already in place.

In addition, both the ESA and TAMS currently have strong procedures in place to ensure a systematic and regular assessment of bushfire fuels, through the completion of field assessments as well as the assessment and audit of works completed under bushfire operational plans. Mr Pratt's amendment is an unnecessary one that would simply introduce duplication and confusion.

I turn to Mr Pratt's proposed section 74 (2) (ka) and (kb). The first part is already identified as a requirement of the strategic bushfire management plan. Indeed, it is already in the Emergencies Act under section 74 (2) (d), which requires a risk assessment of factors contributing to bushfires and the spread of bushfires. It makes one think that Mr Pratt did not read the act before he drafted his amendment. When a revision of the strategic bushfire management plan is undertaken, the risk assessment for the ACT and its vulnerability to the impact of fires from New South Wales will be revised and refined even further.

As for the second element of Mr Pratt's second amendment, the strategic bushfire management plan already identifies the location of asset protection zones. The use of the term "bushfire break" is misleading and outdated. It does not reflect the purpose of fuel management practices. Fuel breaks, which may be part of an asset protection zone, as they are described in the strategic bushfire management plan, do not stop fires. The purpose of these fuel breaks is to provide the opportunity to defend assets and to lessen the fire intensity.

Mr Pratt's next proposed amendment is a new section 74 (2A), regarding setting the maximum level of fire fuel allowed in bushlands and forests. This approach is simplistic and does not reflect the complexity of vegetation and fuel dynamics, nor does setting a threshold level generally across the territory reflect any sort of localised risk assessment.

The strategic bushfire management plan, through a system of zoning, clearly identifies areas where bushfire has the potential to impact on assets, as well as strategic locations across the landscape which require fuel management activities to be implemented. These areas require treatment to the standards identified in the bushfire operational plans, which also specify the time frame by which they should occur. The ESA already audits these outcomes and they are reported against as a performance measure. Perhaps Mr Pratt has not read those.

The standards identified for these areas reflect the overall fuel hazard represented. This is consistent with the Victorian Department of Environment and Sustainability's overall fuel hazard assessment guide, a guide that is nationally recognised and used by many land management and fire agencies throughout the country.

Consistent with the government's response to the coroner's report into the 2003 Canberra firestorm, the strategic bushfire management plan is to be reviewed, with territory and municipal services developing subregional management plans. These plans will describe a desired pattern of mosaic burning across the subregion to achieve fire prevention and ecosystem management objectives for each discrete area.

I turn to Mr Pratt's next proposed amendment, which is about a new section 74A for the setting of bushfire breaks. Yes, there is that term again: bushfire breaks. Again, this amendment and its proposed approach is a simplistic one and not one the government will support. The key reason is that it does not consider an appropriate level of risk analysis. Mr Pratt is trying to set a one-size-fits-all approach, rather than doing what should be done, which is detailed risk assessment to provide for appropriate risk management.

The current strategic bushfire management plan identifies risks based on vegetation type, aspect, climatological factors and bushfire spread analysis to determine vulnerability classes and the location and size of asset protection zones. The plan also identifies the standards to which these areas are to be treated. The proposal put forward by Mr Pratt only considers the urban interface and totally ignores the implications of fire management in remote and rural areas. It demonstrates a significant lack of understanding of bushfire risk and behaviour.

I now turn to Mr Pratt's proposed new section 78, concerning bushfire operational plans. The approach proposed by this amendment would result in myriad overlapping and potentially conflicting operational plans and would certainly result in a bureaucratic mess—as simple as that: a bureaucratic mess. To illustrate, on Black Mountain we would have, if Mr Pratt had his way, a separate plan for the surrounding suburbs, one for the critical infrastructure and one for the areas from which bushfire would approach, mostly identifying the same issues. Under this proposed new section, Mr Pratt proposes that warning systems and methods, evacuation plans and locations of emergency infrastructure be included in each individual bushfire operational plan. We would have potentially five plans just for the one area.

The vulnerability of suburbs and villages has been assessed, and appropriate prevention strategies and actions are already in place. An integrated approach to warnings and evacuations has been implemented through the all-hazards warning system, and the identification of firefighting infrastructure, such as water points, has occurred and is available to our emergency services in map and electronic form.

As opposed to the member's proposal, which creates myriad separate documents and plans, we adopt as a government an integrated approach to bushfire management that encompasses all elements of prevention, preparedness and response. Why have five plans for one area, Mr Pratt? That is one of the answers you need to give to members today. Why do you want to create five separate documents just for one little part of the ACT? What a bureaucratic mess you would be getting us into.

Land managers and occupiers currently prepare bushfire operational plans in relation to the factors under their control and jurisdiction. To place the responsibility for

planning evacuations and warning systems under, for example, TAMS or an occupier of the land would be entirely impractical and potentially dangerous, with the potential for conflicting arrangements to be imposed.

Mr Pratt's final proposed amendment is for guidelines for vulnerable areas. The strategic bushfire management plan already identifies areas that are vulnerable to the effects of bushfires, as well as providing the mechanism for undertaking appropriate mitigation for new hazards that may arise. This section of Mr Pratt's proposal would result in a large number of commissioner's guidelines that would only duplicate what is already identified through the strategic bushfire management plan and bushfire operational plans—more duplication, red tape and bureaucracy from Mr Pratt.

This bill, in short, is an unnecessary piece of legislation. If passed, it would lead to the duplication of responsibility, it would lead to an enormous increase in the number of documents and plans having to be prepared, it would lead to a simplistic approach to asset protection zones, or bushfire breaks as Mr Pratt wrongly refers to them, and it would lead to an inappropriate level of risk analysis, instead adopting a one-size-fits-all approach. More importantly, it would also lead to an entirely impractical and potentially dangerous arrangement for emergency warning and evacuation.

Most of the issues that Mr Pratt raises in his bill are the types of issues that are already dealt with in management plans or operational plans. Legislation is not the place for these matters to be raised. Given the changing nature of the bushfire risk that we face, the matters raised need to be in place in documents that are flexible and changeable according to the considered assessment of risk, not set in stone in legislation as Mr Pratt proposes. For the Assembly to accept Mr Pratt's bill and amend the Emergencies Act would be to the great detriment to the community. The government will not be supporting this legislation.

**DR FOSKEY** (Molonglo) (3.50): I do appreciate the work that Mr Pratt has been doing to try to ensure that the ACT, including its residents, is prepared for bushfires, and I do agree that we need to be prepared and do everything that we can. However, I do not agree with all the ways he proposes to do so. I am not sure that Mr Pratt's proposed amendments add much to what is already outlined in the current Emergencies Act, or that they add much to the strategic bushfire management plan for the ACT, version 1 of January 2005, which is already a fairly comprehensive document.

Before I go into detail about Mr Pratt's bill, I would like to take a few minutes to point out to members a few odd things about this strategic bushfire management plan, henceforth SBMP. The plan was prepared by the then ACT Emergency Services Authority in collaboration and consultation with the community, rural lessees and land management agencies, and was to reflect the recommendations of the McLeod report.

When it was prepared, it was only to be version 1. Version 2 was to be the plan that would last 10 years. I was surprised to find that version 1 apparently is now, suddenly, called the final version on the ESA website. How did this happen? How did version 1, which was only ever supposed to be a temporary version for six months, suddenly



become final? Or was there something that I missed? Was there a consultation process with the outcome that everyone was happy with the draft, so it should become the final?

Version 2 was only supposed to be released following further analysis and investigation. Does the fact that version 1 was suddenly called “final” without any public notice mean that the government carried out its further analysis and investigation and found that the current SBMP is perfect, needed no further work and would last out the 10 years after all? I somehow doubt that.

Six months was always very optimistic for the amount of work necessary to move from the existing SBMP to version 2. One of the reasons that version 2 could have been held up is that consideration of the outcomes of the coroner’s inquiry into the 18 January 2003 bushfires was to be included. Perhaps the minister will enlighten us on that.

I wonder whether Mr Pratt has consulted the full membership of the bushfire council about his bill. The emergency services commissioner has been tasked with consulting with them in monitoring the scope and effectiveness of the plan. According to the SBMP, there is also to be ongoing public input to the plan. I also wonder whether the bushfire management plan committee still exists in any form. Again, I seek enlightenment.

If these proposals were put through the ESA, or through the bushfire council, then they would be being debated by people with appropriate knowledge of the issues, not debated in the Assembly where, with respect, we can only provide limited expert input. Rather than making these amendments to the act, I think that Mr Pratt should be recommending amendments to the strategic bushfire management plan, if he finds it unsatisfactory, which would then go through due consultative processes.

Whilst agreeing with the need to thoroughly and consistently plan for bushfire prevention, and that hazard reduction may be a key to this in many areas, I do not think we need to amend our current legislation to cover hazard reduction tasks. The hazard reduction task section Mr Pratt proposes is already covered in the existing act. I think we need to look at hazard reduction on a BOP level. Each area, in consultation with all relevant stakeholders, including residents, should develop a BOP that suits each area. Some may then require more hazard reduction than other areas.

There is a wide range of ways that hazard reduction can be carried out. These include slashing, burning, mowing, clever planting, creating moister microclimates, and physical removal, not just the burning and grazing which is usually talked about. Also, it is very important to note the importance of contiguous areas in terms of habitat preservation, which will become increasingly important as the effects of climate change set in. These contiguous areas need to be taken into account when planning hazard reductions and firebreaks. In fact, I would like to see the ACT develop ecological guidelines for burning, much like the guidelines and procedures for ecological burning on public land which have been developed in Victoria and which may have been what Mr Corbell was referring to.

In terms of the list of places in New South Wales vulnerable to bushfire crossing into the ACT, I note that version 2 of the SBMP is to include the memoranda of understanding with managers of national land and New South Wales land. I agree that this list of places would be a good thing to incorporate into it, along with an action plan.

I do take Mr Pratt's point about the SBMP being more of an outline of a plan, rather than containing much in the way of detail, and that the detail is actually in each bushfire operational plan. These BOPs are the key to the information and level of detail that Mr Pratt wants to see, but I do not think we need this detail in the act.

I think there is some merit in the proposed section on BOPs, as the plans which are supposed to cover all the areas which are not unleased land should all have bushfire management components. However, they do not necessarily, and even if they do, they are only supposed to come back into the SBMP, not into action plans. The operational plans are only supposed to be for one to two years. They are not overall management plans.

Yes, there should be more BOPs. Each district could do with one. It would be useful to have a plan for each geographic area, for the residents, for emergency services. If we ever had help from interstate firefighters, they could then easily understand where our evacuation routes are, where access to water is and so on. We need to ensure that each BOP is tailored to the particular area and ensure that we have different management styles for various land types; for example, that the urban edge is treated very differently from the national parks and reserves. This may mean that a management technique that is acceptable along the interface between a nature reserve and suburbia would be completely inappropriate in a national park.

In order to achieve effective bushfire management planning for the ACT, we need to ensure that BOPs which set out recommended bushfire suppression plans are developed for each area, with local community input. Yes, I am on again about community consultation, Mr Hargreaves. This is how to involve the community, more than just telling them how to fireproof their roofs and their yards, which, of course, is also important. Involving community members in the local BOP means that they will then own it and there is more likelihood that they will know what to do in, let's hope it does not happen, the event of a fire.

To ensure that the Canberra community is behind any decisions regarding fire management, and perhaps also to get greater efficiency out of our limited territory and municipal services ranger staff, local park care groups and residents along the suburban interface need to be working with, not at cross-purposes to, each BOP.

I mentioned last week, in discussing the no-confidence vote, the fireguard program in Victoria, which has been so successful, whereby there are nine coordinators working with communities and there is a total of 400 plans which can be put into operation at the community level in the case of a fire. I mentioned also that Victoria and some other municipalities are ahead because they had terrifying bushfires earlier than we did and they have set in place programs which appear to be working and which would have some relevance to us. I highly commend the fireguard proposal and would

certainly like to see that particular process begun here. I believe that it could be done around the CFUs.

In regard to fuel levels and firebreak standards, these are already dealt with for each fuel management zone in appendix 4 of the SBMP. Provisional maps 6 and 7 show the fuel management zones on unleased land to which these standards apply. I am sure that Mr Pratt is aware that version 2 is also supposed to contain fuel management zoning across all other land zones which would be managed by the various techniques as outlined in the SBMP. Again, we look forward to the development of version 2.

I think that the SBMP cannot lay down every task for every area in one simple time line. That would make it a very unwieldy document and consequently of little practical use. Its role is to give advice and set policies which can underpin the BOPs and other operational plans. Comprehensive management plans for each area would also cover regular assessment of fire risks and necessary actions.

In conclusion, I do agree that there needs to be more work done to prepare Canberra against firestorms and perhaps to ensure that fires do not become firestorms, but I do not think that this bill is the answer. I support Mr Pratt's proposal regarding noting—noting—the vulnerable places along the New South Wales and ACT border and the need for more BOPs in localised areas. However, I cannot support this bill for all the reasons I have outlined, largely because I do not think the Emergencies Act is the place for many of these proposals. I would rather see collaborative and consultative work done in finalising the strategic bushfire management plan.

**MR SMYTH** (Brindabella) (4.01): Mr Temporary Deputy Speaker, the Minister for Police and Emergency Services began his speech by saying, "Mr Pratt has got it wrong." He said that Mr Pratt wants the commissioner to do things that the chief officers are meant to do. Perhaps the minister has not read his act, because yesterday in a press release from the commissioner of the ACT Emergency Service Agency we were told that a number of the positions that are set out in law are to be abolished. Let me read the press release. It states:

Two Deputy Commissioners will replace the current four Chief Officers and one Assistant Commissioner ...

**Mr Corbell:** They will still exercise the legal powers.

**MR SMYTH:** Sorry, Mr Corbell?

**Mr Corbell:** They will still exercise the chief officers' powers.

**MR SMYTH:** The press release continues:

The Deputy Commissioners will hold the role and delegations currently held by the Chief Officers and also supervise supporting functions.

He then goes on to say:

The role of the Deputy Chief Officers ... will be ... renamed Operations Manager.

The problem for the minister, though—and perhaps Mr Pratt was prescient when he put this bill together last year and said that the commission will end up doing this—is that the act says that the authority may appoint a public servant to be the chief officer of the fire brigade. But we have actually got rid of the positions of chief officers of the fire brigade, the ambulance service, the rural fire service and the state emergency service courtesy of Mr Corbell’s announcements yesterday.

The act further goes on to say under section 32 that there shall be deputy chief officers and that the authority may appoint a public servant to be a deputy chief officer of the service. But yesterday, by press release, we abolished deputy chief officers because they are now “operation managers”. From looking at the notes in the Emergencies Act, in particular reference to part 19.3 of the Legislation Act, I believe—and I am happy to be corrected by the minister—that these are statutory appointments. However, by a simple issuing of a press release, Mr Corbell has got rid of them. They are gone. There is no deputy chief officer fire brigade, rural fire service, state emergency service or ambulance service. They are just gone. So Mr Pratt is absolutely correct when he said that this work will have to be done by the commissioner. And it should be done by the commissioner. The commissioner, who is a statutory appointment, is responsible.

Mr Corbell gets up in this place and says, as he often does, “Mr Pratt is wrong.” But I think Mr Corbell needs to clarify how the change that was made yesterday exists under the law. When people consult the law—and God forbid that we end up with a coronial inquiry—and ask who is the chief officer of the fire brigade, there will be no position in the organisation chart listed as “chief officer, fire brigade”. If you look at the ACT emergency services’ business plan, it will be the rural fire operations manager, SES operations manager and operations manager urban fire operations, all reporting to the deputy commissioner, fire and rescue. There is not even a chief officer, fire brigade.

Mr Corbell will no doubt have a logical answer for this, and I am sure we would give him leave to speak again, but it just shows the ineffectiveness of this minister in dealing with these issues. He comes in here and says, “Mr Pratt got it wrong.” But, under the law, we have positions established by statute and I do not believe the minister can get rid of them that easily. I am sure there would be something about delegation but it would be interesting to know whether chief officer, fire brigade or chief officer, rural fire service are listed in the organisational chart. I suspect you would not find them in the organisational charts.

That is the problem with the way Mr Corbell has approached this problem. He opposes for opposition’s sake a reasonable bill that strengthens the way in which the Emergency Services Agency, as it is now known—and we wonder how long that title will last—operates. We wonder what will occur when somebody goes looking for these officers. We have had reform after reform. We have had confirmation today from the minister that they are now considering getting rid of projects like FireLink. This problem has arisen because of this haphazard sort of approach that the government has taken to emergency services since they came to office.

An important outcome of the recommendations from Coroner Doogan is contained in recommendation 21 that version 2 of the strategic bushfire management plan be completed and introduced without delay. We have version 2 because version 1 was inadequate. Version 1 was the draft version and, as Dr Foskey so rightly pointed out, it mysteriously in the not too distant past actually became version 1 complete. I do not recall any fanfare or any announcement that it had been adopted and had moved from draft to final. Again, this shows the haphazard approach that this government has to emergency management, and that is why Mr Pratt has taken the government to task today.

Mr Temporary Deputy Speaker, the fundamental feature of emergency management planning is to plan for the worst. You have to plan for the worst. You have to assume the worst and hope for the best. Mr Corbell in his speech took the global view that “you just take this sort of overall risk management view.” Well, the risks in Chisholm are entirely different to the risks for the people who live up in Appel Street backing on Farrer Ridge. And the people in Fadden Hills have an entirely different risk to the people of Richardson. So you cannot have “one view fits all”, as the minister would suggest. What Mr Pratt says in his bill is that we need to have plans that fit what might go wrong in those areas. Yes, it is a daunting task. Mr Corbell called it a “glut of paperwork”. Well, if the government had perhaps done its job properly between the December 2001 fire and the January 2003 fire, and maybe if they had had a glut of paperwork, they might have better understood what we were facing. And that is the problem with emergency management—you do not know how big it is going to be until there is an emergency. But you have to prepare for all eventualities, hope for the least eventful outcome and cope with whatever comes your way.

So given the considerable concern of the coroner who found that the appropriate version of the strategic bushfire management plan had not been introduced as scheduled, it is instructive to remind ourselves what findings of fact were made by the coroner on this matter. She found that version 1 of the strategic bushfire management plan had been introduced on 1 January 2005 to apply till 1 July 2005. Mr Temporary Deputy Speaker, I remind members that that was 20 months ago. At that point version 2 of the plan was to be introduced. In fact, we should have had version 2 20 months ago.

At the time of her report being written in December, her understanding was—and she is correct—that version 2 had still not been introduced. That is around 18 months after the due date. I think not updating, or attempting to update, version 1 can be characterised as negligent. Nobody is fooled by it just being renamed. What we find is the lackadaisical and haphazard attitude of this government to emergency management in the ACT.

Mr Pratt’s bill seeks to do a number of important things. Firstly, it provides authority to ACT government agencies to carry out appropriate planning and the authority to direct land managers, landowners, both public and private, to carry out identified hazard reduction planning, maintenance of trails and other activities. It seeks to give them authority to do that—authority which we believe they do not have under the current act. The bill also seeks to establish clearly the sequence of actions that would be carried out by the commissioner and his senior officers, brigades and units, land

managers and landowners, in identifying risk areas and putting in place “resilience plans”.

What the bill will do is enshrine the strategic bushfire management plan in the act, provide the ESA with the authority to hold people accountable for their duties and put in place a benchmark for all bushfire management actions to be carried out. Now what is wrong with that? There is nothing wrong with that. It is an appropriate thing to do, knowing what we have all learnt in the last four or five years. The bill also provides that bushfire operational plans be created for all identified vulnerable suburbs, settlements and key geographical areas. And, yes, there may be overlap. The December 2001 fire occupied a relatively small area in comparison to the fire of January 2003. It ran from the Stromlo pine forest to the edge of Government House. It got up to Glenloch interchange and it got into the back of Curtin. There needs to be a plan for that. But if you had a geographical area that stretched from the top of Belconnen to the bottom of Tuggeranong then, of course, the minutia of detail that is required and can be required would be lost.

I will give you an example of why this is important, and how it can work. The Pittwater Rural Fire Service, which uses both boats and vehicles to service the people of Pittwater, for years has had a computer system that looks at their entire operational area neighbourhood by neighbourhood. This goes down to houses, access routes, emergency escape routes, expected number of occupants, can you get there by water, can you get there by land, routes in, routes out. They have gone down to that level. They have it all on computer, they can tell you what is in a neighbourhood, they can print out maps of varying scales and it is incredibly effective. And this is what Mr Pratt is talking about. It is about having a plan that fits the scale. And is it a big job? Yes, it is. But is it worth doing? Of course it is, because the way in which emergencies occur differ.

If you look at a number of very sad recent events, say in the last 10 years, you will find that volunteers have been killed in relatively small areas of fire—back-burns that go wrong and cut them off in a small pocket of vegetation, and a small area can be just as deadly as a big area. Mr Pratt seeks to highlight that unless you are willing to reasonably address the scenario of situations that you will face then you are simply not prepared. The way that you best prepare is to have the plans and hope that you never have to use them.

Mr Pratt’s suggestions are all very valuable and sensible. Indeed, they are very much matters that are based on a commonsense approach to preparing for and responding to the threat of bushfires. In the opposition’s judgment, there are major deficiencies in both the Emergencies Act and the strategic bushfire management plan. The major concern that we have is that these deficiencies lead to a position where our community is not protected in the way that it should be.

Version 1 of the strategic bushfire management plan was finally developed in late 2004. Unfortunately, it fails to set out the detail of what such a plan should contain. The strategic bushfire management plan must be an action plan. It must have clear directions and it must have tasking for emergency services staff, land managers and the general community with respect to bushfire prevention as well as emergency response. As well, the Emergencies Act needs to be most emphatic about the way in

which people and agencies fulfil their roles and responsibilities. As pointed out so appropriately by Mr Pratt, the act currently says that the commissioner and/or his chief officers, that do not exist any more, “may” act in certain areas. What Mr Pratt is saying is that the bill requires that the relevant people will act to prevent disaster and they will act to minimise risk. We need to be fair dinkum about the way we manage our bushfire plans and work out what is required of all of us, irrespective of where we work and what our responsibilities might be.

Mr Speaker, there are lessons to be learnt from the outcomes of the 2003 bushfire disaster. The opposition intends, through these amendments, to have many more bushfire operational plans than currently exist. This would include such areas as vulnerable suburbs, perhaps in some cases individually and in some cases as groups. We may need to include streets, and incredibly vulnerable streets were identified in the bushfire management plan that operated under the previous government. It may be just a rural settlement or other key geographical areas. But a relevant operational plan would be prepared and it could be accessed as soon as an emergency arose.

This sensible legislation, introduced by Mr Pratt, has been on the table for some time. In the meantime, the coroner’s report has been delivered and much of what the coroner speaks about is addressed by this bill. Mr Corbell seeks to say it is too hard, it would involve too much paperwork and it is not the approach we want to take. Mr Pratt has helped manage emergency situations around the world and has had extensive experience in the Australian military. You are talking about an individual who has spent his life in one way or another in emergency management. Based on his expert opinion and the years of experience that he has accumulated, the opposition has put forward this bill. I agree with what he has put forward here.

“May” should disappear, “must” should be there in its stead. We should be able, with modern tools, to be able to plan down to very small areas which can be grouped together. We should be able to cover much larger areas or just a significant front. Mr Speaker, you are a former firefighter. You understand that a shift in the wind can change a very narrow fire front affecting a small area to an enormously large fire front affecting a much larger area. This is what Mr Pratt is talking about—planning for the options, planning for the scenarios, having the modules there that can be pulled down when you need them so that we, as a community, can prepare and respond appropriately.

**MR PRATT** (Brindabella) (4.17), in reply: Mr Speaker, I would like to pick up on a couple of points as I wrap up the debate. Firstly, the minister claims that our amendment bill would create a further glut of paperwork. I do not see why that would be the case. If he means by that that, as I propose, there would be additional bushfire operational plans—indeed, there would be a hell of a lot more than we currently have on the table—well, yes, I suppose physically speaking there would be more documents printed.

However, the concern about a glut of paperwork in any sense of governance really refers to a fear that you might be putting in place further layers of documentation and bureaucracy that would confuse the people who need to look at and refer to these documents in order to carry out certain actions. We have not proposed that. If by adding additional bushfire operational plans we are able to provide further plans to

authorities and communities across the full spectrum of the ACT, well then that is not glutting the paperwork chain—that is simply making sure that copies of plans are available to those people who need to see them. So an expansion of the number of plans does not do that.

If the minister is concerned that additional paperwork will be created by requiring the commissioner and his delegates to produce on time a few more risk analysis plans or a few reconnaissance plans, then I would firmly state that these tasks would simply plug the gaps which currently exist. This would not be a glut of paperwork. It would be just making sure that all the t's are crossed and all the i's are dotted in terms of the risk analysis that needs to be done in preparing the territory for bushfire risk.

The opposition very much believes in the need for resilience plans. If you observe the standards which are exercised overseas, minister, you will see resilience plans in place covering all manner of communities from, for example, London city down to individual boroughs across England. If you look at that standard you will see that for all manner of risk, be it storm risk, flood risk or terrorist risk, every police borough, every community, has resilience plans. Of course, those plans are drawn up to a standard. So the standard is common and enough plans are written. And if that involves more paperwork then, I would put it to you, it is a sensible approach to collect information which must be provided to all people concerned, be they authorities, citizens or workers.

Mr Speaker, the minister has said that all of the matters which I am seeking to be covered in the amendment bill are already covered in the act and are already in the SBMP. Well, that is simply not the case. The minister is certainly correct when he says that the sorts of issues that we are addressing when we talk about bushfire risk management are covered in the SBMP. I have no issue with the minister on that. Yes, the act and draft SBMP (1) do cover all the types of actions that we want to see addressed. But the point is that the SBMP covering all the types of issues that need to be addressed is written in a conversational way. We have always made the point that the SBMP we currently have is a very useful document. It is certainly a document which provides a comprehensive checklist of the types of issues that we want to see the broader community and our authorities address. But it does so in a *Women's Weekly* fashion.

The document addresses these issues in a conversational way and that is our concern with the government's bushfire management in general, its strategic bushfire management plan in particular and the act. It covers these areas in a conversational way. Yes, there should be fuel hazard reduction. Yes, risk analysis ought to be undertaken. Yes, firebreaks ought to be constructed around vulnerable points. Yes, pattern breaks should be built across parkland. Yes, yes, yes! I cannot fault the minister. I certainly cannot find anything in the SBMP which is certainly not a good idea to be considered. They are all relevant.

But the point is this: the strategic bushfire management plan must be an action plan. And it must be an action plan that lays down fundamental frameworks for tasks which are going to have to be carried out by certain dates in the annual cycle of preparation and planning. We do not believe that the SBMP does that and we do not think the existing act, the Emergencies Act, stipulates that these things have to be carried out



properly and on time. That is what we are concerned about and that is what we want to see fixed. Although I have talked to the Greens, I am disappointed that they have not quite seen that point.

Mr Speaker, the minister says that the SBMP has been a bit late getting locked in as a confirmed document because it has been under review. Well, for God's sake, the damn thing has been under review for three years and 11 months and three bushfire seasons! So three bushfire seasons after McLeod and other experts identified that we needed to have these sorts of plans in place, we still have documents which are only in draft form. And that is our concern. We do not believe that a draft document, regardless of what it might say in print, gives the commissioner and his delegates, their brigade and unit captains, land managers and landowners, the police and any other responsible authority who might have an appropriate role to play in emergency management, the clear-cut authority to get these things done.

I would remind you, Mr Speaker—and I pointed this out in my speech before Christmas—that the act states that the commissioner and his delegates may do this and they may do that. The commissioner may identify and designate a bushfire abatement zone. The commissioner may carry out fuel hazard reduction tasks here, here and here. However, it does not stipulate where those sorts of things should be carried out. We do not say that the act is useless. The act is certainly something much better than we had had before. If I remember correctly, Mr Bill Wood brought the emergencies legislation into the Assembly between March and May 2004. It was certainly a better instrument for emergency management than what we had seen in this place before then. But, for reasons that I can never fathom, the act was written in such a way as to not tie these things down in a concrete fashion.

We want to see the act say that the commissioner will do this; his delegates will do this; land managers will, when advised by the commissioner, carry out fuel hazard reduction tasks by such and such a time; and the chief officer of the rural fire service will have the power to task his brigade captains to carry out risk analysis tasks in their areas of responsibility. We want the strategic bushfire management plan, empowered by the act, to be an action plan—an action plan which uses the word “will” rather than “may” or “gee, it may be a good idea if”. That is our concern with the existing act and the existing strategic bushfire management plan. I did not know the strategic bushfire management plan had suddenly been approved as a final document. Well, that is at least a head start but the final document is going to have holes right through it.

Mr Speaker, the minister says that under 74A my proposal for bushfire breaks is “simplistic” and that this was the only instrument that we wanted to have put in place. He went on to say that he prefers a more comprehensive risk analysis plan. Well, we entirely agree with that. We did not say bushfire breaks prepared along the Canberra urban edge and around vulnerable settlements or vulnerable locations—for example, identifying Mount Stromlo as a vulnerable remote location—were the be-all and end-all of bushfire preparation. The opposition does not believe in the building of rigid moats around the urban edge and vulnerable locations. We have never said that. So I think it is a bit disingenuous of the minister to mislead by saying that our preventative planning hangs on that view.

I have draw attention to the experience of the bushfire at Yarralumla in December 2005. I have spoken about the standards of the bushfire breaks along the urban edge of at least 22 suburbs. I have referred many times in this place to the five to 10 metre wide bushfire breaks on the western or south-westerly aspects of the urban edge. All we are saying is that you ought to have a strategic bushfire management plan that lays down a standard—be it 30 metres, 40 metres or 50 metres—for bushfire breaks to be constructed in those vulnerable areas. That should be a best practice benchmark.

In addition to firebreaks, we, of course, say that risk analysis must be undertaken to identify priority areas. The minister quite rightly said that you will have random patchwork breaks prepared in vulnerable areas. We entirely agree with that and we have said that before. So bushfire breaks are simply only part of the preparatory work that would be undertaken.

Mr Speaker, we have been told that requirements for bushfire operational plans are already in place. We do not agree with that. I do not know whether we have three, four or five bushfire operational plans covering the whole of the ACT. I can never quite get a clear answer on that. We believe that bushfire operational plans must be prepared for every vulnerable suburb, every vulnerable settlement, every vulnerable geographical location, every vulnerable area identified, and I illustrate again Mount Stromlo as an example of that. Those are the plans under which our people would operate.

Mr Speaker, the minister said that a Steve Pratt bushfire operational plan would therefore mean that there would be five different plans for each area. He has entirely misunderstood. What we are saying is that a bushfire operational plan would carry the same common information that is promulgated by the government and emergency services for bushfire preventative work. So every BOP would carry information which is common to all but, in addition, that bushfire operational plan would then identify local area miscellaneous information. For example, the risks to Mount Stromlo are very different to the risks to Gordon. So the BOP for Mount Stromlo, in addition to laying down the standard information for every part of this territory, would include tasks and risks identified peculiar to Mount Stromlo and the Gordon bushfire operational plan would list the same for those tasks relevant to Gordon. And this is what the government has missed out doing. Mr Speaker, we are concerned that the act, whilst reasonable and better than what it replaced, simply needs to be strengthened to provide better protections for the ACT.

**MR SPEAKER:** Order! The member's time has expired.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 7

Noes 10

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

Question so resolved in the negative.

## Industrial relations

**Mr Stefaniak:** I want to raise a procedural point before we start, on a point of order, Mr Speaker.

**MR SPEAKER:** Go ahead, Mr Stefaniak.

**Mr Stefaniak:** Thank you. When I saw Mr Gentleman's motion late yesterday and looked at it again I noted that, amongst other things, it condemns Thiess's dismissal of a certain first aid worker. I had cause to follow that further because I recalled speaking to that worker and he indicated he was taking legal action. I made some inquiries as a result of that this morning, having received some further documents, and was advised by the solicitors who were acting for Thiess that the matter had been commenced.

An unlawful termination claim was filed in the Australian Industrial Relations Commission in Sydney—matter No U2007/2834—and proceedings are up and running. I understand that the claim had been made by Mr Willets and that Thiess had put in a reply, so that would seem to be very much a sub judice issue. Whether that makes the whole motion fatal is another thing, perhaps, and that is for you, Mr Speaker. But quite clearly at the very least paragraph 2 is something we certainly could not be discussing, in my submission, in this Assembly, because it is a matter very much before the court.

**MR SPEAKER:** I agree, Mr Stefaniak. To discuss the aspects that we would be led to by paragraph 2 would be sub judice, so I think I would rule paragraph 2 out. So far as paragraph 1 is concerned, I just draw Mr Gentleman's attention to the fact that these are matters that are being considered by a committee of which he is chair, and I would ask him to observe standing order 241 and to avoid pre-empting the report of the committee.

**Mr Gentleman:** Mr Speaker, on the point of order: I spoke to Mr Willets this morning. He did not indicate to me that he had initiated any action as Mr Stefaniak has mentioned, but I am happy to take your ruling on it, Mr Speaker.

**MR SPEAKER:** Well, Mr Stefaniak has advised the Assembly on a matter that is before the federal court, and in that light I am—

**Mr Stefaniak:** The Australian Industrial Relations Commission; I did—

**MR SPEAKER:** Was it the industrial relations commission?

**Mr Stefaniak:** In Sydney, yes.

**MR SPEAKER:** In any event, it is before a judicial body and under consideration. I think it would be inappropriate for us to venture into that.

**Mr Stefaniak:** I have provided the Clerk with the solicitor's telephone number too.

**MR SPEAKER:** So for those reasons I have ruled it out.

**MR GENTLEMAN (Brindabella) (4.38):** : Thank you, Mr Speaker. I move:

That this Assembly:

- (1) notes the impact of new federal workplace laws on Canberra employees;
- (2) condemns Thiess' dismissal of first aid officer Steve Willets, a Canberra resident; and
- (3) calls on the Chief Minister to write to the Australian Building and Construction Commissioner to investigate Thiess for possible breaches of the building and construction national code.

Over the past 100 years, working Australians have benefited from a fair industrial relations regime, enabling them to share in economic prosperity and the knowledge that their employment was protected by an award system and access to unfair dismissal laws. However, changes to federal laws have seen the erosion of workplace conditions. Under the new industrial relations regime, there is no recourse against unfair dismissal for workers in a business with fewer than 100 employees and those on three-month probationary contracts. In just over 10 months since its introduction, many Australian workers have lost their job or have been forced to sign an unfair Australian workplace agreement, AWA, which has eroded their fundamental working conditions and pay.

The Liberal Party in the ACT has sought to constantly vilify both the Labor government and the unions for daring to criticise the worst aspects of this dreadful legislation. In a press release by Senator Humphries, issued on 20 October 2006, he stated that there were significant protections in place for employees under the new workplace laws. However, it is now clear that, at Thiess, federal legislation has seen significant protections being taken away from employees. To illustrate this point, the new legislation has allowed multinational construction giant Thiess to sack one of its workers, Steve Willets.

**Mrs Dunne:** I raise a point of order, Mr Speaker. You have just ruled that the matters relating to the employee who was sacked and the dispute between that employee and Thiess were sub judice. Mr Gentleman has already, within two minutes of starting, started to wander into the sacking of that young man.

**MR GENTLEMAN:** Mr Speaker, could I speak to that?

**MR SPEAKER:** Yes.

**MR GENTLEMAN:** It was in relation to protections being removed from employees and did not specifically go to the point of that particular item; it talked in general about the new legislation.

**Mrs Dunne:** You just said they sacked somebody.

**MR SPEAKER:** Well, as long as you do not refer to the case which was referred to in—

**Mrs Dunne:** You named him.

**Mr Stefaniak:** Yes, you just cannot refer to that case.

**MR SPEAKER:** You just cannot—

**Mrs Dunne:** You just named him. Mr Speaker, he named the person who was sacked.

**MR SPEAKER:** You should not refer to the person that is the subject of legal action and is before a judicial body, because it will be sub judice and I will rule it out.

**MR GENTLEMAN:** Righto, Mr Speaker. I will talk about an incident that occurred recently in the ACT, about the dismissal of an employee from—

**Mrs Dunne:** Mr Speaker, I'm sorry, this—

**MR SPEAKER:** The difficulty I have with that, Mr Gentleman, is that it is now pretty clear what that incident might be. I would rule that if you choose to adopt that course that would be sub judice too; so you have got to stay away from the particular case altogether. Now that the matter has come to the notice of the chair, any reference to a similar case I think draws a bead on the matter which is before the courts.

**Mrs Dunne:** Mr Speaker, I just seek your guidance. You have already ruled that paragraph 2 of Mr Gentleman's motion cannot be dwelt upon because of the sub judice issue. I am just wondering whether it is possible to discuss paragraph 3 either, because essentially what that is doing is asking the Chief Minister to take steps in relation to a particular activity as well, and I am just wondering whether that comes too close to the case as well.

**MR SPEAKER:** No, I do not think so. Plainly it can be dealt with separately.

**Mrs Dunne:** Okay. Thank you, Mr Speaker.

**MR GENTLEMAN:** Thank you, Mr Speaker. I am trying to find some words here to describe an incident that has occurred that we cannot talk about.

**MR SPEAKER:** Essentially, Mr Gentleman, you are stuck with paragraphs 1 and 3, unless you have other incidents.

**Mrs Dunne:** And you are a bit constrained on paragraph 1 as well, because of the standing orders.

**MR SPEAKER:** You just cannot use the matter which is the subject of paragraph 2; you cannot dwell on that.

**MR GENTLEMAN:** Mr Speaker, I am concerned about the possible breaches to the Australian building and construction code, and those have occurred at a work site here in the ACT, from the information given to me. Those breaches occurred where a gentleman working at a work site—not the gentleman we have talked about, previously mentioned—

**Mrs Dunne:** One of his cousins, was it?

**MR GENTLEMAN:** No, it is not his cousin, Mrs Dunne. The gentleman was working at a construction company here in the ACT on 8 February and was injured at the site. The worker, under instruction, had lifted a cover in a penetration and fell through a void, causing him to descend about one metre into ducting that was being installed. It was a terrible accident that resulted in an injury. However, the injury would have been far worse perhaps—and even fatal—if it had not been for this ducting which prevented him from falling another six to nine metres. The fact that this occurred demonstrates a lack of concern by employers for their workers by not ensuring that proper safety precautions had been taken.

It is less than 12 months, of course, since another worker was killed by falling through a penetration at another work site in Civic. No family should ever have to worry about whether or not their loved ones will walk back in the door at the end of the working day. Worker safety is a prerogative of management and this responsibility should be upheld at all times.

The following day after this event, on 9 February at 6.00 am, the worker attended that site and complained to a first aid officer that he was not feeling well and indicated that he would like to see a doctor. The worker was directed to speak to his supervisor and inform him of the circumstances. However—

**Mrs Dunne:** Mr Speaker, I am sorry but I think this again is going into the case that is before the industrial relations commission.

**MR SPEAKER:** Mr Gentleman, you just cannot refer to a case that can be likened to one which is before the commission. Otherwise, we end up in a situation where evidence that may well come before the commission as a result of the matter which has been listed could be in some way tainted by deliberations in this chamber and I just cannot permit that to happen, because either party could be disadvantaged by discussions in this place. So I would ask you again not to in any way refer to a case which is parallel to a case which is before a judicial body, because plainly that is a matter on which I have decided. It is pretty easy to draw the conclusion that we are

referring to the case that has been referred to the industrial relations commission. So I ask you again not to deal with this matter.

**MR GENTLEMAN:** Thank you, Mr Speaker. Well, I suppose all I can refer to then are instances that I have been made aware of, where people have not been able to go to work safely, have a safe workplace to work in, provide an income for their family in a safe environment and, as I said at the beginning, get home to see their families at the end of a working day.

Paragraph 3 of this motion calls on the Chief Minister to write to the Australian Building and Construction Commissioner to investigate Thiess for possible breaches of the building and construction national code. These occur where an employer fails to stand by the code and it is this particular area I would like to talk about. Employers and employees—all parties—must comply with the provisions of that code and those that are applicable are awards and workplace arrangements which have been certified, registered or otherwise approved under the relevant industrial relations legislation and legislative requirements.

It has been put to me that companies in the ACT have not been sticking by that code. Also within the code is a freedom of association; all parties have the right to freedom of association. This means that parties are free to join or not to join the industrial associations of their choice and they are not to be discriminated against or victimised on the grounds of membership or non-membership of an industrial association. A person cannot be forced to pay a fee to an organisation if they are not a member.

In my motion I am asking the Chief Minister to write to the construction commission to ask them to inquire into possible breaches of that code here in the ACT. It is clear that impacts of this federal workplace law have happened here in the ACT, and indeed in other states as well. I have here a copy of the safety comments from the New South Wales committee on social issues where they investigated the impact of WorkChoices legislation. In their conclusion on safety they have said:

Nevertheless, the Committee is concerned at the watering down of some OHS provisions in the WorkChoices legislation—particularly as relates to unlawful termination provisions for injured workers, state award OHS provisions, right of entry provisions and OHS training provisions. In the Committee's opinion, the amendments made to the *Workplace Relations Act 1996* by the *Workplace Relations (WorkChoices) Amendment Act 2005* and related regulations do nothing to promote safety in the workplace.

With that, I would like to request that the Assembly support my amended motion and call on the Chief Minister to write to the Australian Building and Construction Commissioner to investigate possible breaches of the building and construction national code.

**MR SPEAKER:** Before we go on further with this, because of the notice we have just received that this is a matter before the industrial relations commission, it does really restrict members' ability to debate in any detail this matter, it seems to me, so somebody may wish to move to adjourn this to a later date so that the matter can be discussed.

**MRS DUNNE** (Ginninderra) (4.52): Mr Speaker, I move:

That the debate be adjourned.

**Dr Foskey**: I would like to speak against that motion—

**MR SPEAKER**: Well, you do not have the opportunity, regrettably, Dr Foskey, because adjournment motions are put without debate.

**Dr Foskey**: But I would like to vote against it; we are managing to have a debate—

**MR SPEAKER**: You will have the opportunity to, because I am going to put the question, now that it has been moved.

**Dr Foskey**: Do we not vote on the adjournment?

**Mrs Dunne**: Yes, we are just about to. If you sit down, we can.

**MR SPEAKER**: Yes, you do.

**Ms MacDonald**: Mr Speaker, I know that you need to put the motion procedurally, but we could have Dr Foskey give a speech and then adjourn it.

**MR SPEAKER**: Order!

**Dr Foskey**: It is possible to speak about it without breaching that.

**MR SPEAKER**: The call for an adjournment is put without debate, so I am going to put the question. The question is that the debate be adjourned.

Question resolved in the negative.

**DR FOSKEY** (Molonglo) (4.53): I support that which remains of Mr Gentleman's motion and I am fortunate in that I still have a speech left after omitting what I believe are the troublesome parts.

The nature of workplaces has changed considerably over the past 25 years and not all of those changes are specifically to do with the Howard government, ABAs or WorkChoices, although the Greens are on the record as opposing them. It is the view of the Greens across Australia that we need to put structures back in place to ensure workplace relations are fair and equitable. In that context, it is important to look closely at the impact the WorkChoices regime is having on workplaces.

This motion is clearly about recent events on Canberra building sites and particularly reflects on some of the practices and procedures pursued by Thiess, a major Australian construction company very evident around Canberra. Consequently, when issues arise such as the one referred to in this motion we need to look at them very carefully.



Of course, the construction industry has been significantly affected by the establishment of the Australian Building and Construction Commission, flowing out of the royal commission inquiry into the building industry a few years ago, which has extraordinary powers to enforce what it sees as appropriate practice. The federal government, in its commitment to maintaining appropriate standards, requires those construction businesses it engages to comply with the building and construction national code, including in respect of injury management.

Sadly, the agency set up by the government when it introduced WorkChoices and gutted the industrial relations commission, the Office of Workplace Services, does not claim jurisdiction. In other words, there is no effective system of accountability set up. Corporations are nominally expected to comply with the code but there is no assurance that they will or means of making them do so. It does appear, however, that some of them like to look as though they are complying. Perhaps we should look at how this comes out in the wash.

In December last year, for example, a young worker at Thiess lost a finger. As I understand it, he was then required to attend work while on pain medication. He had no duties at work other than to attend the site long enough each day for Thiess to avoid lodging a “lost time injury report”. This is simply a way of avoiding some of the penalties that ought to impact on a business that is running an unsafe or insufficiently safe workplace.

Another example of the same approach relates to a duct installer at the Marcus Clarke Street site, who I believe was required to attend work daily despite a severe back injury. The employee attended work via a taxi paid by Thiess for one hour per day, where I understand he was obliged to watch a workplace safety video. Again, the outcome from Thiess’s point of view was that the management did not need to lodge a lost time injury report. Finally, of course, there are the other matters that I do not plan to talk about due to the Speaker’s ruling.

**Mrs Dunne:** I raise a point of order, Mr Speaker. I cannot tell, listening to Dr Foskey, whether or not she is adverting to the—

**DR FOSKEY:** Well, I am not, Mrs Dunne. Perhaps you should listen.

**Mrs Dunne:** incident or the incidents on that site and therefore whether they relate to this dismissal. It seems to me that what Dr Foskey is doing is adverting to other incidents that happened on this site that were in the lead-up to this dismissal, and therefore they create a problem for sub judice.

**MR SPEAKER:** I do not know how we can know that.

**Mr Mulcahy:** Well, she is naming the company. She is naming the firm.

**MR SPEAKER:** Well—

**Mrs Dunne:** Dr Foskey is naming the company and she is also using—

**DR FOSKEY:** I will not name the company then.

**Mrs Dunne:** material that has been circulated by members of the union that relate to this incident. Dr Foskey is retailing stuff that had been circulated by the union before this became an industrial relations tribunal matter. Now it has become an industrial relations tribunal matter, I think that we were ranging fairly close to sub judice on this matter by advertng to incidents that were in the lead-up to these things, and I think it is not fair on the company or the individual involved.

**MR SPEAKER:** I cannot discern that what Dr Foskey has referred to is related to the case which is before the industrial relations commission. She plainly puts it in the vein that they are different cases it seems to me.

**Mrs Dunne:** Mr Speaker, any of us who have read the documentation that has been circulated to members on this matter know that all of the cases are closely related and they move sequentially one from the other. As a result of this I think that there is a strong link and I think that we should be erring on the side of caution and not debating these matters. I think that the matter should be adjourned until—

**DR FOSKEY:** Anyway, I have finished that part of the speech.

**MR SPEAKER:** Thank you for your forbearance. The difficulty that the chair has here is discerning what is related to the case. It has been said that this person was a first aid officer and—

**DR FOSKEY:** I have not referred to that person.

**MR SPEAKER:** Well, it has been said that this person was a first aid officer, and it is in the motion, and by referring to matters which the first aid officer might logically attend to could touch on evidence. We have no way of knowing what is going to be led in evidence in these matters. If you touch on matters which concern what the first aid officer might have been doing, I think you run the risk of touching on evidence that could be led—for whatever reason; we can't know. So I would caution you against touching on issues which might impinge upon the matter which is before the industrial relations commission. My caution here is about affecting the rights of either party; that is our job—to concern ourselves about those issues. So, Dr Foskey, you should not refer to matters which—

**DR FOSKEY:** I would like to move on to political interpretation, which I believe is fairly safe.

**MR SPEAKER:** Yes, of course.

**DR FOSKEY:** I would like to point to a conflict between the Thiess injury management procedure and the ACT Workers Compensation Act. Our act requires, reasonably I believe, that injured workers can see a doctor of their choice. The company concerned requires such workers to visit a doctor that it determines, and that they be accompanied by a supervisor, who must be allowed to accompany the worker into the surgery.

What we are finding here, and I think what is really the crux of Mr Gentleman's motion, is that WorkChoices has changed the dynamic in these employment situations. It has given the employer the given power to terminate on the basis of failing to follow procedures, and the Office of Workplace Services does not accept jurisdiction in dealing with the fairness of such procedures. Of course, an independent court action could cost the worker quite a large amount to pursue. A worker could be sacked for not following due processes, yet the employer may also fail to pursue due processes, but there is no-one holding the employer to account.

The only body that could pursue the matter, it would seem, is the Australian Building and Construction Commission. The unions opposed its establishment, but it has been championed by Liberal Party politicians. I understand that Senator Humphries has been asked to pursue this matter—the one that we are not allowed to talk about—and to take it up with the ABCC. I would like to take this opportunity to ask Liberal opposition leader, Mr Stefaniak, to do the same thing.

My reading of the situation is that workers are losing out in workplace safety. I have no doubt that the opposition disagree with me but I would like to see them put their money where their mouth is and take up cases such as the one that we are not allowed to talk about. But perhaps, as this motion asks, the Chief Minister needs to write to the ABCC as well, just in case; but let us also concede that a letter from Mr Stefaniak might have more weight on this matter, and I urge him to write it.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (5.04): Since a lot of this matter is sub judice, I propose to move amendments that are pretty germane to the whole discussion. Government members may object to the first amendment on ideological grounds. In paragraph (1), after the words “notes the” I propose to insert the word “positive” in reference to the impact of new federal workplace laws on Canberra employees. My secondment amendment would omit Mr Gentleman's paragraph (3)—

**MR SPEAKER:** Mr Stefaniak, would you care to wait until the amendment is circulated so that members can have a look at it?

**MR STEFANIAK:** Members may not have a particular problem with my proposed paragraph (3), which is quite practical.

**MR SPEAKER:** You can speak to the motion before the amendment is circulated.

**MR STEFANIAK:** Thank you, Mr Speaker. Whilst I appreciate Mr Gentleman's point of view, the fundamental issue is the issue of safety in the workplace, especially safety on the building site. No-one in this Assembly would disagree that that is a paramount consideration. There are a number of issues that we should debate, and I will deal with paragraph (1) of Mr Gentleman's motion shortly, but I will direct my comments principally to breaches and unsafe practices, which are important matters.

It is important that safety procedures be best practice, because if there are good safety policies in place everyone wins—workers, managers and shareholders. I do not want

to get into the detail of a possible case, but I will say again that it is important that good safety policies be in place in the workplace.

In the last six months I have been aware of some very real concerns on building sites and other workplaces in Canberra about WorkCover's ability to be proactive and to go into workplaces and ensure that things are hunky-dory, that everything is operating properly and that the proper procedures are in place so that accidents do not happen.

The construction industry is one of the more difficult and potentially dangerous industries where people actually can get injured. I imagine that quite a few of us in our younger days, like me, have worked on construction sites. I think that there have been considerable improvements in terms of occupational health and safety, but it is crucially important that the right practices are in place. It is important that WorkCover be able to go in and look at sites and be proactive, because that is part of their role.

Over the last few months I have been very disappointed to hear a number of complaints that WorkCover simply are unable to do their job the way they would like to do it. Due to a lack of resources they are unable to ensure that workplaces are safe, and this has been particularly acute since the budget. Again, it is the pointy end that is suffering, rather than perhaps other areas of departments, where less important activities could be curtailed when cutbacks in the public service are required. Because you chase the wrong priorities, you spend more money than you should have and suddenly you realise that you have to make some economies.

I have been particularly concerned that WorkCover has suffered, that staff morale is very low and that they feel that they are unable to do the job they should be doing properly. I have heard that, from a staff of about 51, they are down to about 15. Really, that is quite concerning. The minister does need to address the issues, and the government as a whole needs to reorganise its priorities to take account of important areas of the public service which actually affect people's lives. Often it is the people at the pointy end, the shopfront and workplace inspectors, who suffer when a government decides to make cuts to its public service rather than in other areas which, for whatever reasons, are not cut. I think the government should pay attention to this area.

It is of great concern to me to hear those complaints about WorkCover's inability to do the job that the workers there feel needs to be done—to be proactive and take steps to ensure that sites and workplaces are safe, rather than having to act after the event. I certainly was very concerned to hear those complaints and I think that is something the government needs to look at. It is an important issue.

My secondment would omit paragraph (3). Because of the nature of this debate and the fact that the sub judice rule applies, we obviously cannot mention names. We cannot even mention company names.

**MR SPEAKER:** Would you like to move your amendment?

**MR STEFANIAK:** I will move the amendments circulated in my name. I have already read out the first one.

**MR SPEAKER:** You will need leave to move them together.

**MR STEFANIAK:** I seek leave to move amendments Nos 1 and 2 circulated in my name together.

Leave granted.

**MR STEFANIAK:** I move:

“(1) in paragraph (1), insert , after the words ‘notes the’, the word ‘positive’;

(2) omit paragraph (3), substitute:

‘(3) recommends to any aggrieved party that they write to the Australian Building and Construction Commissioner to investigate possible breaches of the building and construction national code in the ACT.’”.

Given that this debate has been truncated because of the sub judice rule—and the sub judice rule affects a particular worker and a company—my second amendment is quite appropriate, although it is probably not remotely appropriate for the Chief Minister to write because he actually has not got much to write about. Clearly, the people who should be concerned and who need to write to the commissioner are, in fact, people who are aggrieved. We should encourage them to do that. Some may have already done so in relation to the matter Mr Gentleman tried to bring before the Assembly. There may be other aggrieved people who need to have possible breaches of the building and construction code addressed. I think that is proper, but I do not think what Mr Gentleman has moved is particularly proper.

The government should look seriously at WorkCover. It seems to allow the ACT to be plastered, quite illegally, with Labor union signs such as “your rights at work” as part of a campaign against the federal government, yet at the same time its penny pinching has left WorkCover ill-equipped to monitor safety compliance at workplaces in the ACT. The government needs to lift its game.

I am sure we will divide on ideological grounds on the motion, but really I do not think the federal workplace laws are anything new. In fact, they have been in the pipeline for some 10 years. As a result of efforts in this area, since March 1996, more than two million jobs have been created, and more than 1.1 million are full-time jobs. Since WorkChoices was introduced in March 2006, more than 240,000 additional jobs have been created. Of those, 206,600, or 85.6 per cent, have been full-time jobs. We now have 10.3 million Australians in employment, with 7.4 million being in full-time employment.

Our unemployment rate has fallen to 4.5 per cent. Even our Chief Minister is particularly proud of the low ACT employment rate, and well he should be. It has occurred right across the country. But that is largely thanks to very sensible industrial relations policies of the federal government. The male unemployment rate is 4.3 per cent; for females it is 4.9 per cent. In January 2007 the teenage unemployment rate stood at 20.7 per cent, in stark contrast to a peak of 34.5 reported in July 1992.

Well I recall those years when, under Hawke and Keating, 50 per cent or so of teenagers seeking work were unemployed. That number has gone down considerably.

The unemployment rate in December 1992 generally was 10.9 per cent, leaving 900,000 Australians unemployed. We are down to 4.3 per cent, and even lower in the ACT. That is pretty good. Retrenchments are 59 per cent less than they were in February 1999. Real wages under the coalition government have grown by 3.5 per cent per annum, compared with a 1.7 per cent decrease under Labor.

Non-managerial employees on Australian workplace agreements are earning, on average, nine per cent more each week than employees on a registered collective agreement and 94 per cent more than employees paid according to awards. Those are pretty impressive statistics. Since March 2006, 266,000 Australian workplace agreements have been lodged, and 1,166,000 have been lodged since 1997. Those figures are very, very impressive. The participation rate of our young people is now the second highest in OECD countries.

Do not talk to me about WorkChoices being a bad thing. It has some significant improvements. Recently we have seen prosecutions, not so much in the local building industry but in relation to the food industry, in restaurants, and that indicates just how effective these laws can be. They actually give workers a considerable amount of choice and a strong bargaining position. Our employment figures are something to be proud of. Clearly, the workplace laws help workers rather than hinder them.

One of the big beneficiaries, of course, is small business. Yes, it may be easier to get rid of some workers, but before then it was very difficult to get rid of people who simply did not want to work and were obstructionists. It was very, very hard, especially for small business, and a lot of people simply were not employed because small business did not have the necessary degree of flexibility to get rid of workers who were not pulling their weight and were dragging the group down, which you cannot do. These laws have enabled a lot more people to be employed, and that is a pretty impressive statistic. It is important that the lot on the other side get over their hang-ups in relation to the new workplace laws.

That being said, I will get back to the fundamental point. I do not think anyone in this Assembly would want to see people get injured. I think everyone here would want to ensure that, as far as is humanly possible, good safety precautions are in place in our workplaces. I think my amendments will help along those lines and I commend them to the Assembly.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (5.15): In response to Mr Stefaniak, may I just observe that, no, I do not think this side of politics will get over our objections to WorkChoices. I think they are very well grounded objections and they are objections that we will continue to hold. Obviously the issues will be decided in the forthcoming federal election, but we, locally and federally, will continue to oppose WorkChoices, and I do not think that you should expect that we will get over that.

I thank Mr Gentleman for raising this issue in the Assembly. The effect of the federal government's WorkChoices legislation on the health and safety of workers is an important and highly relevant topic. I am pleased to hear from Mr Stefaniak that there is agreement that there is not a more basic entitlement for a worker than to be able to work in a safe place and to be able to return home healthy and uninjured at the end of the day.

The data paints a particularly horrific picture. In the financial year 2004-05, 214 workers in Australia died as a direct result of an incident at work. They are alarming figures, but they do not reflect the workers who may not have been covered by insurance, who perhaps might have contracted a disease from their occupation or who were killed travelling to or from work.

Here in the ACT, our workers compensation scheme that covers the private sector work force issues approximately 13,000 insurance policies each year. By December 2005, there had been over 4,000 insurance claims for incidents in the 2003-04 financial year. So, to put that into some perspective, on average every day of the year at least 10 private sector workers in the ACT are injured or affected to such an extent that a workers compensation claim is made. Of course, for each of these statistics there is a person who has experienced discomfort, pain, injury or, sadly, even death. There are scores of individuals and families each day whose lives are fundamentally changed and affected by the success or otherwise of the regulation of occupational health and safety.

So, whilst this debate may have seemed somewhat esoteric at the beginning, it is one that affects us all. Despite what the federal government might think, there is undoubtedly a link between the WorkChoices legislation and occupational health and safety. You simply cannot create an industrial system which trades an employee's family, social and wellbeing responsibilities for short-term financial gain and expect that there will be no repercussions for safety. I ask members to consider the possibility of employees trading off large portions of their leave, losing their penalty rates and then being told that they must work overtime to guarantee their continued employment. Does the federal government honestly think that such a worker whose ability to rest and enjoy leisure has been severely diminished will be able to maintain the focus on safety that is needed to ensure an injury free workplace? I pose the question to those opposite: do they think that?

But the federal legislation does not just hit workers in this way. It actually makes it harder for unions to check on the safety of their members. An initial glance at the WorkChoices legislation might leave one with the impression that the regulation of occupational health and safety is something that has been left to the states and territories. In fact, occupational health and safety, including entry of a representative of a trade union to a premise for a purpose connected with occupational health and safety is a non-excluded matter. If you flick past the next 720 sections of the legislation, you will come to part 15 of the Workplace Relations Act 1996, which deals with the right of entry provisions. It is this part of the legislation that directly impacts on the way right of entry powers can be exercised in the ACT.

Like other jurisdictions, the ACT's Occupational Health and Safety Act 1989 includes right of entry provisions. These provisions allow authorised representatives to enter a workplace to investigate suspected contraventions of the act. To become an authorised representative, a person is required to complete training set out in the regulations. An approved training program for health and safety representatives is in place in the ACT. It is regularly reviewed and updated by the ACT's tripartite Occupational Health and Safety Council.

Despite the existence of effective and reasonable territory legislation regulating the right of entry for safety related issues, the commonwealth decided that more regulation was needed. The WorkChoices regime requires an officer or an employee of a union to obtain a permit from the Registrar of the Australian Industrial Relations Commission before exercising right of entry powers. They are also required to enter during working hours and to provide 24 hours notice if they wish to examine the employment records. There is no benefit from this additional layer of commonwealth regulation to health and safety outcomes in workplaces. These regulations were also introduced with totally inadequate consultation.

The ACT government was not consulted about the regulations or even informed about their introduction. This is despite the fact that these regulations clearly impact on the rights of trained union representatives to enter workplaces and inspect for safety breaches. The failure to consult the ACT government about this matter is extremely disappointing but, I would note, not entirely unexpected, given the lack of meaningful consultation that preceded the introduction of the WorkChoices legislation.

Overall, the WorkChoices legislation has had a significant impact on the relative power of employees and employers in the workplace. Over time this may make it harder for employees to raise legitimate safety concerns. The reduced reach of unfair dismissal legislation means that an employee who is dismissed for raising a safety concern might only have access to the more complex and costly unlawful termination remedy.

Increasingly, employers are able to choose what type of instrument will cover the work force and possibly disregard the views of employees who would prefer collective agreements to individual ones. These changes entrench the notion that workers should passively accept the conditions of employment that they are offered. When it comes to workplace safety, the aim should be to raise awareness of potential workplace hazards and empower workers to refuse to work with risks that can reasonably be avoided.

Occupational health and safety legislation is about encouraging a systematic commitment from everyone involved in the workplace to ensure that work is conducted in a way that is safe and free from risk to health and safety. While the employer will continue to have the legal responsibility for ensuring safety at work, there is also a critical role for inspectors and trained safety representatives. By compromising the ability of workers and their representatives to take decisive action on safety issues, the WorkChoices legislation is likely to compromise optimal safety outcomes.



In summary, the WorkChoices legislation does not advance the cause of work safety. It is a backward step. The recent legislative adventures of the federal government in workplace relations have failed to deliver the simplicity or the fairness that were promised. Perhaps we could hold out some hope that this experience will discourage the commonwealth from future forays into areas of occupational health and safety and workers compensation, because protecting the health and safety of workers requires a clear and enforceable legislative framework. It should not be put at risk with further legislative venturism from the commonwealth.

Before I conclude, Mr Stefaniak did raise some issues in relation to WorkCover. Members may be aware that yesterday I tabled a quarterly report from the commissioner. I am pleased to advise that, in terms of inspections, investigations and compliance activity during the final quarter of last year, there were 897 workplace visits and compliance actions undertaken by staff in the workplace safety and workers compensation inspectorates. Of those, 455 were workplace visits by staff in the workplace safety inspectorate, with 178 in construction, 82 in the retail sector, 31 in manufacturing, 30 in property and business services, 27 in accommodation, cafes and restaurants and the balance across other industry sectors. Four hundred and forty-two were compliance checks or workplace visits by staff of the workers compensation inspectorate, with 42 in accommodation, cafes and restaurants, 39 in communication services, 36 in retail, 28 in construction, 24 in property and business services and the balance across other industry sectors.

In terms of injuries and dangerous occurrences during the reporting period, there were 225 incidents reported to ACT WorkCover, 201 being injuries and 24 dangerous occurrences. I am pleased to advise that on the enforcement side, 25 improvement notices, 19 prohibition notices and two infringement notices were issued during that reporting period. It remains a busy time for WorkCover. I am advised that 3,817 telephone contacts were made with ACT WorkCover officers. (*Time expired.*)

**MR GENTLEMAN** (Brindabella) (5.26): I will be speaking against Mr Stefaniak's amendments. I seek leave to move an amendment that has been circulated in my name.

**MR SPEAKER:** We will deal with Mr Stefaniak's amendment first. Once we have done that, you may then wish to move your amendment. Subsequent to your speaking to your amendment, you may wish to close the debate, subject to other people who may wish to speak on the matter. We have to deal with Mr Stefaniak's amendment, and the question before the Chair is that Mr Stefaniak's amendment be agreed to.

**Mr Stefaniak:** In relation to that, Mr Speaker—

**MR SPEAKER:** Mr Stefaniak, you have already spoken to your amendment.

**Mr Stefaniak:** Under standing order 133, I ask that the amendment be divided.

**MR SPEAKER:** Mr Gentleman will speak to the amendment. We have not got to the question yet. The question is that Mr Stefaniak's amendment be agreed to. Mr Stefaniak, you can raise the matter of dividing the amendment when we get to the stage of putting the question.

**MR GENTLEMAN:** I am against Mr Stefaniak's amendment. I and urge members to vote against it. Firstly, I want to deal with Mr Stefaniak's comments about WorkCover. The opposition in the Assembly has attempted to shift the blame onto this government on workplace safety.

On Friday, 17 February, Mr Bill Stefaniak issued a press release attacking the Chief Minister about his alleged cuts to WorkCover, and we have heard more rhetoric about it here today. But not a word has been said by Mr Stefaniak about the questionable work practices of companies and their lack of duty of care towards their employees. No amount of funding for WorkCover will change the fact that these incidents should never have occurred in the first place. WorkCover is called in after an incident has occurred, and there may be many more as employers cut corners in the pursuit of profit. I am glad that Mr Stefaniak mentioned young people and AWAs in his—

**Mrs Dunne:** I raise a point of order Mr Speaker. There is a matter before the industrial relations tribunal. Mr Gentleman just said that the employers in this town cut corners to make a profit. This will impinge directly upon evidence in this matter. It is unreasonable. Mr Gentleman has played fast and loose with sub judice all afternoon.

**MR SPEAKER:** It is a generic reference to employers and it is permitted.

**MR GENTLEMAN:** Thank you, Mr Speaker. I am glad Mr Stefaniak mentioned young people and AWAs in the ACT. We heard how well they were going. In fact, last week and on the FM networks and 666 over the weekend we were presented with comments and detailed observations from the Youth Coalition of the ACT. They have said that one of the most concerning aspects of young people's employment is that young workers are highly likely to experience an injury or illness while at the workplace and to be treated in a way that contravenes legislation, regulations or workplace agreements.

They said that research by Job Watch found that 10 per cent of young people were being paid under the minimum wage; 9.1 per cent were not being paid at all; 39 per cent were not paid for training and staff meetings they were entitled to be paid for; 24.2 per cent did not get a 30-minute meal break when working five hours or more; 46.2 per cent had been injured in the workplace, of which 59.1 per cent were burns; 29.7 per cent have been verbally harassed in the workplace; and 19 per cent experience some form of discrimination in the workplace. They said that young people are unlikely to access complaints processes and are likely to accept decisions made by employers, which is a result of their limited experience in the labour force and low levels of knowledge of their rights.

I was able to speak to a young person who has been employed as a bricklayer for about 12 months. Last Saturday at the Lanyon Marketplace I asked him what his work was like. He said it was great. He said, "I start early. I finish early. The money is good." I said, "What about holidays and sick leave?" He said, "Well, we do not get any of that. We are told that we must sign up as an ABN, as a subcontractor." He said that they had no other choice. They were not given any opportunity even to sign an AWA. So it is clear that these laws have affected young people, and I am glad that Mr Stefaniak brought that up.

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (5.31): In speaking to Mr Stefaniak's amendment, I have to congratulate him on the brazenness with which he attempts to put a positive spin on WorkChoices. I think that is a pretty brave thing to do. How anybody can put anything positive about WorkChoices is absolutely beyond me.

**Mr Seselja:** He is apparently against employment growth.

**Mr Mulcahy:** The highest level of employment in the past 30 years.

**Mr Seselja:** You are against that now?

**MR HARGREAVES:** Of course I am; I will just be your puppet, Mr Seselja. You can be the puppeteer any time you like. I am happy to do that, as long as it keeps you happy.

**MR SPEAKER:** Conversations across the floor in the course of a debate are highly disorderly. Direct your comments through the chair and let us get on with it.

**MR HARGREAVES:** Okay, Mr Speaker. But I am very happy to be Mr Seselja's puppet to his puppeteer if he will smile like that all the time when he talks about the positive nature of WorkChoices. He tells us how 17-year-olds can come on to any building site in Australia at the moment and say, "I would like this particular piece of working conditions, please. I would really like to go home tonight. I don't want to get killed, because that would really wreck my day, that would." What happens? There is absolutely no guarantee of that anymore.

All power to Katy Gallagher's arm when she introduced the industrial manslaughter laws. Mr Speaker, you will appreciate that. We have to do things like that because there is no guarantee of workplace safety while ever you have got these draconian laws in place. You have got a complete David and Goliath arrangement. A young fellow trying to get himself a decent amount of money for a decent day's work: what chance has he got? If it is an equal bargaining arrangement, would he go in and say to John Hindmarsh, "John, I have been working really hard and I would like to have the same amount of money as this bloke over here who does not quite work as hard as me." Would Mr John Hindmarsh and his delegate say, "Yeah, mate. No sweat. Hear this. That is why WorkChoices are good for you"? I don't think so!

Whether it is Thiess, John Hindmarsh, the Kondouris family or the Uncle Tom Cobbley building company it does not make any difference. They say, "According to WorkChoices, mate, you have got two choices: you can get back to work or you can leave." That is what WorkChoices is all about. It is about putting the weight on one side of the argument. There is nothing positive about bullyboy tactics. There is absolutely nothing positive about having a lack of empowerment, about being disenfranchised. There is nothing in it at all.

The WorkChoices legislation is an abomination on society and particularly in the building industry. There was a building site not long ago—and I have to pay some

credit to the CFMEU here and to CSI, because they are great blokes—where they put a food van—

**Mr Mulcahy:** How is George, anyway?

**MR HARGREAVES:** I do not know.

**MR SPEAKER:** Order!

**MR HARGREAVES:** I do not know. I have got no idea where George is—no more idea about where George is than you know where your mate Brian Burke is, mate. I do not know. You and your AHA mates: were you with the AHA when they had a contract with Brian Burke? Well, go back and check your diary. I suggest you do, because we are going to.

**Mr Mulcahy:** Not me.

**MR HARGREAVES:** Yes, because if we are in it so are you. All old longstanding members of the Labor Party are going to—

**Mrs Dunne:** Relevance, Mr Speaker.

**MR HARGREAVES:** Well, it is all about Mr Mulcahy's choice to work here.

I was speaking about those food vans. The reason why the CFMEU and CSI got together and did that was that it was an occupational health and safety approach and it was about giving the work force on the collection of building sites around that area somewhere to go for lunch or for morning tea that was not anywhere near the temptation of pubs and clubs. It was also about giving them nutritional information if they wanted it and—

**Mr Mulcahy:** Who are you kidding?

**MR HARGREAVES:** You have not had anything to eat at that food van? I will take you.

**Mr Mulcahy:** No, no. I would not be game.

**MR HARGREAVES:** I will take you—Monday lunch time. Do you want to be my date, Mr Mulcahy?

**MR SPEAKER:** Order, Mr Hargreaves! Direct your comments through the chair.

**MR HARGREAVES:** Sorry about that, Mr Speaker. Mr Speaker, I have offered to take Mr Mulcahy to lunch. I will take him for lunch or as lunch; it does not really matter to me.

Mr Speaker, did you know that those workers at those buildings sites, a collective, have got to be careful when they go to that van, because if they are missing from the site at the wrong time they can be regarded as off-site, as leaving the site without

permission, and in fact if they talk to a delegate they can be deemed to be taking part in industrial action? That is WorkChoices for you!

*Mr Mulcahy interjecting—*

**MR HARGREAVES:** No, what I am saying is that people should be able to go and receive workplace safety information relevant to their work sites.

**Mr Seselja:** Rubbish! Bring back the BLF.

**MR HARGREAVES:** I hear across the chamber, Mr Speaker, that it is rubbish—that a worker can go and seek occupational health and safety information relevant to their worksite.

**Mr Seselja:** That's not what the unions want; the unions just want to bully—

**MR HARGREAVES:** Well, that tells a story about WorkChoices, doesn't it?

**Mr Seselja:** The BLF just want to bully again, mate; they want to be in control.

**MR HARGREAVES:** When was the last time you did it? That just shows these people's approach to WorkChoices, Mr Speaker. They are not concerned about workplace safety. They are not concerned about the safety of the people who, on building sites, are often asked to put their personal physicality on the line. The people there run the risk of being injured every day they go to work. What we are all about is saying that they should be allowed to go to work, to put in their hours at work, to get a good day's pay for a good day's work and to go home safely to their families. And right now WorkChoices legislation is getting in the way of that.

I cannot find anything positive to say about WorkChoices at all. It puts the balance of power too far on one side. There is no equal negotiation about this. People are prevented from having their say and they cannot legitimately withdraw their labour, according to this legislation. We are about to stick 12-year-olds down a mine with a canary in a cage if these guys are allowed to keep going the way they are. This is just an absolute joke. To suggest for a second that there are positive aspects of WorkChoices is beyond the pale. I do not think anybody in their right mind can support these amendments.

**MRS DUNNE (Ginninderra) (5.40):** Mr Speaker, I congratulate Mr Hargreaves on a fairly outrageous filibuster. While we are talking about WorkChoices and the measures that we are going to, I would like to draw people's attention to the impact that the buses are having on people's incapacity to meet their work requirements: they cannot get to work because of the things that have been done by this minister for transport to the bus drivers—

**Mr Gentleman:** Relevance, Mr Speaker.

**MRS DUNNE:** and the people who put together—

**MR SPEAKER:** Order!

**Mr Gentleman:** I raise a point of order, Mr Speaker.

**MR SPEAKER:** Order! Remain relevant to the motion.

**MRS DUNNE:** The arrangements in relation to WorkChoices that this minister has used in relation to the rostering of the buses and the treatment of the TWU through the rostering system, and the cavalier approach that this minister has taken—

*Members interjecting—*

**MR SPEAKER:** Order! This seems to be a speech that might be more relevant to another matter on the notice paper.

**MRS DUNNE:** It may be, Mr Speaker, but Mr Hargreaves has filibustered so much that I cannot get on to it. I am talking about the impact of the workplace laws on Canberra employees, and bus drivers in this town—

**MR SPEAKER:** You cannot pre-empt a matter that is on the notice paper either.

**MRS DUNNE:** I have not; I am not talking about the timetable. I am talking about bus drivers. Mr Speaker, bus drivers are workers in this town—

**MR SPEAKER:** Where are bus drivers mentioned in Mr Gentleman's motion?

**MRS DUNNE:** Mr Gentleman's motion talks about the impact of workplace laws on Canberra employees—and the last time I looked, Mr Speaker, bus drivers were Canberra employees. I was meeting with them yesterday. The treatment that has been meted out to bus drivers by this government through their Minister for the Territory and Municipal Services is one of the things that we need to take account of. Those opposite are all here saying that the Labor Party are in favour of a fair workplace for people and that it is those nasty people in the Liberal Party who do not really give a care. But, when it comes to bus drivers, the bus drivers say things that are inconvenient for this minister. What are the things that he has said about them? That they have no role in making a positive contribution to a better operation of the bus service in the ACT; he has told them and he has told the people of the ACT through, at least on one occasion, the Belconnen Community Council, that he does not care what bus drivers think.

**Mr Hargreaves:** You weren't there—hearsay.

**MRS DUNNE:** My staff were there. My staff were there to represent me because I was not able to be there. I had a thorough briefing on what Mr Hargreaves said. He said: "I will not have bus drivers telling me what to do. They are paid to do their job and that is driving buses." This minister will not do anything to make the workplace better for his bus drivers so that they can provide a service to the people of the ACT. Consequently, I am now confronted on a regular basis with people who cannot get to work on time, who depend upon the bus service to get to work on time. This minister is jeopardising the continuative employment not only of his bus drivers but also of many other people in this territory. People who work casual arrangements, people

who work in hospitality, now have unreasonable journeys to work because of what this minister has done.

If this minister wants to filibuster and not talk about buses because it is inconvenient to him, there are many other ways that we can skin this cat. The service that he provides to the people of the ACT is unfair to the people who work in the ACT, and the people who work in the ACT, like the bus drivers that he employs, like my constituents who cannot get to work, are badly served by Mr Hargreaves.

**Mr Barr:** On the amendment, Mr Speaker—

**MR SPEAKER:** The question is that the amendment be agreed to. You have already spoken.

**Mr Barr:** No, I spoke on the motion.

**MR SPEAKER:** Anyone speaking after the amendment has been moved is speaking to the amendment. The question that was before the house was that the amendment be agreed to.

**Mr Barr:** So I will need leave to speak again?

**MR SPEAKER:** You will need leave.

**Mr Barr:** I seek leave to speak again, Mr Speaker.

**MR SPEAKER:** Is leave granted?

Leave not granted.

### **Standing orders—suspension**

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (5.44): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent Mr Barr from speaking again.

Mr Speaker, Mr Seselja opened his mouth before his brain was kicked into gear. He really did not mean to do what he did, but now it is on the record. It is on the record: the opposition are denying a member an opportunity to speak to an amendment. There is no reason advanced; it was just no. Well, if they are going to guillotine it like that, close it up like that, we will reopen it like that.

**MR SPEAKER:** Mrs Dunne, if you mention buses you are in trouble!

**MRS DUNNE** (Ginninderra) (5.45): Mr Speaker, Mr Barr has already spoken on this amendment. At the beginning of this Assembly there were ground rules set out and agreement between the manager of opposition business and the manager of

government business that there would not be extensions and people willy-nilly being given rights to speak again. We have in the past given people the right to speak again when it has been prearranged, as we did last week in relation to a vote of no confidence. That offer was not taken up, by the way. But this is just an ordinary thing. This government want to filibuster because they do not want to talk about buses.

**Mr Barr:** Mr Speaker, I speak in support of the motion to suspend standing orders. I simply require another 30 to 40 seconds to respond to an issue that Mrs Dunne has raised in her speech and I look forward to the opportunity of the Assembly granting me that time.

**MR GENTLEMAN** (Brindabella) (5.46): Mr Speaker, I would very much like to hear Mr Barr's 30 or 40 seconds.

**Mrs Dunne:** You could ask him in the lobby later.

**MR GENTLEMAN:** I would be very happy, whether he talks about buses or Mrs Dunne talks about buses.

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

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (5.46): Mr Speaker, I do note that Mrs Dunne has expressed very strong views in support of those members of the Transport Workers Union who are employed as bus drivers and that she seeks the support of the minister—

**MR SPEAKER:** Let us not forget, Mr Barr, that you are speaking to the amendment.

**MR BARR:** Indeed, in relation to the impact of the new federal workplace laws—

**MR SPEAKER:** And you should remain relevant.

**MR BARR:** on Canberra employees, and then Mr Stefaniak's amendment that these are positive effects. I simply draw to Mrs Dunne's attention the fact that there are, I think, about 320 ACTION employees who are facing personal fines of \$6,500 each as a result of the WorkChoices legislation.

If Mrs Dunne is prepared to make a public statement in this place about her support for bus drivers in this town, I very much look forward to when the federal government seeks to pursue this matter under the WorkChoices legislation, and Mrs Dunne will join me and everyone on this side of the chamber in opposing that outrageous action from the commonwealth government in seeking to impose individual fines of up to \$6,600 each on each of those employees as a result of industrial action that was taken by the Transport Workers Union. If Mrs Dunne is fair dinkum about standing up for bus drivers in this town, I look forward to her standing with us in opposition to those fines.

**MR SPEAKER:** The question is that Mr Stefaniak's amendments Nos (1) and (2) be agreed to.



**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (5.48): I move:

That the question be divided.

Question resolved in the affirmative.

*Ordered that the amendments be divided.*

Amendment No 1 negatived.

Question put:

That amendment No 2 be agreed to.

The Assembly voted—

Ayes 7

Noes 10

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

Question so resolved in the negative.

**MR GENTLEMAN** (Brindabella) (5.52): I would like to thank members for their contributions to the—

**Mr Stefaniak:** I raise a point of order, Mr Speaker, if Mr Gentleman is closing the debate. There is, in relation to an earlier ruling, still a problem with paragraph 3 of the two remaining motions there. He mentions investigating Thiess, and that probably offends the sub judice provisions. We have been very careful during debate, as a result of your ruling, not to mention individuals' names or a company's name, which actually was the point of my amendment. But that has been defeated. So I think Mr Gentleman needs to amend that; otherwise he will be breaching your ruling—

**MR SPEAKER:** I do not think—

**Mr Stefaniak:** because he is calling on the Chief Minister to write to the ABCC to investigate Thiess for those breaches.

**Mr Barr:** Mr Speaker, on the point of order: you have already ruled on this matter.

**MR SPEAKER:** I think paragraph 3 as it stands on the notice paper is able to be decided upon here today. Mr Gentleman is about to conclude the debate.

**MR GENTLEMAN:** Thank you, Mr Speaker. As I began, I would like to thank everybody for their contributions here this afternoon.

**Mr Mulcahy:** And our interjections.

**MR GENTLEMAN:** And for the interjections, yes—especially, of course, those from Mrs Dunne regarding ACTION buses. But I do need to comment quickly on Minister Hargreaves’s comments. One of those was that he could not find anything positive about the WorkChoices legislation.

Mr Speaker, there have been some things that have come out of this legislation. One is that ballots are now required before any action can be taken by employees while they are negotiating an enterprise bargaining agreement. Due to most of those EBAs being organised by unions, we are now finding that non-members who want to take part in those ballots are signing up to the union, and in fact union membership is increasing. We have also, of course, seen a huge community program with the Your Rights at Work campaign. In fact I visited Queanbeyan today to see MPower’s program of Your Rights at Work campaign, so there are some things happening that are positives out of that draconian legislation.

Mr Speaker, I would like to thank you for your rulings and comments regarding the sub judice rule. It is probably a new position for me to look at when writing up these motions. As I said, I was not aware that any case had been started. I would just like to finish off by saying I am very pleased to see that Mrs Dunne is supporting ACTION drivers, and I can only reiterate Mr Barr’s comments and his request for her to stand with us side by side with these people.

Motion agreed to.

### **ACTION bus service—timetable**

**MRS DUNNE** (Ginninderra) (5.56): I wish to move the motion standing in my name on the notice paper. I also seek leave to amend the notice according to the amendment circulated earlier today by adding the following words to paragraph (2) (a):

“; specifically addressing school services, after hours and weekend services and increased frequency of daytime off-peak services;”

Leave granted.

**MRS DUNNE:** I move the amended motion as follows:

That this Assembly:

(1) notes:

- (a) the introduction of the new ACTION timetable called Network 06, on 4 December 2006, which curtailed the frequency of bus services;
- (b) the high level of dissatisfaction with the changes introduced and the flood of complaints received from the public;

- (c) that Network 06 disregards the needs of shift workers and all people who want to use the system during off-peak times; and
  - (d) that Network 06 has created high levels of inconvenience for Canberra bus users; and
- (2) calls on the ACT Government to:
- (a) as an interim measure, immediately reinstate the bus timetable in operation before the introduction of Network 06, specifically addressing school services, after hours and weekend services and increased frequency of daytime off-peak services;
  - (b) conduct an immediate revision of the ACTION timetable to ensure the service better meets the needs of all users and encourages further use of the service; and
  - (c) report back to the Assembly on the progress on implementing a new timetable by 29 May 2007.

I thank members for their indulgence on this matter. This is a most important constituent issue for all members in the ACT. The changes in relation to buses brought in by John Hargreaves since he became the Minister for the Territory and Municipal Services have been an absolute disaster. My office has been inundated with complaints—complaint after complaint. In the last month I have detailed in excess of 30 specific complaints—detailed complaints—to Mr Hargreaves’s office; these have been matched by many other complaints of a more general nature which would make it difficult to make considered representations.

For 50 per cent of the bus routes now in operation, I have had people come to me and complain about the lack of service or the changes to the service. In the very brief time that is available to me, I want to talk about this. First, there is the failure of the school bus services. There is overcrowding to the extent that children are being forced to ride in the luggage racks or children have just been told, “You cannot get on the bus. Make your own way home.”

The impact on shift workers is a really important issue—people who do not work nine to five jobs in Russell, Campbell or Woden. These are the people who have a real problem. Nurses have come to me and said that before this bus timetable they used to take an hour to get home on their buses, and now take two hours to get home after a shift—a nine-hour or 10-hour shift at the Canberra Hospital. This is unreasonable.

The people who work in Fyshwick have an appalling service. Interestingly enough, the bus leaves the depot two minutes before the end of the working day. They miss that bus and have to wait three-quarters of an hour for the next bus to come around so they can get from Fyshwick to Woden. The bus snakes through four or five other suburbs and takes three-quarters of an hour. A constituent who lives in Ngunnawal tells me that it is now quicker for him to ride his bike to Civic than to catch a bus.

This is the state that we have got to with our bus system in the ACT under John Hargreaves, the Minister for the Territory and Municipal Services. Here today we spent most of the morning talking about greenhouse. The single biggest contributor to greenhouse gas in this town is private transport. What should we be trying to do? We should be trying to get people onto public transport. At the time when everyone is talking about this, John Hargreaves is making it more and more difficult for people to get onto public transport. That is why we should be looking at the appalling bus timetable that he has lumbered the people of Canberra with and revert to something which provides a better service.

The timetable as it currently stands provides a service to people who work nine to five jobs, Monday to Friday. The minister can come in here and extol the figures, but they are very selective figures indeed. Mr Hargreaves talks about journeys to work and will not talk about adult boardings at all.

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

## **Adjournment**

### **ACTION bus service**

**MR GENTLEMAN** (Brindabella) (6.00): I am glad that in early discussions Mrs Dunne raised the issue of ACTION again. I am very pleased to be able to bring to the house some comments on ACTION bus services. I recently attended both the Tuggeranong Community Council and the Lanyon community forum meetings on the topic of ACTION services. The services were the main focus of the last two meetings. The issue is ACTION services and the effect that the new bus timetable and route system is having on drivers, commuters and drivers of other vehicles on the road. I have also received inquiries from my constituents in relation to the new bus timetable, route systems and, just as importantly, the working conditions of ACTION bus drivers.

Following these inquiries, I want to relay to Assembly members people's encouragement, constructive criticism and general opinions. I want the minister to listen to these people and take notice. I was encouraged to hear the minister's responses earlier today and yesterday when questioned about this issue. It is pleasing to hear that Minister Hargreaves is willing to listen to the people who are involved and who are affected most by the recent changes.

Let me first elaborate on my interpretation of what the minister said yesterday. He mentioned that the new system is not a system designed to suit everyone. No system is. It is almost inconceivable—it is unrealistic—to think that a transport system with a limited budget can service every individual's needs in a community the size of the ACT.

What has to be done? The needs of those affected most must be heard and investigated to the full capacity of government. Again, it is pleasing to hear that the minister is willing to do this through his consultation with the relevant parties. The minister mentioned that the government is in the process of creating greater utilisation

of the services. The government has done that, as indicated by the figures on the increase of bus patronage that the minister quoted yesterday. It is encouraging to see this sort of progress being made.

The minister mentioned that he is aware of the need to make savings in administration and services to contribute to the overall budget for the city. The removal of the ACTION authority, to minimise the duplicated bureaucracy that it once caused, was an important step to take.

The minister mentioned that he would be looking into ways to reduce spending when entering the new enterprise bargaining agreement with ACTION bus drivers. Unfortunately the drivers are often a forgotten people when issues surrounding bus timetables and routes are discussed. It is important that the minister listens to the needs of the drivers as well.

I met an ACTION driver at my Lanyon community stall last weekend. He informed me that he agreed with the new timetable and route system in principle—that it just required a bit of tweaking to get it right. He noted that the numbers on the buses had increased, and that rarely was he on a route that carried fewer than 10 people. His major concern was that on the inter-town routes buses tended to be overcrowded. He asked if government was looking to review the system. As the Assembly is aware, the minister has begun that review. Again, it is encouraging to hear that the minister has responded in this way by adding more services.

I do feel that it is necessary to mention the opposition's stance on this. Those opposite have constantly criticised, yet have offered no feasible solution. The minister has informed the Assembly that, though the opposition claims hundreds of complaints from concerned members of the public, on only one occasion has there been a failure of the service mentioned by the opposition, and that was due to the bus breaking down.

It is important to mention this example. I believe that, even though there are few reported problems with the new service, the problems still all warrant recognition and investigation. There will always be teething problems with new systems and adjustments to major transport networks as they are implemented. What is fundamental to good government is that, if and when these problems arise, the responsible representatives take action. I am pleased to hear that the government is listening to the drivers of ACTION and their representatives. The government is listening to the MLAs and, just as importantly, the government is listening to the public.

The point I am making today is that people have spoken on this issue and raised it, and the government has responded. What is important now is that the minister continues to respond to the needs of the people. Thank you.

## **Women**

**DR FOSKEY** (Molonglo) (6.04): This is a week in which International Women's Day occurs. I am going to use my adjournment time to talk about it both today and tomorrow. People will be interested to know about that august forum, the World Economic Forum. It is not known for its radical ideas, but it is accepting of the World

Bank's ideas that, unless there is gender equality, there is very little economic progress in most countries. The World Economic Forum has launched its first study on the issue. It attempts to assess the size of the gender gap in 58 countries, using economic, educational, health and political base criteria. The index covers over 115 economies. I thought that people here would be interested in some of the rankings.

It turns out that no country in the world has yet managed to eliminate the gender gap, and the gender gap still has the male gender on top. Of course, when I say "male gender", I do not mean that all men manage to have higher incomes, more political power et cetera than all women. Indeed, we know that there are some women who have more of those things than some men. But the gender gap is as approximate a measure as we can get.

Those that have succeeded best in narrowing the gap are the Nordic countries. It is probably no surprise that Sweden stands out as the most advanced in the world, having closed over 80 per cent of its gender gap. This is followed closely by Norway, then Finland, then Iceland and then Denmark. The Nordic countries are way up there. The United Kingdom comes in at ninth and Ireland holds a spot in the top 10.

What is really interesting is that the Philippines, at No 6, has the distinction of being the only Asian country in the top 10. We know that the Philippines is a country of great poverty and one where many women have more children than they perhaps might choose due to restrictions on birth control. South Africa, at 18, holds the highest position among the African countries that are covered in the report.

Again, I think it is very interesting to reflect on the economic and social position of the countries that I am talking about. Latvia at 19 and Lithuania at 21 are some of the new EU members that rank high.

*Members interjecting—*

**DR FOSKEY:** There are some people who just do not want to know, are there not? Those countries remain behind Spain and the Netherlands. New Zealand comes in at seven. Australia comes in at 15. This is a creeping back, and it is not something that we can be proud of. At the other end of the rankings, Greece is No 69. France is at 70; Malta is at 71; and Italy, at 77, had the lowest rankings in the EU. The United States is at 22 and falls behind many European nations—in addition to lagging behind Canada at 14, Russia at 49, China at 63, and Brazil, which is somewhat in the middle.

There are some events on this week. Tonight, as people might be aware, the Pamela Denoon lecture is on. It is an annual event to commemorate Pamela Denoon, who died in the late 1980s or early 1990s. She was the original convenor of the Women's Electoral Lobby. Feminists in this town organised the lecture and also operate a trust. That is an event tonight. Sarah Maddison is speaking. Sarah Maddison has recently written a critique of the position of women in Australia since the election of the Howard government. Tomorrow night, I shall grace members with a summary of that lecture.

**Mrs Dunne:** Gee, I can hardly wait for that.

**DR FOSKEY:** Perhaps you will be at the lecture yourself, Mrs Dunne.

### **Emergency services**

**MR PRATT** (Brindabella) (6.09): I stand this afternoon in some disgust about what is happening with the emergency services here in the ACT. This afternoon I have been contacted by members of the ACT Fire Brigade who wanted to tell me that the majority of the members of the ACT Fire Brigade have not supported the government's restructuring—yet again—of the emergency services. Some people have speculated that that may not have been the case, but they are saying they are not very happy with the restructure and they believe it will cause damage right across the services. It was very interesting to hear that.

But there is something of even greater concern. Members opposite should hang their heads in shame on this particular issue. I have been reliably informed that David Prince has resigned in disgust. David Prince, the chief officer of the fire brigade, has resigned in disgust. David Prince's resignation underlines the shambles which is the Stanhope government's emergency management in the ACT. You have lost Peter Dunne; you have lost David Prince; you have lost other senior officers through the services. The volunteers are up in arms about what has happened in the restructure, and the majority of the fire brigade professional officers and personnel do not support the restructure.

You people have got no idea. Minister Corbell and Chief Minister Stanhope have got no idea how to run the emergency services. You are running the emergency services into the ground. You are doing a great disservice to the ACT community.

David Prince was a very fine officer, a real professional—a very nice man, but also a very professional officer. For him to on principle tell the Emergency Services Commissioner that he can stick his services where the sun does not shine is a measure of the disgust in which people hold the government's decisions in recent times. This is a very, very black day.

### **Clean Up Australia Day**

**MR SPEAKER:** Ms MacDonald.

**Mrs Dunne:** I was standing up long before her!

**MR SPEAKER:** One tries to be even-handed.

**MS MacDONALD** (Brindabella) (6.11): Stop running down my time! Mr Speaker, as you would know, Sunday, 4 March was Clean up Australia Day. For the fifth consecutive year I organised an event and, with a handful of volunteers, cleaned up the intersection of Athllon and Mawson drives and Beasley Street in Torrens.

I cleaned the same area last year and was pleased to see that the reserve we concentrated on in 2006 was relatively rubbish free. This was great to see, because last year it was heavily littered with various plastic and paper products. This year we

cleaned the reserve at the back of the Southlands shopping centre and managed to collect 12 bags of rubbish from the area, which was a great effort.

**Mr Gentleman:** Did you get any golf balls?

**MS MacDONALD:** No golf balls Mr Gentleman. My thanks go to the volunteers who gave their time on the Sunday morning. Altogether there were six of us working on this particular site.

I believe that nationally an estimated one million people took part in Clean Up Australia Day, cleaning more than 7,000 sites across the country. More than 800 Canberrans took part in the day, with preliminary results showing that more than 800 bags of rubbish were collected. Now in its 18th year, the Clean Up Australia Day initiative is an important one for the future sustainability of our local environment.

With the issue of climate change high on the agenda—and, of course, debated here today—Clean Up Australia Day's chairman, Ian Kiernan, announced that this year's Clean Up Australia Day would give volunteers the opportunity to make a Clean Up our Climate pledge. All volunteers involved with this year's Clean Up Australia Day will be sent pledges calling on them to commit to reducing their household greenhouse gas emissions by at least 25 per cent each year for the next three years. This initiative will give individuals the opportunity to act year round to reduce emissions and assist in preserving our environment.

My congratulations go to all the local businesses who were involved with Business Clean Up Day on Tuesday, 27 February, and to the schools that took part in Schools Clean Up Day on Friday, 2 March. Melrose high school held its own schools clean-up event yesterday morning, and I believe that it was a great success. Many students took part and helped to clean up the school grounds and surrounding reserves and roadways. To recognise their efforts I will be holding a thankyou morning tea for the students on Friday. I look forward to learning how much rubbish they collected and what they found.

It is great to see students and schools taking responsibility for their local environments. I am sure I will be holding another Clean Up Australia Day event next year. I urge all members to get involved with a clean-up site in their electorate. I know it is a big commitment to organise your own site; I would like to take this opportunity to thank Lisa Brill in my office. For a number of years now she has organised the Clean Up Australia Day event for me. My name goes down on it but, as we all know, without the staff in our office to do the actual work it would never get done. I do—

**Mrs Dunne:** Was she picking up the papers too?

**MS MacDONALD:** Yes, she was picking up the papers, as was I, Mrs Dunne—quite a few, in fact. Lisa juggled it with her commitments as a parent. I do appreciate the fact that she gave up over an hour of her time on a Sunday morning to assist me with that, and it is not the first time she has done it.

A few hours can make a huge difference. It is a practical way to improve the environment for the constituents that we represent. It shows a bit of leadership on our



part. If we can do it, it also shows the community that we care about these things. I know that all of us in this place do care about this sort of issue—though maybe not quite as much as Mr Cornwell would have cared about it; I know that he is still out there picking up pieces of rubbish and taking his plastic bag on his morning walks.

We all care about it; it is important that we get involved in it and continue to educate the community about why it is important not to put rubbish down in the first place. Hopefully, by educating our young people about this through the Schools Clean Up Day initiative and encouraging the young people who go along to Clean Up Australia Day, we will find that they will feel less inclined to go about littering in the first place.

**Mrs Erin Mills**

**MRS DUNNE** (Ginninderra) (6.16): Mr Speaker, I—

**Mr Barr:** You are going to talk about the buses, are you not?

**MRS DUNNE:** No, actually, I will not talk about buses. I am using the adjournment debate to speak briefly on a sombre note, and that is the recent passing of Mrs Erin Mills, who was a great pillar of the Canberra community. When I first came to Canberra in 1979, one of the first people I met, through St Christopher's parish and a number of other organisations, was Erin Mills and her splendid husband, Reg. Erin and Reg were great pillars of the church at St Christopher's and, before that, St Bede's in Red Hill.

Erin's contribution to Canberra society was one of those quiet things, but any of us who knew Erin saw a saintly lady, a woman of incredible compassion and kindness who never had a harsh word for anyone and who was always available to share the troubles of people around her. She was a great supporter of the Mother Theresa nuns, both here in the ACT region and in their home convents in India, and she drew inspiration from Mother Theresa's teachings and guidance, which she implemented in her life every day.

Erin was a great supporter of life and a great supporter of the people who were faced by adversity through their pregnancies. For all the years that I knew her, and for many years before that, she was a great stalwart of Pregnancy Support Services in the ACT and a great stalwart and supporter of Karinya House. As members would know, the second house that Karinya House opened, which is their step-down facility, was called Erin House in testament to a truly saintly woman who was a credit to everyone.

It was a privilege to have known Erin and to have been a confidante of her and her family. I express my condolences and the condolences of my family to her surviving sons at the passing of a wonderful woman whose presence will be missed in Canberra.

**Mrs Jean Salisbury OAM**  
**St Vincent de Paul Society**

**MR MULCAHY** (Molonglo) (6.19): Tonight I would like to comment on two events that I have attended recently and to congratulate the people involved. On 6 February, I was privileged to attend the launch of the published transcribed records of World

War II war cabinet meetings. The transcribed minutes are the result of considerable effort by Mrs Jean Salisbury OAM, who served as stenographer to the Secretary to the Defence Department during the Second World War, Sir Frederick Shedden. The published records will be stored at the Australian Defence Force Academy library and will provide historians with a fascinating insight into some of the critical moments in the history of Australia during war years.

Apparently one of the many challenges that Mrs Salisbury faced in her task was deciphering Sir Frederick's handwriting—something that some of my staff may sympathise with at times, as would members when they read things that I write out in this place by way of amendment. I would like to congratulate Mrs Salisbury on her efforts; the ADFA library and University of New South Wales staff involved are also to be congratulated.

On an unrelated note, Mrs Salisbury recently suffered a fall outside the Assembly. I would like to place on record my thanks to the Assembly attendants who very kindly looked after her on that occasion. I happened to come across this situation as they were trying to assist her; I know that she was very grateful for the kindness that was extended by staff employed in the Assembly.

On 7 February I attended a breakfast to mark a launch of the St Vincent de Paul Society doorknock appeal. I am aware that there were a number of other members there. I think Mrs Burke was there; I think Ms MacDonald and Mr Gentleman were in attendance. I attended that breakfast. I bought a ticket; it was not a freebie. I am pleased to say that the St Vincent de Paul Society, which is a not for profit benevolent charitable institution, contributes about \$1.5 million annually in direct assistance to the poor, the needy and those in crises in the ACT and surrounding areas.

The society provides vital assistance to those most in need. It operates seven Vinnies retail outlets in the territory and a further 18 stores in the south-eastern New South Wales area, ranging from Eden down to the far South Coast. Much of the society's work is done without fanfare or attention seeking and strives for client independence rather than welfare dependency.

My family has had involvement with their work for three generations. As I am sure all members know, they are very much a no-nonsense sort of organisation. They go about doing things without the fanfare that is sometimes associated with other worthy organisations. They do their work quietly and, I suggest, very effectively.

The society also operates refuges for women, children and men and operates a range of community support programs, including a client home visitation support program; an emergency relief call centre that directs support to 55,000 people each year; an ACT and regional New South Wales disaster response program; and a community night patrol program that makes contact with 15,000 people each year. Both I and Mr Seselja have been out with them. If other members have been out with them, I apologise for not mentioning them. Both I and Mr Seselja have volunteered to assist on a low-key, anonymous basis—just to go out and work with the volunteers. I take my hat off to those people for the incredible effort they put into assisting some 15,000 people each year who are either homeless or on the streets.

The society have an extensive youth activities program in support of around 750 disadvantaged young people and 150 young home carers. They support a youth leadership program and provide migrant and refugee assistance, particularly amongst the Sudanese community; a budget counselling service; social justice advocacy, providing a voice for the voiceless; and an indigenous scholastic support program through Canberra's three universities, the ANU, UC and ACU.

I commend the work of the St Vincent de Paul Society to the Assembly. I know it needs no promoting here amongst members on any side, but I think it is important to remind the greater community that they do undertake very important work. A number of us recently went out and supported their doorknock appeal. They need more volunteers. A lot of the people helping St Vincent de Paul are starting to get a lot older. I hope that next year I can rope in some more people to assist in the task.

Question resolved in the affirmative.

**The Assembly adjourned at 6.24 pm.**