Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

13 NOVEMBER 2007

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Tuesday, 13 November 2007

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

Legislative Assembly—webstreaming of proceedings
Statement by Speaker

MR SPEAKER: Last year the Standing Committee on Administration and Procedure approved a six-month trial of real-time webstreamed broadcasts of Legislative Assembly and committee proceedings on the internet. Feedback on the trial broadcasts was very positive, and I am pleased to advise members that from today real-time broadcasts will recommence. They can be accessed from the Assembly's website.

The broadcasts incorporate many of the suggestions made by users during the trial, including multi-camera coverage of proceedings, rather than a single wide view of the chamber, and text captioning of the business under consideration. The multi-camera broadcasts are available on channel 14; a wide view of the chamber broadcast is available on channel 15. The same multi-camera broadcasts of proceedings will also be reticulated to television sets in the Assembly building. I have endorsed some guidelines for camera operators to observe. I will circulate them at this point.

Legal Affairs—Standing Committee
Scrutiny report 47

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

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 47, dated 12 November 2007, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR SESELJA: Scrutiny report 47 contains the committee's comments on four bills, nine pieces of subordinate legislation and three government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Planning and Environment—Standing Committee
Report 31

MR GENTLEMAN (Brindabella) (10.34): I present the following report:

> Planning and Environment—Standing Committee—Report 31—*Variation to the Territory Plan No 287—Blocks 1 and 2 Section 23 Ngunnawal Gold Creek Homestead*, dated 9 November 2007, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

MR GENTLEMAN: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR GENTLEMAN: I move:

> That the report be noted.

The Gold Creek Homestead, first constructed in 1857, has passed through many owners' hands and undergone many various extensions. However, at present it is in a state of serious disrepair. The building itself has not been open to the public for many years. While the committee agrees that the site does hold some heritage value, the homestead itself is in such a poor state that, instead of repairing the building, which may not be economically viable, those heritage values should be recognised in other ways.

With this in mind, it is the committee's recommendation that the hilltop near the homestead should be retained as urban open space, preferably with seating and a plaque commemorating the heritage values of the site. This draft variation proposal requests that the land use policy change from "entertainment, accommodation and leisure" to "community facility".

The need to increase the supply of retirement and aged care accommodation in the ACT has never been more important. According to the ACT government, figures show that by 2031 more than 100,000 men and women in the ACT will be over 55, with the greatest growth occurring in the over-70 age group. This draft variation provides an opportunity to address this issue and, as such, the committee recommends that the proposed variation to the territory plan proceed.

The committee also recommends that the ACT Planning and Land Authority require the developer to include high-quality landscaping with native vegetation of local provenance on the site, replacing the remnant exotic plant species that are not trees of significance.

In closing, I would like to thank my fellow committee members, Mary Porter and Zed Seselja, and the committee secretary, Hanna Jaireth, for their work on this inquiry. I commend the report to the Assembly.

Question resolved in the affirmative.

Leave of absence

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

> That leave of absence be given to Ms Porter from 13 November to 31 December 2007 inclusive.

Motion (by **Mrs Burke**) agreed to:

> That leave of absence be given to Mr Smyth for 13 to 15 November 2007 inclusive.

Administration and Procedure—Standing Committee
Membership

Motion (by **Mrs Burke**) agreed to:

> That Mr Smyth be discharged from the Standing Committee on Administration and Procedure for the period 13 to 18 November 2007 and that Mrs Burke be appointed in his place for that period.

Appropriation Bill 2007-2008 (No 2)

Mr Stanhope, by leave, presented the bill, together with associated supplementary budget papers, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (10.38): I move:

> That this bill be agreed to in principle.

I present the Appropriation Bill 2007-2008 No 2. I also table the supplementary budget papers in accordance with section 13 of the Financial Management Act 1996. These papers provide the detail of all items covered in this bill. The bill provides for an increase in appropriations of $36.3 million in 2007-08, comprising $22.6 million for recurrent initiatives and $13.6 million for capital initiatives.

When I handed down the 2007-08 budget in June this year, it was a budget to take the territory forward. Today, I deliver another dividend. Today, the government sets in train a suite of initiatives that will take the territory even further forward. Every dollar of this additional appropriation consolidates and builds upon the government's commitment and capacity to deliver to the community in areas of high priority.

Every dollar is an investment in a city that is smart, and that gives every one of its members the opportunity to fulfil their educational potential, starting with a public school system that is the system of first choice for Canberra families. It is a city that is striving to reduce its ecological footprint on the planet and to adapt to an uncertain climatic future and uncertain rainfall. It is a city of which all Canberrans can be proud, and on the streets of which all Canberrans can feel safe and secure. It is a city that

responds creatively and flexibly to emerging pressures on its world-class health system. It is a city that holds out hope and help to those experiencing disadvantage.

The possibility of the government tabling a second appropriation bill was foreshadowed even at the time of this year's budget, the timing of which cut across a number of significant activities. One was the finalisation of the climate change strategy. Another was the multi-stranded investigation into crucial aspects of the ACTION bus network.

Many of the announcements that make up today's appropriation go to the heart of these two critical issues confronting our community: how to lighten our collective impact on this fragile land at a time of changing climate, and how to design an effective public transport system for a city in love with the motor car. But today's bill goes further, and it does so without jeopardising our solid and comfortable budget surplus—a surplus that we have striven to maintain as a means of shielding this community against unexpected shocks and risks.

We have been able to make the investments that make up this second appropriation, and to do so without jeopardising that surplus, because since the delivery of the 2007-08 budget additional capacity for strategic investment has emerged. As members would recall, the territory is expected to receive $13 million in additional GST revenue, due to an increase in the population estimates for the ACT. These estimates did not emerge in time to be factored into the ACT's budget processes.

More recently, the release of the Australian government mid-year economic and fiscal outlook has forecast a further $7.1 million in GST revenue for 2007-08, due to an increase in the overall size of the GST pool. The government had no knowledge of this additional revenue at the time the 2007-08 appropriations were made. In addition, a robust housing sector had delivered unexpected conveyancing revenue, as reflected in the results for the 2006-07 financial year.

This additional revenue has given the government some capacity to make some strategic and clever investments in priority areas, and I welcome the opposition's generally positive reception of these initiatives, which we have been telling the community about over the past week or so.

The initiatives to which the government formally commits resources today are ones that go to the very core of Labor's philosophy—ones that signal what is precious and important about our community and our communal life. Go through the list, Mr Speaker, and you will see that this is not about winding back the stringencies and efficiencies we imposed on ourselves last year. It does not herald a restoration of the bad old ways and the bad old days, when expenditure and revenue never quite balanced, and when we hid that fact behind our accounting system. We did not endure the necessary pain of those efficiencies only to squander the dividend. We didn't, and we won't. Rather, these investments build on the work begun last year. They are about directing resources where they will have maximum impact, in areas that are fundamental to the quality of life of all who call Canberra home.

Climate change is the most significant challenge to confront us as a community. It is a challenge each one of us must take responsibility for tackling in our private lives, as

well as in our communal life. In July this year, the government issued a comprehensive climate change strategy that will guide our collective actions in the coming years. Today, I announce funding for a suite of initiatives to address climate change. More than $10 million in additional funding has been committed to implement actions set out in the climate change strategy—ranging from free bus travel for users of ACTION's on-bus bike racks to $2 million a year over four years to improve the energy efficiency of public housing, the doubling of the free plant issue scheme, the first stages of a massive urban forest replacement program, $200,000 for tree planting, a community grants program and a carbon sequestration audit.

There is $2 million for the sports drought-proofing self-help scheme. There is $2 million for water demand management initiatives, including the installation of water saving devices in schools and public housing, and there is another $3 million for drought-proofing our parks and open spaces, which will see, among other things, the planting of drought-resistant grasses, the installation of computer-controlled irrigation systems and the installation of rainwater tanks at parks depots.

One aspect of our community life that is intimately connected not just with environmental sustainability but also with social sustainability is transport—in particular, public transport. Designing and delivering an efficient, effective and affordable public transport system in a town like ours has challenged successive governments of all political complexions.

I am determined that this will be the government that finally and comprehensively meets the challenge. It will never be possible to design a public transport system that meets the needs of every individual on every occasion, but we can do better, and we must do better. As I have indicated on a number of occasions in recent months, delivering a bus system that people want to use, that people will use, will be one of the government's highest priorities over the coming year.

Today, I announce a package of transport funding, largely focused on our public transport system. Included is funding not just for major network improvements but for the essential infrastructure that supports the network. An all-new network, designed by international transport experts to better meet the demands of our expanding city and our changing demographics, will be finalised shortly, with the help of the community. Today, I announce $3.95 million in additional funding to implement the new network over the remainder of this financial year. The government is determined that the new network will achieve a 10 per cent enhancement in services, at the cost of an additional $20 million over the next four years. This is the challenge we throw down to ACTION.

The package of transport funding I announce today includes $310,000 over the remainder of this financial year and $2.3 million over four years to extend half-price bus travel for Canberra's seniors into peak periods, and to operate a small fleet of minibuses to deliver on-demand community transport to Canberrans for whom access to the regular network is difficult or impossible. One million dollars will be spent on improvements to the safety and amenity of the Belconnen and Woden bus interchanges, including the installation of security cameras and the provision of additional seating.

The bill provides $227,000 in recurrent and $100,000 in capital funds in 2007-08 for the introduction of a special Nightlink taxi scheme on Friday and Saturday nights to improve public transport options and enhance late-night public safety in Civic. The flat-fare Nightlink service will allow ride-sharing between taxi patrons heading in the same direction and will operate from specially designed and designated taxi ranks. The total commitment to this initiative is more than $1 million over the budget and forward estimates.

The bill I have introduced today contains funding for a suite of other modest but vitally important transport initiatives: awareness campaigns relating to road safety, cycling and pedestrian safety—activities that will support the ACT road safety action plan. Let us remind ourselves that road safety is in our own hands, the hands holding the wheel or the handlebars. Together, these campaigns will cost a quarter of a million dollars in 2007-08 and $1.038 million over the next four years.

As part of this comprehensive transport package, the government has committed to a bus replacement strategy that will ensure that our fleet remains modern and that it meets the needs of those in our community who have physical disabilities. This is a significant commitment to the upgrade of the fleet, with around 100 buses being replaced over the budget cycle. Financing and procurement details for the bus replacement program are currently being finalised and the appropriation for these vehicles, which it is anticipated will be in excess of $50 million, will be part of the 2008-09 budget.

This transport package, spanning improvements to network services, new buses, improved interchanges and greater safety, totals $75 million over the forward estimates—an unparalleled signal of the government's commitment to ensuring that Canberrans think twice before reaching for the car keys.

We Canberrans are fortunate to live in a city where, by and large, we can go about our business and live our lives feeling safe and secure. That is not to say that we ought not strive to do more. It is not to claim that each of us is equally confident and comfortable in every situation. The creation of a safe and secure environment that can be enjoyed by all is high on the agenda of the government, and this bill allows us to continue to meet community expectations. It contains funding for closed circuit television cameras, not just at bus interchanges, but also at venues where large numbers of Canberrans congregate—the Canberra Stadium and Manuka Oval, and at selected other points across the city.

Today, the government also commits nearly $4 million in new money to a major interagency sexual assault reform initiative. There will be new positions to improve victim support and coordination, and we will establish off-site remote witness facilities, expand prosecution resources and accelerate law reform. This is a major initiative, designed in consultation with victims themselves. My hope is that it will not only lessen the trauma that many victims of sexual assault report they experience, as they navigate the criminal justice system, but also improve outcomes. Still in the area of public safety and crime prevention, the government will inject an extra $965,000 into the vehicle immobilisers scheme, targeting less well-off Canberrans and those who drive older cars.

Climate change, transport and community safety: issues that go to our quality of life. There are others. There is our wonderful health system—world-class, but having to work out new ways to satisfy insatiable demand. There is our education system—the best there is, and wanting to help take the territory even further forward in a competitive world. Today, I announce strategic and important investments in both of these crucial areas of government service delivery.

No Canberran should remain in any doubt of the government's commitment to public health. Since coming to office, Labor has increased investment in health by $330 million. This bill provides a further $5.2 million in 2007-08 for a number of initiatives to address emerging needs and to address gaps. Today, the government commits resources to the establishment of an Aboriginal and Torres Strait Islander residential alcohol and drug rehabilitation facility; the establishment of a department of ophthalmology at the Canberra Hospital; the creation of a separate and clinically monitored children's waiting and play area in the emergency department of the Canberra Hospital; and a campaign, in partnership with the ACT Division of General Practice, to attract and retain GPs, in order to reduce pressures on the emergency department.

This government's investment in the territory's education system is similarly unequalled in the history of this city. Today, the government commits an additional $6.5 million in 2007-08 to expand support and welfare services, including curriculum support for physical education, arts and language programs in schools, and the expansion of student welfare services in ACT public high schools with the provision of an additional pastoral care teacher in each school and the strengthening of alternative programs for students at risk.

The government is mindful of the important role that non-government schools play in the territory's education system. The bill provides funding for the non-government school sector for participation in the May 2008 national assessment program, and to support improved student outcomes through enhanced information and communication technology, counselling services and other student equity needs. These initiatives for the non-government sector total more than $4 million over the budget and forward estimates period.

As the Minister for Indigenous Affairs, it gives me particular pleasure to be able, today, to commit significant resources to two areas of service delivery where we have perhaps the greatest hope of halting the dreadful waste of human potential brought about by intergenerational disadvantage. Today, I announce that the government will create a purpose-built residential facility for alcohol and drug rehabilitation for the Aboriginal and Torres Strait Islander community. Here, those Indigenous Canberrans caught up in drug and alcohol abuse will be able to find care that is culturally relevant and holistic. The bill includes recurrent funding of $300,000 and capital funds of $365,000 for 2007-08. The total cost of this initiative is around $10.8 million over the budget and forward estimates period. The next few months will be spent finalising the best possible model for this service, in consultation with the Aboriginal community it will serve. The search for a location that suits that eventual model will continue.

The bill also earmarks resources for a range of initiatives that will improve literacy and numeracy outcomes for those among our Indigenous students who are not reaching their potential. There will be initiatives targeting students from kindergarten to year 4, greater support for students in year 6 as they make the transition to high school, and professional development programs for teachers at all schools. Overall, this bill will boost funding directed at Aboriginal disadvantage by more than $14 million over the budget and forward estimates period—the single largest investment in Indigenous affairs since self-government.

The initiatives funded in this appropriation bill are not whimsical or political. They are practical. They are strategic. They will directly improve the quality of life and the opportunities of many Canberrans. They will make us a fairer city, an even cleverer city and a city more conscious of its responsibilities. They will take the territory even further forward.

Some of the initiatives I announce today will involve investments in future years, too. That is deliberate, and it is meaningful. It is a signal of commitment, and a sign that these initiatives are grounded in deep value judgements about the kind of society we want to be. The commitments we make today will mean an investment of $81 million in recurrent and $28 million in capital costs across the budget and forward estimates period. That is an investment in the education of our children, in the health of our friends and neighbours, in our community and in the larger community of which we are each a small part. It is an investment that would not have been possible without the government's pursuit of greater efficiency, and its determination to put the territory, once and for all, on a sound financial footing.

It is also an opportunity to restate this government's belief that good government combines good fiscal management with an undeviating commitment to the things for which Labor has always stood: equality of opportunity, an intolerance of disadvantage and a belief in those bedrock institutions that deliver world-class public health and world-class public education. I commend this bill to the Assembly.

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

Appropriation Bill 2007-2008 (No 2)
Reference to Standing Committee on Public Accounts

MR MULCAHY (Molonglo) (10.55): I seek leave to move a motion to refer the Appropriation Bill 2007-2008 (No 2) to the Standing Committee on Public Accounts.

Leave granted.

MR MULCAHY: I move:

> That, notwithstanding the provisions of standing order 174:
>
> (1) the Appropriation Bill 2007-2008 (No 2) be referred to the Standing Committee on Public Accounts for inquiry and report on the expenditure proposals contained and revenue estimates proposed therein, by 4 December 2007;

> (2) if the Assembly is not sitting when the Committee has completed its inquiry the Committee may send its report to the Speaker or, in the absence of the Speaker, the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation;
>
> (3) on the Committee presenting its report to the Assembly, resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting; and
>
> (4) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Speaker, it is not surprising today that we have seen the government introduce a second appropriation bill in the space of just a few months since the budget passed this place. We have suspected that it has been coming for some time, and I will certainly now read with interest and in detail for the second time in 2007, how the government is planning on spending revenue received from ACT residents.

Obviously now is not the appropriate time to talk in depth about the aspects of this particular bill, nor, indeed, of why a government would need to introduce a second appropriation in the space of a few months. However, such a debate, based on a high level of scrutiny, is certainly needed.

Mr Speaker, that is the purpose of my motion today—this bill needs to be scrutinised. If passed, it will result in the expenditure of a great deal of money of the people of Canberra, the taxes they have paid, and it is appropriate that, before this is done, a committee of the Legislative Assembly have a chance to examine the bill in detail. The expenditure that it contains and the officials and ministers who have proposed that expenditure do need to be questioned. The public accounts committee is the appropriate forum for this questioning to be conducted.

I note, Mr Speaker, that on the last two occasions when government has required subsequent appropriation bills—in 2003 following the bushfires and in 2002 soon after those opposite came to power—the appropriation bills were referred to committees for further scrutiny. I quote Mr Stanhope's predecessor, Mr Quinlan, who said in 2002:

> I would be quite happy for this committee to be appointed and go through all of the items that are contained within this appropriation bill.

It is worth noting that the additional appropriation bill that Mr Quinlan was commenting on was for just over $19 million, substantially less than that being put to the Assembly today. Mr Speaker, based on the government's announcements over the last few weeks and the Chief Minister's own comments on radio this morning, this bill appropriates significantly more money than that.

Similarly, Mr Quinlan said in 2003 after the bushfires required a further appropriation, and in response to a motion from my colleague, Mr Smyth, to refer the bill to the Standing Committee on Public Accounts:

The government has no objection to that level of scrutiny.

I understand it will be the case that the government has retained, on this occasion, a commitment to openness and accountability and appropriate scrutiny. Openness and accountability are, of course, two of the most important characteristics of a government that is committed to good governance, and it is certainly in the public interest for expenditure to be scrutinised. That is why we have an estimates process for the main appropriation bill and why this second appropriation should be referred to the Standing Committee on Public Accounts.

It is in the public interest for governments to be open and accountable and to be prepared to face scrutiny because, at the end of the day, it is public money being spent. These are taxes that have been raised across the board to fund this government's spending program, and I certainly think that there will be a wide level of public interest and possible concern over this latest decision to embark on more spending.

There is always a danger when government achieves a majority for abuses to occur. I note that the opposition has already been forced this year to introduce legislation to make it a legislative requirement within the ACT for the Treasurer to prepare and table a capital works program progress report for every quarter. I would hope that the government might consider supporting that initiative given that they claim to be committed to openness in government.

It is an indictment on a government's commitment to openness and honesty that practices that have, in the past, been undertaken by convention are tossed aside through weight of numbers. It is certainly my hope—I believe it will be the case here today—that the government will support this motion and refer this bill to the public accounts committee.

These expenditure proposals must be examined. The motion calls for the public accounts committee to report back to the Assembly by 4 December 2007. This will, of course, still enable the government to debate and, with its majority, inevitably pass this new appropriation bill before Christmas. Mr Speaker, I commend this motion to the Assembly. It does nothing more than ensure appropriate levels of scrutiny are applied to this government.

DR FOSKEY (Molonglo) (11.01): As the Greens representative in the Assembly and, of course, as the chair of the public accounts committee, I welcome this appropriation bill, and I endorse Mr Mulcahy's motion to refer it to the public accounts committee. However, given that the motion was not discussed with me prior to its presentation, I am not across the detail of the first part of the motion. Thank you for reading it out so clearly, Mr Mulcahy, but I would have appreciated some discussion prior to you giving it to us. However, I expect that the Assembly understands the historical reasons why this may have been the case.

I am aware also that the government was itself going to move that the appropriation bill be referred to the public accounts committee. That would appear to me to be the appropriate way for it to go. I am also aware that one week, which is what we will

have, to actually give this bill the scrutiny that it deserves is very, very difficult. We are having trouble finding times and dates for a hearing as it is. There is no doubt that we are going to have to juggle our diary. I have actually suggested to Mr Stanhope that the committee may require extra resources in the way of secretarial services to assist us to complete this inquiry—brief though it is, it still needs to be thorough—to the degree that is appropriate. It is an appropriation bill; it is appropriate to look at it properly. It is appropriate that the public accounts committee look at it, but it is also appropriate that the committee is resourced adequately.

So, to that extent, I am endorsing the intent of Mr Mulcahy's motion. I do not think I have a copy of the motion, Mr Mulcahy, and I would appreciate that being circulated before we vote on it.

MR SPEAKER: Mr Mulcahy, you would be closing the debate?

MR MULCAHY (Molonglo) (11.03): No, Mr Speaker, I am seeking to speak under standing order 47, briefly.

MR SPEAKER: Yes.

MR MULCAHY: Mr Speaker, I found those remarks quite extraordinary in that I have been quite significantly misrepresented by Dr Foskey. I have been misquoted in a sense, or misunderstood. I spoke with Dr Foskey before this debate occurred. She indicated that Mr Stanhope had indicated also to her that he was going to support a referral to the public accounts committee. I indicated to her the date and what I intended to do, and I am just appalled—and I am going to raise another issue later today—at these constant misrepresentations to the Assembly.

MR SPEAKER: Order! You have got to stick to the misquotation or the misunderstanding of a material part of your speech. I do not want this to degenerate into another debating point.

MR MULCAHY: I understand. The misunderstanding, Mr Speaker, is that, indeed, I did speak to Dr Foskey this morning before this came up. I explained to her the date and my intended course of action—

MR SPEAKER: I have to say, I think that is a debating point, and you will have the opportunity to close the debate in due course.

MR MULCAHY: All right.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (11.05): Mr Speaker, as both Mr Mulcahy and Dr Foskey have indicated, it was the government's intention to move this very same motion today, but, in discussion with Mr Mulcahy prior to the debate, he indicated that the Liberal Party had also prepared to move the motion and he, indeed, had a prepared speech. On that basis, we agreed that it would be appropriate for the opposition to move the motion. It is a matter of no great moment. We were seeking exactly the same outcome for the same reasons.

There is no more significant bill that can be debated in this place than a bill that appropriates moneys for the benefit of the community, and, on that basis, it is very important that there be appropriate scrutiny of any such bill. It was on that basis that the government had intended to refer the matter to the public accounts committee, so we, of course, support the motion.

MR MULCAHY (Molonglo) (11.05), in reply: I do not think there is a lot more to add, except to make it very clear that the matter was discussed between the Chief Minister and me. I thank the government for supporting this proposal and referring it to the committee. I will repeat that I am somewhat dismayed by Dr Foskey's attempt to cast a different version of proceedings here before the Assembly. This is the first time—

Mr Stanhope: I think she is just trying to understand the motion, Mr Mulcahy, to be fair.

MR MULCAHY: Dr Foskey gave the impression to the Assembly she knew nothing about what I was proposing, and that is, in fact, quite wrong. I have also from the discussion I had with the Chief Minister—

Dr Foskey: On a point of order, Mr Speaker, I just want clarification whether the definition of being told is being—

MR SPEAKER: No, that is not a point of order, Dr Foskey.

Dr Foskey: Look, well, I think I will just let it pass.

MR MULCAHY: I appreciate, Mr Speaker, that the Chief Minister has indicated, that there will be an appropriate debate to take place when the public accounts committee reports back no later than 4 December. We look forward in the opposition to having the opportunity to debate this range of initiatives. They are significant; there are substantial outlays involved here. This has come less than, I think, 12 weeks since we passed the budget, and, after we have had the appropriate inquiry by the committee, it will be an opportunity for us to discuss in more detail in this chamber the various initiatives that are being put forward.

Question resolved in the affirmative.

Outdoor cafes—licence fees
Statement by minister

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (11.07): I seek leave to make statement regarding outdoor fees determinations.

Leave granted.

MR HARGREAVES: Mr Speaker, in 2005, following lengthy consultation with industry, the government agreed to increase the fees that apply for the placement of

objects for outdoor cafes, over a three-year period, by 100 per cent plus indexation. Recently, my department has drawn my attention to a number of errors in the way they have calculated the fees, resulting in a total fee increase greater than that originally intended by the government in 2006-07 and 2007-08. Although it is a relatively small amount in the context of the extra business that cafes can earn from outdoor facilities and remains well below the fees levied in other Australian cities, it is my intention to restore the fee structure so as to be consistent with the government's 2005 policy announcement.

During this sitting fortnight I will table a revised disallowable instrument which will reduce the fees to the level they should have been under the 2005 government policy. This will mean a reduction of around $6 to $9 per square metre, depending on the fee type. This will apply from the date of notification. In addition, those businesses which paid the higher than intended fees in 2006-07 and in this financial year will be refunded the full amount of the overpayment. I will be meeting with industry representatives in the near future to work through the finer details of this arrangement.

In 2005 the government also agreed to introduce fees for the use of road verges for vehicle displays, with the same fee structure as that for outdoor cafes. Those fees will also be reduced to maintain parity with the outdoor cafe fees.

Mr Speaker, I am also conscious of the obligation on ministers to correct the record at the nearest opportunity after a potential misleading statement has been drawn to their attention. To the extent that my statements, including the wording of the 2007 explanatory statement for this fee determination, may have been incomplete, inaccurate or subject to misinterpretation, my comments today should be seen as correcting the record.

Electricity (Greenhouse Gas Emissions) Amendment Bill 2007

Debate resumed from 15 March 2007, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MR SPEAKER: I call Dr Foskey.

DR FOSKEY (Molonglo) (11.10): Thank you very much, Mr Speaker.

Mr Stefaniak: On a point of order, if I may, Mr Speaker, before Dr Foskey starts, a procedural matter in relation to the call has been drawn to my attention during a debate on 3 May. You made reference to this particular matter. The bill being discussed then was, I think, an environmental protection fuel bill. You gave the call to Mr Mulcahy, Dr Foskey interjected, and there was some discussion about that. You made this statement in relation to the call, page 895 of *Hansard* of 3 May:

> **MR SPEAKER**: Members, lest there be further disquiet about these matters, I draw this to your attention. I have just been passed this information by the Clerk, from page 354 of *House of Representatives Practice*. It says:
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> > When the second reading has been moved immediately pursuant to S.O. 142(a), it is mandatory for debate to be adjourned after the Minister's

> speech, normally on a formal motion of a member of the opposition executive.
>
> In this place, as we know, each member of the opposition executive has frontbench responsibilities, and routinely they are the people who are most interested in the bills which come before the place. So it has always been rather routine to call them. But, Dr Foskey, I note that on one other occasion—I think it was on the Electricity (Greenhouse Gas Emissions) Bill—you received the call.
>
> **Dr Foskey**: Probably Mr Mulcahy refrained from standing.
>
> **Mr Mulcahy**: You jumped up ahead of me.
>
> **MR SPEAKER**: Possibly. I do not know; I do not remember it. In any event, it is my intention to try and be fair but to also acknowledge that the opposition has a long recognised place in—
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> **Dr Foskey**: And so, indeed, has the crossbench.
>
> **MR SPEAKER**: Let me finish, please. The opposition has a long-recognised place in legislatures around the Westminster system. So, too, have opposition crossbench members and independents in this place. I will do my best to be fair in giving the call but I ask members to acknowledge that there are some longstanding practices about these matters which exist in these places and which are also routinely recognised by bodies like the Remuneration Tribunal in the allocation of responsibilities.

You then went on to something else. I draw that to your attention, Mr Speaker, in relation to the normal practice and in relation to the call on these matters. Might I say, we have other practices here. For example, no doubt in an MPI this afternoon the opposition will speak, the government will speak, Dr Foskey will—

MR SPEAKER: Could you let me know why you are drawing it to my attention? What do you want me to do?

Mr Stefaniak: Basically, the normal practice is to give the opposition the call, and I just note that exchange on 3 May. I simply ask you to give the opposition the call, Mr Speaker, which is the normal practice.

MR SPEAKER: My recollection of it is that Dr Foskey rose, and there was nobody else on their feet, and I gave her the call. She moved to adjourn the debate and, therefore, gets the call today to resume debate.

Mr Stefaniak: I quote the *Hansard*, where Mr Mulcahy says, "You jumped up ahead of me." He maintains that he was on his feet, too, and it is the practice. I draw that to your attention and I seek your ruling on that, Mr Speaker. Normal practice is to give the opposition the call. Might I say, if there is some particular reason a crossbench member wants the call, they can discuss that with the opposition. I recall agreeing with Ms Dundas in the previous Assembly that she should get the call against the normal practice. I just mention the normal practice, which you, yourself, referred to.

MR SPEAKER: Just hold on for a moment and I will consult with the Clerk.

Mrs Dunne: Before you rule, Mr Speaker, I would like to add to that. When you made your ruling in May, which was subsequent to giving Dr Foskey the call on this motion, and, therefore, your ruling in May would supersede your ruling in March, the point that you made was that the Westminster practice was to defer these matters to the opposition executive. Therefore, even though you ruled in March to give Dr Foskey the call, my point and the point that you made in your own ruling in May, would be that that was not the practice and, therefore, today the opposition spokesman on environment should have the call on this matter.

MR SPEAKER: I refer you to the *House of Representatives Practice*, page 354:

> For debate to be adjourned after the Minister's speech normally on a formal motion of a Member of the opposition executive …

That is normally, but not always. I call Dr Foskey.

DR FOSKEY (Molonglo) (11.15): Thank you, Mr Speaker. I hope we do not have to have this debate again on Thursday, because I believe that I was the only member around when the Murray-Darling Basin bill was presented. Consequently, I rose to my feet at that time as well and, no doubt, I will have the first call. I do not apologise for it; I am vitally interested in both these matters, and I appreciate the extra five minutes.

There is general consensus amongst scientists, governments, environment groups and the community that to avoid dangerous climate change we must attempt to keep warming below two degrees centigrade. We possibly have a decade, if we are lucky, to stabilise and reduce greenhouse gas emissions to the point where we can do this.

We are already seeing climate change impacts at less than one degree of global temperature rise, which it is now generally accepted has occurred. So imagine another degree of temperature rise on top of that and then another degree on top of that. Of course, at this point it becomes impossible to know what the flow-on impacts of any one result of climate change will be, thus, the melting of the polar ice caps will have other run-on impacts that even best science is not able to predict.

CSIRO research shows that with even one degree centigrade rise, we will see a 70 per cent increase in droughts in New South Wales. Coral bleaching will devastate up to 97 per cent of the Great Barrier Reef each year with rises of two to three degrees centigrade. The number of people exposed to flooding doubles with increases of just one to two degrees centigrade. Australian snow cover will shrink by 10 to 40 per cent with just one degree centigrade rise in temperature.

When the ACT climate change strategy was finally released at the end of July this year, I was disappointed to find that the Chief Minister considers that the greenhouse gas abatement scheme—and he did say this—is the key plank in the strategy and the single most effective greenhouse gas abatement measure currently available to the territory. The strategy was generally a disappointment for people who want to see real and urgent action on climate change led by our government. Both the interim and long-term targets of reducing emissions to 2000 levels by 2025 and by 60 per cent by 2050 are profoundly inadequate. The only way we can limit the impact of climate

change is by cutting emissions sooner rather than later. The Greens will continue to argue for a reduction of overall emissions of 80 per cent of 1990 levels, as distinct from 2000 levels, by 2050.

The greenhouse gas abatement scheme was originally established as a temporary scheme, with the vision that it would be replaced by a national emissions trading scheme. As we know from the announcements of both aspiring prime ministers, it now looks likely that a national scheme will be in place by 2011. But three years is too long to wait, and we should be pushing for a national scheme to start as soon as possible. Given that the current abatement scheme continues until 2012, why on earth are we debating a bill to extend it until 2020?

The National Emissions Trading Taskforce will be recommending its preferred design for a national scheme in the next few months, and it would seem sensible to wait and see what type of scheme is recommended. After all, the current scheme already continues to 2012. With this in mind, and for many other good reasons which I will outline shortly, the Greens cannot support this bill in its current form.

Currently we in the ACT are bound by New South Wales electricity producers and retailers, so we are unable to make strident steps into forming our own independent scheme. However, there is nothing to stop the ACT setting lower benchmarks separately, which is exactly what I am proposing, and I will get to that later. Given that the ACT does not have large-scale industry or agriculture, we have ample opportunity to be a shining example of a jurisdiction with low greenhouse gas emissions. Instead, we continue to be one of the highest per capita emitters in the country, and still the Stanhope government continues with pathetically low emission reduction targets. I guess we are supposed to just be happy that we have any targets at all.

There are targets in the greenhouse gas abatement scheme, but they are minimal—they are Clayton's targets; the kinds of targets you set when you do not really want to set targets. They are the targets you get when you allow the big polluters to dictate their own terms. In this age where we are all aware of the climate crisis, I believe these pathetic benchmarks are an indication of a lack of understanding of the economic realities of climate change.

I have yet to see evidence that the government really understands just how much change is needed to turn the climate change crisis around. I want to say that some of the measures in the appropriation bill that were announced today are much more significant measures to reduce our greenhouse gas emissions, and those I applaud.

Earlier this year the debate effectively ended about climate change when the world's leading scientists made it very clear that there is more than a 90 per cent probability that human-induced climate change is responsible for the levels of global warming we are currently seeing. Members may have heard news reports over previous months about ice caps in the arctic melting irreplaceably. One such ice cap was the size of the United Kingdom. We have also heard the World Conservation Union telling us that at least 30 per cent of species will be extinct by 2050 purely as a result of climate change. This is not just hearsay; this is the actual indication of a crisis that requires urgent

global action, the kind of action, I would suggest, that governments bring into place at times of war.

I am exasperated that it is proposed for this scheme to continue until 2020 with the existing benchmarks. This legislation had a greenhouse gas emission reduction from 2005 to 2006 of 4.4 per cent, and then from 2006 to 2007 of a further 4.8 per cent. There are no further decreases necessary according to this legislation before us today. The benchmarks are set from now until 2012 at a flat 7.27 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population.

Extending that benchmark until 2020 is not a strategy, it is status quo, and status quo in terms of greenhouse gas production is really an increase to the load currently borne by our atmosphere. Woe betide the planet if that is the best we can do. Actually, it is worse than status quo. Given that the ACT government's own projections show that the ACT population is expected to increase by 12 per cent over the next 15 years, the government is planning around an increase of the ACT population to 500,000 by 2030. Given that these benchmarks are based on a per capita basis, the ACT can abide by the scheme's benchmarks and still have a large net increase in greenhouse gas emissions. This, Mr Speaker, is the crux of the problem.

The ACT only has about 1.7 per cent of Australia's population, and yet we emit around five per cent of Australia's greenhouse gases. Frankly, this is an embarrassment. Even the government's own greenhouse discussion paper last year stated that per capita consumption of electricity is increasing at a rate significantly higher than population and at rates above the national average, and greenhouse gas emissions relating to energy use, particularly electricity, are increasing.

So what is this scheme abating, exactly? When this legislation was introduced in 2004, New South Wales and the ACT were leading the way in Australia. Now the other states have caught up and added their own initiatives, and we are lagging. I note that, at the time, my Greens predecessor, Kerrie Tucker, proposed an amendment to the bill to ensure that the benchmarks would be reviewed after three years. For reasons unknown to me, this was not supported. If that review had occurred in the context of the latest science—and that review would have occurred this year, Mr Speaker—I cannot imagine that members of the government could stand there with a straight face and support this legislation and say that it is an effective means of reducing greenhouse gas emissions.

I fear that the benchmarks in this bill are so low that they are meaningless, and my amendment, which has been circulated, seeks to rectify this. So little has changed in terms of government action and policy that I could repeat Ms Tucker's speech from 2004 and it would still be entirely appropriate.

Modelling by the Total Environment Centre showed that to truly achieve emissions five per cent below 1990 level—which is what our greenhouse target should be based on, not 2000 levels—the benchmark should drop annually until it reaches 5.85 tonnes of greenhouse gas emissions per head, considerably below the 7.27 tonnes provided for in this bill.

At the rate I am proposing today, we would not hit this point until 2013, by which time, I hope, we will instead be using an improved national scheme. We could have a separate debate about how a national scheme should be set up. There are certainly a few key issues about how the permits would be allocated and priced that we, the ACT, should ensure we have a say in.

As well as low benchmarks, under the scheme we are discussing today, if electricity producers make emissions savings, they are allowed to roll them over as credits for the next year. So, instead of real reductions in emissions, they are allowed to pollute more the next year to make up for the savings. If this scheme is to continue, it should at least have the benchmarks reduced so that it is meaningful, have caps added to give it some teeth, and the option of rolling over any "savings" should be withdrawn.

This scheme should go hand in hand with increasing targets for mandatory renewable energy use. As a priority, we need better energy efficiency programs. As we all know it is cheaper, easier and more effective to use less energy in the first place. There are still many opportunities here for ActewAGL and other electricity providers to be entrepreneurial and offer ACT residents more sustainable options than are currently available.

Members may be interested to hear about the work of the Centre for Energy and Environmental Markets at the University of New South Wales. The centre has done extensive research into various energy efficiency schemes and detailed analysis of the NSW-ACT scheme over a number of compliance periods. In combination with the problems I mentioned earlier, they found that, despite abatement benchmarks being met, actual emissions have risen. Additionality from this scheme—that is whether change would have occurred anyway without the scheme—could be quite low, especially given the federal government's weak, up until now, mandatory renewable energy target.

The abatement certificate database lacks reporting transparency, including uncertainty about the method used to create the certificates, how baselines were calculated, and how compliance was achieved. There is evidence of market concentration in just a few types of projects. Waste, coal mine gas, landfill gas and natural gas-fired plants make up the majority of certificates. This scheme has not help progress new types of more sustainable alternative energy sources. The scheme's performance against the effectiveness criteria, which has to be measured in terms of reducing emissions, efficiency—equivalent to cost in the economic world—and equity is insufficient for the likely abatement task out to 2020. It is economically inefficient due to the low target, high auditing costs and regulatory overheads.

Placing a price on greenhouse emissions is an important function of any emissions trading scheme and is necessary for the capacity building within industry and government required for the transition to a less carbon-intensive economy. Unfortunately, the GGAS instead places a price on abatement certificates, which represent the absence of imputed emissions with respect to a projected baseline.

It is even possible, Mr Speaker, that the GGAS could delay meaningful action, not only due to the perception that emissions are being reduced—a false perception—but

also because firms that base their business plans on it are likely to actively oppose any changes. Indeed, we have seen the success of such industries as so eloquently pointed out by Guy Pearce, former adviser to Robert Hill when he was the federal environment minister, about the actions of the major polluters—the coal companies, the aluminium producers—in ensuring that Australia did not get any effective measures to reduce greenhouse gas emissions until this point.

The numerous design flaws in the scheme point to a poor design process, and there is a clear conflict of interest in Independent Pricing and Regulatory Tribunal being the scheme administrator as well as the compliance regulator with full responsibility for assessing the scheme. This highlights the need for good governance in designing the policies required to reduce greenhouse gas emissions. Baseline and credit schemes such as this one have often proved ineffective as there are inherent problems with compliance auditing as well as additionality.

This is one of the reasons that the European Union energy trading scheme, the proposed multi-state scheme in Australia and elsewhere in the world have all chosen a cap and trade approach instead, which is based around physical, measurable emissions instead of abstract notions of reductions.

We recently heard about the collapse of the certificate market prices. Although the government denies that this is a failure of the scheme, it shows that, despite the large number of certificates being produced, there is still a consistent rise in emissions. Too many companies produced too many certificates too fast. This oversupply occurred because companies gave away thousands and thousands of free light bulbs—light bulbs which were given away but not necessarily used—and thousands of water-reducing showerheads, which, by regulations, could not be installed by the company providing them and had to be installed by a plumber. We have no idea what the amount of duplication of certificates is—that is, households getting multiple kits from different companies.

Mr Speaker, for all these reasons, I consider the greenhouse gas abatement scheme to be seriously flawed, and, consequently, I cannot support this bill today. Between this bill being tabled and this debate, we have had the evidence from New South Wales given heaps of publicity in the *Sydney Morning Herald*, although not in the *Canberra Times*, about the failure of the scheme to actually reduce emissions, and, of course, the light bulb debacle that I just referrred to.

The ACT must actively lobby the other states and the commonwealth for an effective national scheme which actually lowers our gas emissions and which can then become the central plank in the next climate change action plan for 2012 or 2016. I look forward to working with the government. The Greens, of course, look forward to working with the federal government as well towards making this national emissions trading scheme begin and to make it effective. Perhaps what we might find in another year or two is that this government is embracing meaningful emission reduction targets as well. Whatever the scheme is, let us make sure that it works. Mr Speaker, the amendments that I have had circulated actually aim to make sure that there are meaningful targets that actually lead to a reduction in our greenhouse gas emissions.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.34): The greenhouse gas abatement scheme requires electricity retailers in the ACT to procure an increasing proportion of their supply from cleaner and/or greener energy sources. That is a response to a view held by the interjurisdictional working group—in which the ACT participates—that a national emissions trading program is, as yet, a way off. That is still a temporary scheme, but the national scheme—I understand that both major parties support this in the federal election campaign—will come into play on 1 January 2010, which is not all that far away.

Our scheme here runs in tandem with a similar scheme in operation in New South Wales. This bill brings us into line with the approach taken by New South Wales. The minister stated that the ACT participates in the interjurisdictional working group developing a national emissions trading scheme. It has become increasingly clear that early progress on a national emissions trading market is not likely. New South Wales chairs the committee, and it accepts that its scheme needs to be continued past 2012.

The government gives the rationale for this bill as follows. New South Wales has recently amended its legislation to extend its effect to 2020 with a provision that the scheme will be terminated once an effective national market is established. For operational consistency and maintained industry investment certainty, the ACT should also extend its relevant legislation. All ACT electricity retailers also operate in New South Wales and have already adjusted their reporting and purchasing policies to reflect the new time line; this scheme allows the ACT to enjoy sustained greenhouse gas reduction outcomes at minimal cost.

I think that the last part is the real effective rationale for the scheme. I would like to see a lot happen between this bill going through—which it will; the government has obviously got the numbers there—and the national scheme coming into play on 1 January 2010. Here is a bill and a scheme where the government is very keen to do it and NSW is doing it with valid reasons. Yet in other areas, the government is very reluctant to introduce sensible legislation from across the border—from the state that surrounds us and affects us.

This is still a temporary scheme, but it is quite clear now that we should have the national scheme up and running from 1 January 2010. As Dr Foskey says, there is no more important issue than climate change. It affects us all. It was proposed as a matter of public importance in the Australian parliament on 21 May, when the federal minister, Malcolm Turnbull, commented:

> … we are facing the greatest economic challenge of our times. The world needs a massive reduction in greenhouse gas emissions in the course of this century …

He reminded the house that Australia emits just 1½ per cent of global greenhouse emissions. But, in return, we receive, and I quote him again, "100 per cent of the consequences of climate change". Those figures are very sobering. They mean that, even if Australia was able to reduce its greenhouse gas emissions to zero, it would still endure the full effects of climate change. And how do we feel when the recent report under the United Nations Framework Convention on Climate Change tells us

that, on a per capita basis, Australia is cited as the worst greenhouse gas emitter in the developed world?

In terms of the big picture, it is obviously crucially important that developing economies like China, which will replace the US as the greatest emitter of greenhouse gases this year, gets its act together and puts in sustainable improvements to ensure that it does not continue to follow a course of action which will destroy the planet. The same can be said for some other developing economies, like India, Brazil and places like that.

That does not mean that we can be complacent and do nothing just because we emit only 1½ per cent. The ACT emits about five per cent of Australia's greenhouse gas emissions. There is a lot we can do here: not only to be a model world citizen, but also to use our expertise in Canberra, and indeed in Australia, to develop systems—to use innovation, to use engineers and scientists to develop technology—so that countries around the world can ensure that greenhouse gas emissions drop, and drop as substantially as they need to for this planet to survive as we know it. If that does not happen—and we have only about 10 years; that is what I hear—we are all in very serious trouble indeed.

The United Nations Framework Convention on Climate Change report also tells us that we are amongst the highest users of electricity in the world. We use more than twice as much as people in the European Union. We are a sparsely populated country, so we contribute only 1.5 per cent of those total emissions. But it does matter. Any contribution to reducing greenhouse gases—anywhere, even by a single individual person—is a very good contribution. It is a step in the right direction.

Recently this Assembly considered the utilities bill in relation to the ACT's participation in a national approach to creating a regular and reliable supply of electricity. In my speech in relation to this bill, I remarked that the ACT government needs to take something more than a piecemeal approach to meeting the challenges of these kinds of issues. Whilst we would like to see the ACT government take a more holistic approach to the question of greenhouse gas emissions, we do applaud its commitment, at least in relation to the aspect of gas emission controls for electricity. Given that electricity accounts for some 60 per cent of the ACT's greenhouse gas emissions, this commitment by itself is well targeted.

But, as I say, we cannot rest on our laurels. Yes, there are benchmarks for the procurement of green energy. Yes, there are a number of other measures designed to reduce greenhouse gas emissions. For example, I note that the act which this bill amends provides for varying greenhouse gas emission benchmarks for 2005, 2006 and 2007 to 2012. They were set when the legislation was introduced in 2004; the bill does fall short here. I will speak to Dr Foskey's amendments during the detail stage.

The bill does not make any attempt to update targets that were set in 2004. What needs to happen between now and 2010—and happen urgently—is for the government to go and have a little chat to its colleagues in New South Wales and see if, because of our interoperability with them, something can be done on an agreed basis to further enhance the reduction of greenhouse gases before the national scheme comes into play. I do not know what the exact figures are—or indeed should be—but that is something that both governments need to work at.

The bill does not attempt to set any new targets for that extended period. I wonder why the government did not review these benchmarks in the light of achievements to date and the technological advancements we have had since 2004. Are there new measures that could be introduced to reduce greenhouse gas emissions? What incentives, for example, are we providing to encourage consumers to use green energy? Are we pursuing all possible alternative green energy supply sources? Some interesting proposals have been put on the table. That is good, but a lot more needs to be done and can be done.

I know that Mr Gentleman intends to introduce—as an exposure draft—a bill that provides for solar electricity generation at private residences in the ACT and that includes paying participating householders a feed-in tariff designed to encourage uptake and reduce the cost recovery period. I look forward with interest to that bill.

I wish I could say that the Stanhope Labor government has got its priorities right on reducing greenhouse gas emissions in the ACT, but, sadly, I cannot. For the most part the government has sat on its hands, only recently discovering the environmental and climatic effects of greenhouse gas emissions.

Back in 2000 the then Liberal government recognised the scientific evidence for the effect of greenhouse gases on our climate. It developed some groundbreaking tactics to address those challenges which put the ACT at the forefront. The greenhouse gas strategy of that year set a bold target to stabilise net greenhouse emissions attributable to the ACT—including emissions attributable to electricity consumed within the ACT but generated outside the ACT—at 1990 levels by 2008 and then reduce these emissions by a further 20 per cent by 2018.

The Stanhope Labor government initially embraced that strategy, but when it became the government it subsequently dumped it, saying that it was too expensive to implement. Only this year, some seven years later, did the Chief Minister suddenly come to the astonishing conclusion that the government needed to do something about reducing greenhouse gas emissions.

It is interesting to look at the reason the government gave several years ago for dumping the previous Liberal government's strategy: it was the cost. It was going to cost, I think, $110 million or $114 million. The cost of the Stanhope government's strategy is not vastly different from the cost of the Liberal strategy from the year 2000; in fact, I think it is only about $4 million more. It is very much in the same ballpark. Had the government stuck with the strategy it inherited, we would be a lot further advanced; we would have a lot less greenhouse gases emanating from the ACT.

The difference comes in the targets. In 1990 we were emitting 3.5 million tonnes of CO2 per year. Had the current government genuinely embraced the 2000 strategy, we would be on target to get back to that level by next year. As it is, we are emitting close to 4.5 million tonnes. That is an extra one million tonnes for the ACT. This plan will not turn the tide of emissions until 2020 and will not get us back to the 1990 levels—which, under the previous plan, would have kicked in next year—until 2025. That is 17 years after the Liberal strategy would have got us there.

New agreements for reducing emissions and for carbon trading currently being negotiated in the context of the 2012 Kyoto-plus protocol could cost Australia billions of dollars if it does not reduce its emissions. With Canberra heading the list of emitters in Australia, how much will that cost the ACT? The bottom line is that this government's plan, like most of its plans, is a bit too late. It is too little and it is certainly way too late. Even some of the environmental conservationists who are traditionally sympathetic to the ideas of the ALP agree on that.

The government needs to take real action really soon—a lot sooner than this climate plan strategy contemplates. We need to take a very proactive look at technology, science and community education and sentiment. We need to ensure that we cover all the options. We need to be bold. We need to take up new ideas. We need to work with scientists and engineers at the CSIRO and the ANU and look at groundbreaking things. We need to look at things like sliver technology, which I think is more advanced than what Mr Gentleman's scheme is proposing. There are a number of options we can put in place now.

In his presentation speech on 15 March, Mr Hargreaves said:

> It was originally envisaged that both schemes—

that is, the ACT and New South Wales greenhouse gas abatement schemes—

> would be interim measures until a national greenhouse emissions trading market was established.

The Prime Minister's Task Group on Emissions Trading has handed its report to the Prime Minister. Amongst other things, it proposed that a national carbon emissions trading scheme be introduced on 1 January 2010. Mr Rudd agrees with that—should he be the Prime Minister after 24 November. He agrees with a hell of a lot of things that the Prime Minister says.

Whilst the proposals in the report will need to be turned into policy, they do pave the way for a national approach that will enable the ACT to participate much earlier than is anticipated by this bill today. We have to look forward to the development of a national approach and to Australia taking a unified approach and doing our bit in the global environment. What the ACT government needs to do in the interim is to go and talk to the New South Wales government and come up with some sensible, sustainable, realistic proposals in terms of dropping further the amount of greenhouse gas we are all consuming in the ACT—rather than just wiping its hands of it, letting this bill go through and taking no further action until the national scheme comes in.

There are things we can do. I do not know what the magic formula is in terms of that, but surely that is something the government and the New South Wales government can work on—and they do need to work on it, because time is running out. Whilst it is great to see a national carbon trading scheme to start in 2010, there are a number of things we can do in the interim.

MRS DUNNE (Ginninderra) (11.48): It is interesting that this debate has been brought on. I know that, when this bill was introduced in March, there may have been

some need to introduce this amendment and extend the life of the existing NSW-ACT scheme to 2020, but events have overtaken that somewhat. The situation as it now stands is that, irrespective of the outcome of the federal election in a couple of weeks, there is commitment to a national trading scheme that will commence on 1 January 2010.

While it is probably a moot point as to whether we should be having this debate today, I think that while we are having the debate it is worth noting how things have changed since this legislation was first introduced in 2004. At that time, when I was the shadow minister for the environment, we were having considerable discussion in this place about the Stanhope government's commitment to greenhouse. We had seen the then minister for the environment, the Chief Minister, pulling further and further back from commitments to a greenhouse strategy. He was starting to say that the existing greenhouse strategy was untenable. When challenged, he said, "No, no, no; we would never throw out that greenhouse strategy, but it would be difficult to implement." But after the election the Stanhope government did exactly what, before the election, the Chief Minister said it would not do.

This is another example of a matter where the Stanhope government has lied to the people. It said that it would not throw out the existing greenhouse strategy and then it went along and did just that. It was yet another Stanhope government lie. This is added to all the lies about things that they said they would not do in this term—closing schools, for instance. What we have actually seen is this: instead of sitting down and working with the community, this Chief Minister, as the minister for the environment, has in many ways made himself a laughing stock in the environment community.

MR SPEAKER: Mrs Dunne, you referred to the Stanhope government's actions on two occasions. The first was in relation to the community; the second could apply here. I ask you to withdraw the second, please.

MRS DUNNE: Sorry; I thought that I had made it perfectly clear that I was referring to its relationship with the community, but to remove any doubt I will withdraw the comment.

MR SPEAKER: Thank you.

MRS DUNNE: Instead of sitting down and dealing with the community, Mr Stanhope—the Stanhope government—has made himself a laughing stock with the environment community over his handling of the greenhouse strategy. During the 2004 election campaign, just after Mr Stanhope had bagged the existing greenhouse strategy and then said that he would not withdraw the greenhouse strategy, I was approached, at social functions and the like, by a couple of prominent scientists and people prominently involved in the greenhouse strategy. They bemoaned the situation: how discredited the Stanhope government was in relation to its greenhouse performance and how poor was the minister for the environment's understanding of the situation—or at least his stated understanding. They said that his claims of inflated costs to implement the greenhouse strategy were just that—inflated claims—and should not be taken seriously.

What we have had as a result of that is year on year of failure to act. The only action we saw was the action taken by the then minister for energy, Mr Quinlan, to introduce the scheme that we are amending today. As I and others said at the time, it was a good start but it was not the whole thing: the day-to-day strategy, the way we live our lives inside the ACT, was not going to be markedly affected by this scheme and there needed to be much more done.

What we saw from the Stanhope government was, as I said, a throwing out of the existing greenhouse strategy. For some year or more, we in the ACT had no greenhouse strategy. At a time when everyone on the government benches was wringing their hands and the Greens were ringing their hands about how important this issue was, the Stanhope government was silent and dumb on the issue.

Then we had the fizzer greenhouse strategy—the Stanhope government's greenhouse strategy. It is an absolute fizzer. It is one of the elements, the traits, of the Stanhope government: you have to throw out everything that came before and cast it anew; you have to reinvent the wheel over and over again. In a small jurisdiction, that is not often very cost effective. We have seen this in the past, with the waste of government activity in many areas.

Today we have a small movement. What we are doing today does not in any way improve our greenhouse performance. It changes the date and I suppose it gives people an opportunity to speak about the things which we feel are important, but we need to make it perfectly clear that the commonwealth government intends to set up a clean energy target and to have an emissions trading scheme in operation by 1 January 2010. The clean energy target will ensure that, by 2020, 30,000 gigawatt hours of electricity generated will have no or low emissions.

You also have to remember the groundbreaking work that has been done by the Australian government over the years, which has already set us up fairly well—though not as well as it could have. On occasions, we have dropped the ball and not carried through. One of the things that we have to remember is that the mandatory renewable energy targets which were introduced in 2001 were groundbreaking at the time and world-first. It is a matter of great regret to me and others on this side that, when those targets expired in 2004, they were not renewed. It took some time to get that policy kick-started again. It is good work and it is work that should be progressed. That work will underpin the national trading scheme when it comes into operation in 2010.

The fact that the national scheme will come into operation in 2010 means that, for the most part, the discussions we are having today are unnecessary. I question why the government has brought this forward today. It may have been considered vaguely necessary back in March but, as a result of decisions made through September, it is completely and utterly unnecessary to change the date at this stage. It will not make any difference one way or the other to the effectiveness of the operation of the scheme, which will automatically come to an end on 1 January 2010.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the

Environment, Water and Climate Change, Minister for the Arts) (11.56): As everybody knows, the greenhouse gas emissions scheme that is jointly operated by New South Wales and the ACT is an Australian first and the most significant of greenhouse gas abatement schemes in operation within Australia. It is a credit to both the New South Wales and this government that we have pursued at least a scheme of this sort in the face of 11 years of obdurate opposition by John Howard, the great climate change sceptic; a sceptic until he read the polling and realised that the rest of Australia—indeed every Australian but he—thought that climate change was the most significant issue facing the nation.

As a result of the stubborn refusal of Australia's number one climate change sceptic, John Howard, the Prime Minister of Australia, to deal with any of the states or the territories in a meaningful way in relation to the development of a holistic, all-of-Australia, national approach to greenhouse emissions, the states have been forced to go it alone. We all know this. It is the history of Australia, regrettably—a dark and sad history in relation to climate change within this nation—that the Liberal Party of Australia has refused for 11 long years in government to engage, on its own behalf or with any of the states or territories, in a meaningful, concrete, consistent way to develop any coherent program to address climate change and its impact or effect on this nation or the world.

It is a matter of enduring shame that the Liberal Party of Australia and the Prime Minister of Australia have been in splendid isolation, with their failure to acknowledge the truth of climate change, their failure to understand that this was the issue of most grave concern to all Australians. None of the states or territories have been able to induce the commonwealth to work with them to develop an emissions trading scheme for this nation. That scepticism, that refusal by John Howard and the Liberal Party of Australia, supported by their colleagues in this place, to refuse to engage with Kyoto, to refuse to work with the rest of the world, to refuse to work as a nation determined to confront the consequences of climate change, is a matter of enduring shame for the Liberal Party in Australia.

That was why the ACT government, in concert with New South Wales, pursued this particular scheme and we now have the Liberal Party, with hand on heart, saying we do not need this scheme anymore because of the road-to-Damascus conversion by John Howard and the Liberal Party in relation to an emissions trading scheme. They say, "Look, it will happen. It will happen in 2010 so therefore you can now abandon your scheme. You don't need to worry anymore about emissions trading. John Howard has got it under control." Who in Australia believes that for one minute? Who in Australia believes for one minute that John Howard or the Liberal Party has climate change at the top of their agenda or as a priority for this nation? Nobody. For this government to now abandon the only significant operating emissions scheme in Australia on the basis of John Howard's road-to-Damascus conversion in the face of an election, which the polls suggest he is going to lose, along with his own seat, really is to test the credibility of the Liberal Party within the ACT on greenhouse gas emissions, emissions trading or climate change.

For the Liberal Party of all parties to stand up in this place and moralise about the necessity or otherwise of the only successfully operating scheme, namely the New South Wales-ACT GGAS scheme, is just a bit rich. This scheme, so far as it applies

here within the ACT, has been particularly effective. There is no doubt about that. In 2005, for instance, the scheme achieved a greenhouse gas emissions abatement of 316,362 tonnes—the equivalent of the annual emissions produced by 73,000 cars, an audited reduction in emissions. That is the success of this scheme. That is the nature of the scheme. That is why this government has committed to it with New South Wales. That is why at this stage, to avoid risk, to put matters beyond doubt, we all hope, of course, for a national approach to this issue and we all hope that it can be achieved sooner rather than later. It will be achieved sooner rather than later with the election of a Labor government federally, a government that is genuinely committed to climate change, that is prepared to engage with the states and the territories and that will do something about a national emissions trading scheme.

But, to put the matter beyond doubt, all we are doing today is extending the length and the life of this particular scheme—and why wouldn't you? It is effective. It has worked. It shows our commitment. It is the single most effective process we have had in place to date. That will soon change as a result of initiatives we are pursuing through our climate change strategy, a climate change strategy which just today, through an appropriation bill tabled by me this morning, receives an additional $17 million in committed funding.

Go back and have a look at the funds. See if you can find funds specifically committed by the previous government, the Liberal government of the ACT, to climate change or greenhouse gas reduction or abatement. You will find nothing in any budget. You will find nothing in any budget of the Liberal Party in this territory, when in government, to address issues around climate change. They introduced a strategy with a target. This is what they do: they develop a strategy, they concoct a target, they dine out on it, but they have no intention, and had no intention in government, of ever seeking to meet it. They appropriated no moneys to achieve a reduction in greenhouse emissions. When they left government, with their target and their particular policy it would have required in the order of $100 million a year over the space of five years to meet their target. And of course when we came to government—

Mrs Dunne: Not true. Not true. That is just a figure that you pulled out of the air.

MR STANHOPE: I am happy to go back and have a look at the budget in 2001 and count up the moneys that were appropriated in that last year, the moneys that the Liberal Party in government defined as committed to meeting any target for the reduction of greenhouse gases in the ACT, and I can tell you now what it was—it was zilch. It was zero—a number consistent with the level of their commitment to climate change as reflected most specifically by their leader, the great greenhouse sceptic of Australia, John Howard, leader of the Liberal Party and of course the person in whose light the party in this place basks.

Having said all that, despite the rhetoric and the rumblings I thank the Liberal Party and the Greens for their support of this bill today.

Mrs Dunne: Mr Speaker, I seek leave to speak again under standing order 47. I contend that I have been misquoted and misrepresented.

Leave granted.

MRS DUNNE (Ginninderra) (12.04): Mr Stanhope said that the opposition was opposed to this bill and wanted to close down the GGAS scheme as it currently stands. That is not the position of the opposition and it has never been the position of the opposition. We supported the introduction of this scheme and, even if we were to vote against this bill today, which we will not do, it would not close down the GGAS scheme. What Mr Stanhope said there was entirely untrue.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

DR FOSKEY (Molonglo) (12.05): I move amendment No 1 circulated in my name *[see schedule 1 at page 3312]*.

As I mentioned earlier, the Greens are concerned about this greenhouse gas abatement scheme continuing from now until 2020 with the existing flat benchmark. This legislation has greenhouse gas emission reductions from 2005 to 2007. But, sadly, it requires no further decreases. It is, frankly, not acceptable that the benchmarks are set from now until 2012—that is 2012, not 2010—at a flat 7.27 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population.

My amendment proposes further reducing the benchmark by five per cent each year; that is for 2008 the benchmark will be reduced to 6.91 tonnes per head, for 2009 it will go down to 6.56 tonnes per head and so on until the year 2012, when the benchmark will be 5.63 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population. Continuing the flat benchmark in this time when everyone is so aware of climate change prices is ludicrous and it is hard for me to understand how Mr Stanhope, after his strong speech in which he condemned the Prime Minister, and rightfully so, for inaction, has not indicated that he is prepared to move beyond the legislation that he tabled in March.

It is the Greens' intention to make this legislation worth talking about and to change it to make the benchmarks have the effect of reducing our greenhouse gas emissions. We can do this. Just because New South Wales has taken on the status quo approach does not make it okay. I think we would all agree that New South Wales is doing quite a few things in relation to greenhouse gas emissions that we may not like, including opening up new coalmines at a time when all the signs are pointing the other way.

Today we have the opportunity to stand aside and think seriously about the consequences of our decisions. If this scheme is to continue until 2020—and I have already argued, and so have Mrs Dunne and Mr Stefaniak, that it should not—the Greens believe that we must install more rigorous benchmarks. Indeed, if it continues until 2012 as it is currently, unless a federal government brings in a new scheme in

2011 as promised, we need more rigorous benchmarks. As it stands, the benchmarks that we have have never been reviewed since the scheme was conceived and that means that the legislation we are looking at is not based on anything that represents science, economics or any other discipline that should inform it. Now that we know so many of the scheme's problems, we really have to look at it again.

My amendment seeks to give some meaning to the benchmarks. Even though the scheme is not perfect, we need to at least ensure that it does continue to lower the increase in emissions per capita even if it does not lower the overall output of emissions, which would be an even better result. As I said earlier, modelling from the Total Environment Centre showed that to achieve emissions five per cent below 1990 level the benchmark should drop annually until it reaches 5.85 tonnes of greenhouse gas emissions per head, and that is considerably below the 7.27 tonnes provided for in this bill. At the rate I am proposing today we are not going to hit this point until 2013, which means it is worth while introducing these benchmarks.

There are, of course, many actions we should be taking in symphony with other governments to decrease our greenhouse gas emissions. We have heard today from the government a number of other initiatives which have been further funded, or will be further funded depending on the success of the appropriation bill. These are good steps and the Greens would also like to see increased renewable energy targets, the feed-in laws for solar power approved, carbon neutral goals for schools and public buildings achieved, and energy efficiency investment in public housing immediately.

Today, we are only focusing on the greenhouse gas abatement scheme; we will be discussing all the other issues another time. My amendment today proposes to reduce the emission reduction benchmarks to attempt to make this scheme meaningful. I am not proposing to tinker with the scheme in any other way as I believe that there are too many serious flaws and that the whole thing needs to be looked at anew rather than trying to fix it up. If I were to suggest any other amendments, they would be to add caps and withdraw the option of rolling over savings. However, understanding that we in the ACT are a smaller jurisdiction than New South Wales, I think we probably would not be able to achieve those things as easily. But it is within the realms of possibility and quite practical. The machinery is already there. That would probably need enhancing to set ourselves separate emission targets from New South Wales but at the same time it would show the leadership that New South Wales has not been able to show and lobby the New South Wales government to reduce their benchmarks as well so that this GGAS scheme, instead of sounding so good, actually becomes effective.

I think we should keep these issues in mind and understand that the ACT at the moment, though it has one of the smaller populations of any city, is one of the bigger emitters and that therefore we have an obligation to take bigger actions. I commend my amendment to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (12.12): As members are aware, and as has been commented on, the ACT greenhouse gas abatement

scheme is based firmly on the New South Wales greenhouse gas abatement scheme and it is fully integrated and consistent with the New South Wales legislation and the New South Wales scheme. So on that basis the ACT legislation includes benchmark targets that are the same as those in New South Wales, and that consistency is important and it is important that it be maintained.

I should also add that it was agreed based on discussions at COAG and a request from the Prime Minister that individual jurisdictions not vary the basis of existing emission reduction schemes, as planning for the transition of those schemes to a national emissions model had already commenced. There has been much comment by both the Liberal Party and the Greens in relation to moves afoot and announced by each of the two parties federally, Labor and Liberal, to move to a national emissions trading scheme and there has been informal agreement—or understanding, at least, or acknowledgement—to respond positively to the request that has been made by the Prime Minister in that regard.

Uncoordinated targets or the breaking of a nexus between the ACT and New South Wales would have some perhaps undesirable consequences, some of them unintended. We have always been very open about the fact that we embraced a pre-existing scheme, a New South Wales scheme. We did it for ease of administration. We did it on a cost-effectiveness basis. We do not want now to break the nexus, to now create a separate scheme, a scheme distinct or separate from New South Wales. Our legislation was spawned by the New South Wales legislation or model; ours is a carbon copy.

This proposed amendment by Dr Foskey, as admirable as it may be, as sound as it may appear, would in essence create a separate scheme within the ACT. In the context of the moves nationally, acknowledged by all of us, by both the Labor Party and the Liberal Party, to now embrace a national scheme, to work co-operatively, the question must be asked: what is to be gained today in relation to an operating scheme that is based solely on another scheme in a larger jurisdiction? As noble as the notion of regular assessments or rejigging or adjustment might be, for the ACT now to snip the cord, to say, "That's it; thanks for the ride; we'll now go it alone," would create a whole range of issues, including, of course, issues around cost and the regulatory burden that would be imposed on retailers here within the ACT, and it would have the effect of removing the cost effectiveness that we achieve from the current arrangements. It would actually fly in the face of the nature of the partnership. It would breach the partnership and all the benefits that come from it if we were now to create a separate scheme.

In fact, the investments that we have made in the administration of the scheme on the basis of the partnership and the statutory targets that are in place would be wasted. As part of the climate change strategy, the ACT government is currently developing joint renewable energy target legislation with New South Wales. We can piggyback off the investments made by New South Wales in relation to the administration of that scheme, whether it be in relation to IT or whatever. Certainly, we can only do that if we have the same targets as New South Wales, and New South Wales is more than happy for us to work in that way in relation to their scheme. We say this unashamedly: there are significant advantages to the ACT in mirroring the New South

Wales legislation and model in relation to cost effectiveness, in relation to uniformity of systems, in relation to the software that applies and in relation to the general cost effectiveness and regulatory burden.

While, as Dr Foskey explains it, perhaps we are being a bit soft and we could have had tougher targets and could have done a bit more, it would have come at a significant burden which, at the end of the day, would probably undercut the advantage of the scheme to some extent. I do not believe at this stage in relation to developments that are occurring nationally, that have been certainly championed by the states and the territories in the absence of leadership from the commonwealth, that we should jeopardise the working relationship with and our access to New South Wales technology, IT, software and systems for the sake of the sorts of changes that Dr Foskey proposes with her amendment.

On that basis, without essentially discussing perhaps the merit of the essential approach that Dr Foskey suggests would be appropriate for the ACT, I do not believe one should look at that in isolation of the administrative, the regulatory and the cost effect that the amendments would have on the scheme that operates within the ACT.

There are two issues here. We are unashamedly piggybacking off another jurisdiction and another system and we do that for a range of reasons. I do not believe the reasons for abandoning that approach outweigh the reasons for maintaining it, and on that basis the government will not support the proposals that Dr Foskey suggests.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (12.19): Similarly the opposition will not be supporting Dr Foskey's amendment either. I certainly would like a lot more detail on the actual targets that Dr Foskey is suggesting. There are no real costings in relation to this. We are piggybacking off New South Wales. That is not to say, however, that what she is suggesting here does not have a considerable amount of merit and that is not to say, however, that the ACT government should not approach New South Wales and see whether these targets, or some other targets, should be used on an interim basis between now and when the national scheme comes into play on 1 January 2010. I think that would be entirely appropriate because the sentiment of what she is trying to do here is quite laudable, and anything we can do in a sensible, practical way to reduce greenhouse gas emissions should be supported. But there is a scheme in operation in New South Wales and we are piggybacking off it.

I would urge the Chief Minister to talk to his New South Wales counterparts to see if we can have some further targets, if we can do something more than is just occurring between now and 1 January 2010. But, unfortunately, that is a matter for the ACT government and the New South Wales government. For us to arbitrarily just impose these today I think would be counterproductive despite the obvious merit in what is behind Dr Foskey's targets here and the honourable intentions that she obviously has here to see both us and New South Wales reduce our greenhouse gas emissions.

DR FOSKEY (Molonglo) (12.20): It is interesting that one can put up an amendment and everyone says that it has merit, that it is a good idea that we care about climate change and that we want to do something about it and yet both parties in the Assembly reject it without even an investigation of its practicability. It was rejected on the grounds of its being impractical to move away—not that I am suggesting we do

move away—from the New South Wales scheme. I did not say a single word about not participating in it; I said we should set stronger benchmarks—and that is not so hard for us to do. We are not a municipality that has coalminers knocking at our doors. We do not have aluminium smelters asking for cheap electricity here. So it is something we could do.

We have just had tabled an appropriation bill which proposes many millions of dollars of expenditure, some of it on reducing our greenhouse gas emissions. My office does not have the resources of government to do this work but I fail to understand why we cannot have an investigation to find out what would be required to set up the scheme. Perhaps even the Independent Pricing and Regulatory Tribunal of New South Wales could administer this aspect for us. What we need to know really is how much electricity we consume and how many greenhouse gases we produce. The reporting happens anyway. We are already reporting to IPART and we would just be changing the terms in which we report. I do not know how it would be done, but I would have liked the government to have told us exactly why it is logically difficult or impractical for us to do it. I would have had more faith in the government's rejection of my amendment if I had heard good, sound reasons for it.

Many of the changes that we are going to have to make to combat climate change will not be desirable. We may have to move away from other states. We cannot know. At the moment we have all Labor states and yet we have a diversity of ways that states and territories are going about reducing climate change. If we have a Labor federal government, there is no guarantee that we will all be in accord and singing from the same hymn sheet. In fact, I think it is highly unlikely because I think that there are different sorts of pressures apart from the party political ones. Consequently, we will need to consider far more difficult actions than this simple one that people would not even notice. I think it would be a political feather in the cap of our government and it would strengthen our ability to lobby the New South Wales government to strengthen their own scheme. Of course they are happy for us to be a part of their scheme. Of course they are not going to like the implicit criticism in us setting stronger targets.

When a party such as the Greens moves an amendment, we do not do it lightly. We did not do this for political impact. We did it to suggest to government a way that it could make this scheme something that works. We submitted our amendments to the government in time for it to consider them. I would have liked some evidence that some work was done so that the rejection of my amendment was done in a way that I could respect as being based on sound, economic, scientific or other analysis.

Question put:

> That amendment No 1 be agreed to.

The Assembly voted—

Ayes 1	Noes 14	
Dr Foskey	Mr Barr	Mr Hargreaves
	Mr Berry	Ms MacDonald
	Mrs Burke	Mr Mulcahy
	Mr Corbell	Mr Pratt
	Mrs Dunne	Mr Seselja
	Ms Gallagher	Mr Stanhope
	Mr Gentleman	Mr Stefaniak

Question so resolved in the negative.

Amendment negatived.

Bill as a whole agreed to.

Bill agreed to.

Sitting suspended from 12.29 to 2.30 pm.

Mr Stanhope: For the information of members, my colleague the Deputy Chief Minister has been very temporarily delayed. She regrets her absence. She will be here in a few minutes. If there are any questions for Ms Gallagher, I ask for the forbearance of members; she will be here in a couple of minutes.

Questions without notice

Water—sustainable supply

MR STEFANIAK: Thank you, Chief Minster, for that; we will adjust accordingly. My question is to the Minister for the Environment, Water and Climate Change and I refer, minister, to a statement you made in the Assembly on 17 August 2005 in answer to a question from Mrs Dunne:

> We have seen that, through just a bit of simple scientific, considered work, we can avoid the need for a dam for at least 20 years and perhaps forever.

She was asking the question as to why you were not building any dams. You were referring to public water from the Murrumbidgee. Minister, two years later you announced that the government would be building a new dam on the Cotter River. Minister, why has your government been so slow to realise that the ACT does need a new dam to ensure water security for Canberrans?

MR STANHOPE: I thank the Leader of the Opposition for the question. The government did indeed take a decision, I think two to three years ago—I am not sure of the precise date—on the basis of advice provided to the government by Actew in relation to a detailed scientific assessment facilitated by Actew into securing Canberra's future water needs. It was a broad-ranging, extensive inquiry, facilitated by Actew, involving a number of experts in the area of water, the provision of water, most notably the CSIRO, from whom advice was taken in relation to a number of

scenarios that might impact on water source and water security within the Australian Capital Territory.

The assumptions that were at the heart of the advice received were around anticipated levels of population growth; anticipated impacts and effects of climate change; the effect of the bushfire on flows into our existing dams; and of course predictions in relation to rainfall, potential rainfall patterns in the future, on the basis of modelling then available in relation to anticipated expected impacts of climate change on regularity and nature of rainfall within the Australian Capital Territory.

As a result of those extensive studies, led or headed up, as I indicated, by the CSIRO, Actew presented to the government a report, which was tabled and discussed at length and debated, that on the basis of the scenarios presented to the consultants, including the CSIRO, and at the heart of consideration by Actew, the view—that scientific and technical and expert view at that time—was that the expectation was that the ACT would not require until 2023, I believe it was, a new dam.

The government accepted that advice. It was a rigorous piece of research. It involved the leading experts within Australia. It was rigorous, it was based on some worst-case scenarios or assumptions, particularly by CSIRO in its modelling of the likely impacts of climate change, of the damage to the catchment of inflows, and it predicted, I believe, that within the scenarios around climate change, bushfire damage, rainfall patterns, that we might expect, at worst, a 70 per cent reduction in inflows into our dams. As members know, last year there was in fact a 90 per cent reduction in inflows into ACT dams—a scenario not imagined in the work that was undertaken at the request of the government in relation to future water security.

I am more than happy to table the reports and the advice on which the government relied at that time. They are publicly available. They were debated extensively and they have been revised, as they would be in the face of the historically low rainfall and inflows which were a feature of last year, on the basis of those inflows, the lowest inflows I think in recorded history. Inflows received into our dams last year were seven per cent of the long-term average. Twenty gigalitres of water in total were received into our four dams last year—an effect not imagined or factored into the detailed expert consideration of these issues that was the basis of advice to the government. The government received explicit advice and accepted that advice.

MR SPEAKER: Supplementary question, Mr Stefaniak?

MR STEFANIAK: Yes, thanks, Mr Speaker. How much has this head-in-the-sand approach cost the ACT community in terms of reduced economic, social and health outcomes?

MR STANHOPE: I am not sure that it is possible for any objective assessment of costs against those criteria to be made. I am not aware that any such assessment has been undertaken and I have to say I have no intention of requesting that such an exhaustive assessment be undertaken.

Homeless people—services

DR FOSKEY: My question is directed to the Minister for Disability and Community Services and is in regard to funding to reduce homelessness. On 6 November opposition leader Kevin Rudd pledged $150 million to set up 600 new houses and units for homeless people across Australia, and called on the states and territories to match the investment. Minister, could you please inform the Assembly whether the ACT government remains committed to matching commonwealth funding for homelessness services?

MS GALLAGHER: I thank Dr Foskey for the question. The government remains committed to overmatching the commonwealth on homelessness services. At the moment I think we overmatch the commonwealth by $2 million a year. A year ago we took $1 million out of our overmatching as part of the savings required by government. But regardless of withdrawing a million, we still overmatched the commonwealth in homelessness services. We are certainly not looking to decrease our commitment. In fact, we have further spending for homelessness services in the bill introduced in the Assembly today.

As I said, in the work that we have done in terms of reforming the SAAP sector and working with the providers, that million dollar cut that we saw almost two years ago did not come at the cost of one accommodation bed night. In fact, I congratulate all the services who worked with us to look at ways to reform and streamline their services so that the overmatching that we provide in the ACT to SAAP services goes into delivering outcomes for people who need them.

We are doing quite a bit of work in the area of youth homelessness this year. The focus is on youth homelessness in terms of some of those priority areas. We have funded a piece of work, which you will be aware of—Children's Experiences of Homelessness. It was commissioned through the Institute of Child Protection Studies. Part of the target is looking at ensuring that we maintain young people's accommodation rather than having them join the homelessness sector. The department has been working on a couple of models with providers to look at the best way we can provide services to young people.

If Kevin Rudd is elected in November, and there is the possibility that we could get some further support around homelessness, the government would have a look at what that means. At the moment, I understand the announcement by Rudd is largely around capital infrastructure, not necessarily around service provision. We would have to look at that when it came out to see what they were offering the ACT. At the moment our funding in the SAAP sector will be maintained. As I said, that is more than we are required to do under the SAAP agreement.

DR FOSKEY: Mr Speaker, I have a supplementary question. Minister, with increased funding, what would be your priorities for directing that?

MS GALLAGHER: I will take that—

Mrs Dunne: Mr Speaker, I rise on a point of order. The supplementary is hypothetical. It is based on the supposition that there may be forthcoming money. There is no point asking the minister what she might do with money that may not be forthcoming.

MR SPEAKER: The supplementary question is not allowed.

Health—oral and maxillofacial surgery

MRS BURKE: My question is to the Minister for Health. Minister, at a briefing from officials from ACT Health on Monday, 12 November 2007, assurances were given to me that the recent problems regarding less than optimal patient outcomes for oral maxillofacial surgery were being investigated. Minister, I have now been contacted by another two patients. They each have compound fractures of the jaw. These fractures should have resulted in urgent admission and surgery. I have been advised, however, that both of these young patients were told that their surgery would not be scheduled until a week later. Minister, why weren't these two facial surgery cases dealt with as a matter of urgency?

MS GALLAGHER: I thank Mrs Burke for the question. In relation to the two cases she talks about, I need details of those if I am to investigate and provide advice back. My guess is that, if they were given a date and a time for their surgery, that would be a date and time based on clinical decision making, but I will take advice on that.

In relation to the briefing around less than optimal patient outcomes, I do not think that at this stage there is any agreement that there has been any confirmed case of less than optimal outcomes for any patients. There are a number of cases under review that have been referred to Health and are being examined as part of their clinical processes, but I do not think that we can allow it to continue that we have got confirmed cases of less than optimal patient outcomes; to my knowledge, there has not been one confirmed case.

MR SPEAKER: Supplementary question, Mrs Burke?

MRS BURKE: Thank you, Mr Speaker. Thank you, Minister. Minister, what reason do you give to those people who allege that they have had less than optimal surgical outcomes and to these further cases and their families because of the compromise to their health through the delays in arranging urgent facial surgery?

MS GALLAGHER: I do not think I can answer that question—what reasons would I give: unconfirmed cases of less than optimal patient outcomes based on alleged delays to their surgery?

Mrs Burke: So they are not telling the truth? They are not lying to you.

MR SPEAKER: Order, Mrs Burke!

MS GALLAGHER: It is an impossible question to answer. To accept it you would have to accept the proposition that, first, there had been less than optimal patient

outcomes and, second, their surgery had been unacceptably delayed. Neither of those two things can I do today. Mrs Burke had an extensive briefing yesterday from a medical professional who is well across this matter. It stretches back to 1996 or before. It is complicated. I had hoped that the briefing that Mrs Burke had yesterday would alert her to all of the issues involved and that they are well in hand in terms of being investigated where there are concerns. I cannot stand here and give any reason to any family for a situation that has not been confirmed. It is just—

Mrs Burke: But they are not lying.

MS GALLAGHER: There is no confirmed case of an adverse outcome for a patient.

Mrs Burke: We are talking about the delays.

MS GALLAGHER: What there have been are allegations raised and concerns raised by a doctor which are going through Health's approved processes for dealing with these matters. To come in here constantly, question time after question time, and run an interference with those processes is less than helpful in terms of ensuring that we have good, robust processes that doctors are prepared to engage in. This is the issue that we are getting to now. If, every time somebody goes to the opposition spokesperson on health and makes a complaint and that complaint is just accepted as truth and then the spokesperson comes in here and that is spoken to as truth—

Mrs Burke: So they are lying.

MS GALLAGHER: I am not saying that they are lying. I am not saying that anybody is lying. I am trying to explain that this is not the appropriate place to come with unconfirmed cases—

Mrs Burke: No, because you just want to smooth over—

MR SPEAKER: Order, Mrs Burke!

MS GALLAGHER:—and speak about them as if they are confirmed cases. There are approved processes that we have implemented over a number of years at the hospital which are working very well. Mrs Burke's unhelpful interference in this matter is putting those processes at risk. By putting those processes at risk, the risk of these processes falling over is real.

Mrs Burke: It isn't.

MS GALLAGHER: She can sit there and shake her head, but I have had a number of doctors come to me and complain that their employment potentially has been politicised by the manner in which the opposition spokesperson is engaging, because of the way these matters have been dealt with. There has been no confirmed case of adverse patient outcomes, yet the reputations of an entire area of Canberra Hospital have been called into question by these repeated allegations being spoken about as confirmed cases of adverse patient outcomes. This way of operating seriously undermines the processes that Health have put in place. I was hoping that the briefing yesterday would have alerted Mrs Burke to that, but obviously it has not.

On this matter—on the OMFC matter—I am not going to say anything more. The processes that Health have in place are operating. The cases have been referred from one doctor. They are going through the hospital's processes. They are going through the clinical privileges committee, which is the appropriate place for them to go through. If there are any further allegations to be made, I will not be responding to Mrs Burke, because this is not the right place to do it.

Schools—student smoking

MRS DUNNE: My question is to the Minister for Education and Training. Minister, on 5 November this year, in an interview on WIN television in relation to information that a 16-year-old student at a Canberra high school was allowed to smoke, you stated that "16-year-old girls often make statements that are not correct". The mother of the student in question also believes that it had been agreed that her daughter would be allowed to smoke when she was let out of detention to destress herself. Minister, why did you portray to the community that this student and her mother were liars? What has your department done to address this student's addiction?

MR BARR: I thank Mrs Dunne for the question. In relation to my statement during that press conference, I was asked a direct question following the series of statements I had made, and, as I have been stating from the beginning, when it was first raised by 2CC on the Saturday prior, 27 October, that there was no truth in the allegation that the school had given the student in question permission to leave school grounds to smoke. That was the allegation that was made, but at no point has that ever been the case. So the entire premise of the 2CC report and the subsequent story in the *Sunday Telegraph* were false, as has been indicated repeatedly by the principal of the school and by staff at the school reporting to the principal.

Let me make this clear: at no point did the school condone the student smoking; at no point did the school give the student permission to leave the campus to smoke; at no point has the department of education given the student permission to smoke; at no point have I, as minister, given the student permission to smoke. The question of what the student does off the school grounds is, of course, a matter for that student and for the student's mother. However, the student has been provided with a range of counselling and support services. Without wanting to go too far, because I do not believe this is the appropriate place to be discussing the pastoral care needs of this particular student, it would be fair to observe that this particular student, over the course of her studies at this high school, has been suspended on occasion and has needed additional support. The allegations that have been made perhaps have been accelerated by those opposite, who, in spite of repeated denials from the school that the incident ever took place, have sought continually to raise this matter.

The fact that it got into the national media is unfortunate, given the fact that there is no validity to the story, and it perhaps stands as a lesson for journalists to check their facts before they pursue these sorts of stories. It is interesting that some of television's more entertaining programs, *Today Tonight* and *A Current Affair*, sought to pursue the story but dropped it on the basis of their concern that in fact there was no story. So when those particular television programs show no interest in something, it does give

one an indication that perhaps there is no validity to the particular story. It is unfortunate that the opposition continues to peddle it. It is unfortunate that Mrs Dunne continues to appear on a particular radio station and to use question time to peddle this myth. It did not happen; at no point did the school give this student permission to smoke.

I have made very clear the government's position in relation to smoking in our schools. It is interesting that, five months ago, when I made an announcement that there would be no smoking from 2008 on any ACT public school campus, Mrs Dunne went to the media and said this was a bad decision that was made without consultation and that teachers had a very stressful job. The implication of Mrs Dunne's statement was that teachers should be allowed to smoke on campus. Mrs Dunne now comes into this place and seeks to argue that the government is not setting an example in this area. Given her statements to the *Canberra Times* at the time, and repeated again when she was challenged by the *Canberra Times* on this matter only last week, it represents a new level of hypocrisy for Mrs Dunne. It is unfortunate that she seeks to use this unfortunate situation and the troubles of a 16-year-old girl at one of our high schools to score political points. It is very disappointing.

MR SPEAKER: A supplementary question from Mrs Dunne.

MRS DUNNE: Thank you, Mr Speaker. First of all, can you actually confirm the impression that you have now put on the record that what has happened in this case is that the school has allowed the student to leave the campus and they will turn a blind eye to what they do when they leave the campus? Isn't the fact that you have effectively claimed that the girl and her mother are liars an attempt to cover your appalling handling of this matter?

MR BARR: Mr Speaker, I reject both of those outrageous assertions by Mrs Dunne. They are not really even worthy of a response. But again I need to stress and put on the record that at no point did the school ever say that it was okay for a student to leave the school grounds to smoke.

We know from the interview on WIN television and from the various other media interviews that the student has undertaken that the student has an addiction to cigarettes. So the important question, surely, should be: how can we, the community, or this Assembly or the shadow minister possibly assist in helping this student? The important thing here is that this student is able to complete her studies to get the year 10 certificate and to receive assistance to give up smoking.

Those would seem to be the two important things that should come from this incident, if any good can come from this incident with the muck-raking and the peddling and all the offers and bribes that have been thrown around by certain media organisations in an attempt to draw this story out. With all the allegations that are out there about what is really behind this, the two good things that could come out of it would be for the student concerned to finish year 10 and get a year 10 qualification and receive assistance to give up smoking. They would be two very positive outcomes. Can I say that the staff at Stromlo high are working very hard to achieve those two positive outcomes?

I would like to think that all members in this place would support the school in achieving those outcomes and support the family, rather than dragging them through the mud again with another set of muck-raking allegations, dragging this story on when there is no story. The school and the principal and all the staff at the school have been adamant that the allegations that were made and aired in the media were not true.

I do not know why the shadow minister would seek to use the Assembly to bring it all up again, for no particular reason. As I have indicated throughout the process, right from when 2CC first approached my office in the last weekend of October, my advice from the school was subsequently confirmed and reconfirmed and confirmed by the principal on camera to those media outlets because they seemingly were not happy with the response from me indicating that this story was not true. The principal then wrote a letter to all members of the school community. But even that was not enough for members of the opposition and the media. The principal then had to go and front the cameras the following week to indicate again, for about the seventh time, that there was no truth to this story.

Mr Stanhope: Are you calling the principal a liar?

MR BARR: Now the situation is that effectively the opposition is saying that the principal—

Mrs Dunne: No, I was not. I was saying she did not have to front the cameras. He should have done the job.

MR BARR: and the school community and the teachers—

MR SPEAKER: Order! Mr Barr, resume your seat. There are far too many interjections. Everybody should cease interjecting. Mr Barr has the floor.

MR BARR: Thank you, Mr Speaker. Effectively what Mrs Dunne is arguing is that the school principal was lying and that the senior staff of the school are lying.

Mr Stanhope: That is what Mrs Dunne thinks.

MR BARR: That is the imputation in the question.

Mr Stanhope: All the teachers are lying.

MR SPEAKER: Order, Chief Minister!

MR BARR: And that everyone who has been engaged in the variety of pastoral care assistance for this particular student, who we acknowledge has difficulties and needs assistance and the help of this community—and, one would like to think, the help of the political leaders in this community—to finish year 10 and to quit smoking. As I say, they are the two outcomes we want from this sorry incident.

It is unfortunate that the opposition and certain elements of the media, notably interstate media, sought to prey on this family and offer inducements to tell stories.

That this is occurred is unfortunate, but I think an appropriate response from our community would be to rally around this student and give her the assistance she needs—

Mrs Dunne: By calling her a liar?

MR BARR: to quit smoking.

Mrs Dunne: That is what you did. You called her a liar.

MR SPEAKER: I warn you, Mrs Dunne.

MR BARR: My response to the direct question I was asked by the journalists in relation to the veracity of the claims made by student was that it was not the case that the student was given permission to smoke. That is the position of the school, and I stand by that. *(Time expired.)*

Health—oral and maxillofacial surgery

MR PRATT: My question is to the Minister for Health. Minister, you are now the third minister of the Stanhope government who has been made acutely aware of the serious problems regarding oral maxillofacial surgery at the Canberra Hospital over the past six years. At a briefing on Monday, 12 November 2007, officials from ACT Health gave assurances that the problems regarding less than optimal patient outcomes for oral maxillofacial surgery were finally being resolved. Minister, after six years and three health ministers, what are your plans to make the oral facial surgery service fully operational with the correct mix of appropriately qualified oral facial surgeons and plastic surgeons? What are your plans?

MS GALLAGHER: Mr Speaker, I thank Mr Pratt for the question. As I alluded to in my answer to Mrs Burke, going into these individual cases is not something that I am going to continue. I think these matters are serious. The allegations that have been made by one doctor are serious. They need to go through the clinical privileges committee, which they are going through. They need to be reviewed, and we need to see whether there are any concerns. At the moment, no concerns have been confirmed; there have been no cases of less than optimal patient outcomes confirmed. We need to get that chant going across there. Steve, you need to write "alleged". Whoever writes the questions for the Liberal Party needs to start writing "alleged" in them, because people are going to move soon to protect their reputations. They are going to move to protect their reputations.

There are a couple of points that need to be made about this. The decision to discontinue OMFS at the Canberra Hospital was made by Kate Carnell and Michael Moore. I have read the papers. I have read letters from a doctor back in 1997 raising concerns around the capacity at the Canberra Hospital. As the acting minister, Mr Corbell, said when I was on leave, this is a complicated matter. It essentially involves a demarcation dispute.

Mrs Burke: No it does not. I refute that.

MS GALLAGHER: Mrs Burke, the problem when you just accept one side of the story when someone walks in your door and says "this is the way things are; here are some letters" is that you never actually listen to the other side, or you never accept there is another side. You have failed to grasp the issue yet again. Here is another story where Mrs Burke has failed to grasp the issue. She has accepted somebody's word as gold. This government has moved, as we have in a number of areas in Health, to clean up areas that were allowed to go. Let us face it, Mrs Burke, sit down with Mrs Carnell and ask her what happened around OMFS back in 1997. This government has moved—

Mrs Burke: How long are you going to keep going back?

Mr Stefaniak: You've been there six years.

Mrs Burke: Yes, come on.

MS GALLAGHER: So you can go back six years, but you cannot go back 10 years?

Mrs Burke: No—

MR SPEAKER: Order! Mrs Burke.

MS GALLAGHER: The issues that have been raised are complex. This has been worked on for a number of years to get agreement around how to reintegrate services at the Canberra Hospital. Now, many of us would like to think that that was simpler than it is. It is not. We have a very busy plastic surgery area. OMFS constitutes, I understand, two per cent of the plastic surgery work that is performed at the Canberra Hospital. Our plastic surgeons are essential to the running of our public hospital. They provide an excellent service, and there has been disagreement about how that service is to reintegrate into the hospital.

We have been working on this for years; health bureaucrats have been working on this for years; TCH management has been working on this for years. It is not easy, and we cannot do something that pleases one side of the disagreement at the risk of losing the other.

Mrs Burke: What are you afraid of?

MS GALLAGHER: What I am afraid of, Mrs Burke, is that we will lose our plastic surgeons. That is what I am afraid of. I am afraid that plastic surgeons will turn around and say, "I don't want to work here if my reputation is going to be trawled through the Legislative Assembly—

Mrs Burke: Sort it then. Sort it then.

MR SPEAKER: I warn you, Mrs Burke.

MS GALLAGHER: Some 90 per cent of the work in terms of emergency surgery involves oral plastic surgery, and there is a disagreement over two per cent of the

work and how it is to be reintegrated. There has been no confirmed case of any adverse patient outcome yet. We need to allow those processes to continue, and we need to work on how we reintegrate a full OMFS capacity at the Canberra Hospital, which is what we were all doing before Mrs Burke stuck her nose in this.

MR PRATT: Mr Speaker, my supplementary to the minister is this: minister, regardless of your version of ancient history, why has it taken your government so long—six years, in fact—to commence an advertising campaign to seek suitably qualified oral facial surgeons to the Canberra Hospital?

Mr Stanhope: I think that was just answered.

Mr Pratt: No, it wasn't. Not why has it taken so damn long, Chief Minister.

MR SPEAKER: Mr Pratt, sit down.

MS GALLAGHER: I have answered the question, Mr Speaker. The advertisement for an OFMS surgeon has been advertised widely. Contrary to what is said by those opposite, it was in train before publicity surrounding OFMS hit the press. It is part of the government's response to resolving this matter. We did have up to that point a way forward and an agreement around reintegrating the service. The advertisement is in the paper.

I understand Mr Stefaniak and Mrs Burke have questioned whether or not we actually have to advertise for this service, but, in accordance with the way appointments are made to the Canberra Hospital, that is a requirement. It is a lot of money, and it is proper that a full, public advertising process is undertaken, and that anyone interested in those jobs can apply and we can sort through applicants as you would for any other public sector job.

Hospitals—medical equipment and supplies

MS MacDONALD: My question is to Ms Gallagher in her capacity as Minister for Health. Minister, can you please tell the Assembly if there has been any outcome on Mrs Burke's referral to the Auditor-General for an urgent performance audit into the availability and adequacy of medical equipment and supplies in ACT public hospitals?

MS GALLAGHER: I thank Ms McDonald for the question. Members will recall that earlier this year Mrs Burke placed on notice a question around equipment and medical consumables at our public hospitals and she also made a number of public statements about hospitals running out of supplies, I think during August this year, saying that the hospital system was struggling to provide basic supplies such as dressings and intravenous tubing. I think it went on to say that we did not have enough supplies; that we were running a Third World hospital system here; that Calvary and TCH were trying to obtain basic supplies for patients. There was a range of public statements made and I answered the question on notice with quite a comprehensive answer. Unfortunately, Mrs Burke did not accept that answer as satisfactory and wrote to the Auditor-General requesting that she conduct an urgent performance audit into the availability and adequacy of medical equipment and supplies in ACT public hospitals.

I felt that it was right that we come back to the Assembly, considering that there was such public interest in this, to say that the Auditor-General has completed her preliminary assessment of ACT Health's asset management and inventory systems to assist her in forming a view on whether these matters require urgent audit attention, and she has advised ACT Health that her preliminary assessment has identified no significant deficiencies or systemic problems in these systems and therefore an audit is not warranted at this time. So the Auditor-General found no significant deficiencies or systemic problems in these systems and will not be taking this matter any further.

As I said, there were a number of public statements about this. I think there was an element of public concern around whether our hospitals had enough supplies to use on patients who required them. But, as we can see, based on information that the Auditor-General has had a look at, there is no basis for these claims. I am surprised that Mrs Burke has not rushed in here to put all these matters on the record.

Mrs Burke: There was more to the letter that you haven't read out.

MR SPEAKER: You are on a warning, Mrs Burke. Don't be tempted.

MS GALLAGHER: The information which ACT Health has provided to the Auditor-General as part of a response clearly shows that the supplies and the processes around supplies are adequate and that there is no further requirement to have an investigation. Mrs Burke really should probably apologise to the management at the public hospitals, again whose reputation she has damaged by certainly saying in a number of interviews that we run a Third World hospital system here—

Mr Pratt: Spin campaign.

MS GALLAGHER: I didn't say it—a Third World hospital system where supplies were running out; that there was intravenous tubing, dressings—I think icy poles at one stage were bought in. They were all out of order and it is simply not the case.

MS MacDONALD: Mr Speaker, I have a supplementary question. Minister, what measures does Health have in place to ensure supplies are kept at an optimal level?

MS GALLAGHER: There is a comprehensive array of processes to ensure that we have good ordering processes and to ensure that we do not get short of supplies. This is not to say that from time to time the trolley on the floor of the emergency department may not need restocking. We need to separate the issues here. In times when the hospital is busy, of course that will be the case. But the issue being alleged—which was that the hospital had run out of supplies—has simply been found to be incorrect.

ACT Health Supply Services provides a complete health-related supply-chain solution to the hospitals and health centres in the ACT. That includes full purchasing, warehousing, electronic ward-based stock control, product management and consultation, management recording and a feeder system interface into the general ledger.

ACT Health were very quickly able to provide the Auditor-General with a submission on everything they do around supplies and consumables within the hospital. The

submission to the Auditor-General also goes on to outline what the Australian Council on Healthcare Standards said about this benchmark, which is measured. As we know, ACT Health managed to get full accreditation this year under that process.

In fact, the Australian Council on Healthcare Standards said that the purchasing and inventory control system had been implemented across ACT Health, and evidence was available for the surveyor showing a highly effective and efficient system that also brought cost effectiveness to the ACT health system. The system is also user-friendly for consumers and this was best illustrated by the imprest system in wards and departments. It is so responsive that the morning imprest orders are delivered by the afternoon and same day one-off requests for an item are met within 2½ hours.

It goes on to state that additionally statistics are recorded monthly that illustrate that supply services have consistently maintained order fill levels of between 98.5 per cent and 99.1 per cent over many years, a level that equates to best practice when matched to traditional expectations of better than 95 per cent by interstate health services.

I see the opposition has gone very quiet here. It is quite embarrassing to have all of this read out after the allegations made—that we had a Third World hospital system; that we had a system in chaos because there were not enough dressings, tubing and icy poles; that the processes were not there; that nurses were left without any of this equipment—have been shown to be incorrect. In fact, this has given us the opportunity to show that our system is better than it is nearly anywhere else in the country. This has now been recognised by the Auditor-General in her decision not to pursue a performance audit and also the independent advice of the Australian Council on Healthcare Standards. Mrs Burke should be ashamed and she should apologise.

Hospitals—bypasses

MR SESELJA: My question is to the Minister for Health. Minister, over the past four months, there have been 36 occasions when the Canberra Hospital has had to go onto bypass. While in August there were only six hours, in July there were 22 hours on bypass, in September there were 28 hours and in October there were 19 hours on bypass. Calvary public hospital has had no instances of bypass in this period. Minister, why is the Canberra Hospital continually placed on bypass in these high numbers?

MS GALLAGHER: I have been waiting for the bypass question. I have not had a bypass question since Mr Smyth lost the portfolio. It was one that I enjoyed getting because it gave me the opportunity to talk about the reasons behind bypass. I am just looking to confirm whether you have got the right hours of bypass. In October 2007 our hospitals had nine occasions of load sharing for a total of 19 hours, which is less than half that of the year before.

As I have said on this a number of times, bypass is not a measure of performance; it is not used by any national or international report on healthcare as a measure of performance. What the opposition tried to do was say that, because you are on bypass, that is poor performance, bad performance. I am not clear. You try to raise it as evidence that there is underperformance going on.

All bypass affects is less urgent ambulance patients. Again, I think that the opposition does not understand this. This means that less urgent patients coming in on an ambulance need to go to the other hospital, whether that be Calvary or TCH. Traditionally TCH is the one on bypass because traditionally it has the busier emergency department. It has the more complex cases; it has the paediatric patients. These are things that Calvary emergency department does not deal with to the extent that Canberra Hospital deals with all of these patients.

That has traditionally been the reason, although Calvary has been doing an excellent job in terms of trying to meet benchmarks around timeliness. There is a lot to learn about between both emergency departments—about how they run. But when a clinical decision is made that the hospital needs to go on bypass for a period of time, that is the appropriate decision. We are lucky that we have a system here where a 10-minute ambulance trip to Belconnen—usually, if TCH is the hospital that is on bypass—is the way through this.

Opposition members interjecting—

MS GALLAGHER: This is a decision made by clinicians about the most appropriate form of patient care. I know that the opposition do not want to listen to it, because it ruins what—

Mr Pratt: No; we were somewhat startled by the answer.

MS GALLAGHER: A decision around bypass is made by clinicians dealing with the patient numbers they are seeing at the time. There is nothing the government can do about it. There is no government in the country or in the world that can deal with bypass or stop bypass, because these are decisions made by health professionals at the front line. As we have seen, bypass will go up and down. I notice that the member opposite did not cite months when there has not been any bypass—for example, in November I do not think there has been any bypass to date.

Mrs Dunne: We are only 13 days into November. Let's wait and see.

MS GALLAGHER: In July, Mrs Dunne—

Mr Seselja: It's not finished. I've done the last four full months.

Mrs Dunne: There were six.

MR SPEAKER: Mrs Dunne, you are on a warning.

MS GALLAGHER: In July, there would be bypass quite early on, because that is winter and we are dealing with a lot more presentations. In fact, the reason you have been quiet on bypass is that it is almost half of what it was for last year. It is nowhere near some of the pressure we saw last year. The opposition pick up bypass figures when they feel like it, when it suits them. We have had a period of relative quietness because the bypass hours have been so low. When bypass is required at the hospital, it is implemented at the hospital for the duration of the time that it is clinically responsible to make that decision for. And that is the end of the story.

There will be bypass in the future. How much I do not know; we will have to see, based on the patient mix that walks into any emergency department on any day of the week.

MR SPEAKER: Is there a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, what is your plan to lessen the occasions of bypass at the Canberra Hospital?

MS GALLAGHER: I think I have answered that. The government's responsibility in terms of the emergency department is to make sure it is adequately funded to do the job it needs to do, and this government has done that. In the 2006-07 budget, another $1 million went in to the emergency department for more doctors and more nurses. That is the government's responsibility. What happens in the emergency department is to make sure that all the rosters are filled as best they can be, and that staff are in place to deal with the patient mix. On any day of the week, you cannot predict how many people are going to present to the emergency department. If there are a lot of people presenting to the emergency department and the emergency department is busy, they will go on bypass for the time that it is clinically responsible to do so. Those people who are coming in by ambulance who are less urgent may need to go to Calvary instead of to Canberra—or they may need to go to Canberra instead of to Calvary, depending on who is on bypass at the time.

No-one is refused admission to the emergency department; nobody does not get seen because of load sharing arrangements. It is a clinically responsible way of dealing with times of pressure. It could be for 21 minutes; it could be for 2½ hours. In one case I think it extended to about 12 hours, because of how busy the emergency department was. The government is fulfilling its responsibility around adequate resourcing for the emergency department and making sure that we are doing what we can, if reforms are required, to implement those reforms.

As to whether I, or anyone in the country, can solve bypass issues, anyone who stood up and said, "There will be no bypass at any hospital because I'm the minister in charge and I've solved it," would be a liar. You cannot do it. These are decisions made by doctors in dealing with the patient mix and in dealing with the numbers of patients they are seeing. That is the story about bypass. The answer to your question, Mr Seselja, as to whether I can stop bypass at the hospital, is no.

Housing—interest rates

MR MULCAHY: My question is to the Treasurer. Treasurer, in an article in the *Canberra Times* of Monday, 12 November, Peter Martin said any mortgagee today will most likely be better off than a person in a similar position would have been under Labor. Treasurer, together with your Labor colleagues, you have been vocalising what is now clearly misplaced criticism of the impact of the Howard government's policies on working families and households. Treasurer, do you agree with that statement that any mortgagee is likely to be better off under the Howard government than they were under the previous Labor government? If not, what is the basis for your claim?

Mr Corbell: On a point of order, the question asks for an expression of opinion and is not directly related to a matter of government policy for which Mr Stanhope is responsible. It should be ruled out of order.

Mr Mulcahy: Mr Speaker, on the point of order, Mr Stanhope has, on a number of occasions, cited matters of interest rates here and been critical of the commonwealth government in his capacity as Treasurer and Chief Minister. I am asking him to support that statement in the light of the media revelations.

MR SPEAKER: He is entitled to express a view about those things in the ordinary course of debate, Mr Mulcahy. The difficulty for you is the standing orders prohibit you from asking a member for an expression of opinion.

Mr Mulcahy: I have asked him for the basis of his claim, which he has made previously in this place in question time.

MR SPEAKER: I think you asked him for an opinion.

Mrs Dunne: Mr Speaker, the question is quite straightforward. It is: what is the basis of your claim? Mr Speaker, it is not actually asking for an opinion; it is asking for the information on which he supports that opinion.

MR SPEAKER: It is still an expression of opinion about the matters. The standing orders specifically rule out calling for an expression of an opinion.

Mr Mulcahy: I am not asking for an expression of opinion, Mr Speaker. I am asking Mr Stanhope to justify his statement, which he has made in this place, in light of the fact that a newspaper has now come to the view that that is an inaccurate statement. I am asking him to explain the basis for his claim. My words were, "If not, what is the basis for your claim?" I am not asking him to offer an opinion on economics.

MR SPEAKER: I think you are asking for an opinion on the matter.

Motor vehicles—theft

MR GENTLEMAN: My question is to the Minister for Police and Emergency Services. Minister, a recent study by the National Motor Vehicle Theft Reduction Council has reported that 55 per cent of Canberrans expressed concern about being a victim of motor vehicle theft. Minister, can you inform the Assembly what measures the government is taking to tackle motor vehicle theft in the ACT?

MR CORBELL: Thank you, Mr Speaker, and I thank Mr Gentleman for the question and for his interest in this very important issue. Studies by the National Motor Vehicle Theft Reduction Council have shown that vehicles manufactured in the 1980s and 1990s are six times more likely to be stolen than a vehicle manufactured since the year 2000. The key reason for this, through research, is that engine immobilisers remain the most effective way of securing a vehicle. Since the year 2000, engine immobilisers have become standard in all new vehicles. It is those older vehicles without engine immobilisers that remain the most vulnerable to motor vehicle theft.

Members should be aware that since 2005 this government has implemented an innovative program to provide a rebate and support to pensioners and other recipients of Centrelink concessions to allow them to install a vehicle immobiliser. Since that time, over 650 pensioners in the ACT have gained access to a $200 rebate for the installation of a vehicle immobiliser.

I am very pleased to advise the Assembly that recently I announced a major expansion of this program, which will now provide just under an extra $1 million in funding for vehicle anti-theft programs, including a dramatically expanded vehicle immobiliser scheme. Under this scheme, 3,775 subsidies will be available to recipients of a Centrelink pension. From July next year onwards just over 1,000 subsidies of $100, or 50 per cent, will be available to ACT citizens who do not receive a Centrelink pension but still own an older vehicle more vulnerable to theft.

This is a dramatic increase in the scale and scope of this program. All up it will mean that every year around 5,000 Canberrans will get access to a full or partial rebate enabling them to fit an immobiliser at a set cost into their motor vehicle, making sure that they are less vulnerable to motor vehicle theft.

The beauty of this scheme and the importance of it from the Labor government's perspective is that it provides assistance to those Canberrans who are less well off and who tend to be older. They have the most to lose if their vehicle is stolen. They have less income to be able to purchase a new vehicle if it is not recovered. And they lose their mobility. They lose their access into the community. They lose their ability to undertake even the simplest task, whether it is going to the doctor, picking up a prescription from the chemist, going to buy groceries and so on.

This new program will be of enormous benefit to those less well off in our community who face the most obvious threat of having their motor vehicle stolen because of the age of their car. The immobiliser scheme currently running in the ACT is a very simple process. I anticipate that the greatly expanded scheme will work along the same lines. It will simply involve an eligible person getting a rebate voucher through Canberra Connect, taking it to an approved auto-electrician and having the immobiliser fitted. The auto-electrician will be able to redeem the voucher through the Council on the Ageing, which administers the scheme. So there will be no up-front costs for those people seeking to get the immobiliser fitted and who are eligible for the 100 per cent rebate.

We are committed to reducing the level of motor vehicle theft in our community. The latest figures from the National Motor Vehicle Theft Reduction Council—the report landed on my desk today—highlight that the level of motor vehicle theft remains an issue of concern in the territory. We have responded to this issue by dramatically increasing the availability of vehicle immobilisers, which should play a very important role in reducing the level of motor vehicle theft in our community and helping those Canberrans who, because of the age of their vehicle and their income, are most vulnerable to motor vehicle theft in our city.

MR GENTLEMAN: I have a supplementary question, Mr Speaker. Minister, is the government also taking measures to reduce other forms of vehicle theft, such as of motorcycles?

MR CORBELL: I again thank Mr Gentleman for the question and I note his particular interest in this issue. Motorcycles are becoming a more popular form of transport in the territory again, and that is mostly down to ease of parking, the cost of running and the cost of purchase. It is certainly a much more attractive option for many people—particularly people without children, for example—than the private motor car. Nevertheless, around 130 motorcycles were stolen in the ACT last year and the government is concerned that we will see an increase in the level of theft of motorcycles because of their increasing popularity and prevalence. Most disconcerting of all is that there is a much lower level of recovery for stolen motorcycles. Most motorcycles that are stolen are not recovered. This would suggest that they are broken down for parts or they are placed onto rural properties where there is no need to register them and they do not appear in our vehicle registration system again.

So it is very important that we take some proactive measures now to help motorcycle riders to secure their vehicles against theft. That is why I have announced that the government will trial the installation of around 60 motorcycle anchor bolts in multiple public car parks around the territory. We will be working with the Department of Territory and Municipal Services, ACT Policing and motorcycle interest groups to determine the best locations for this trial. These anchor bolts involve motorcycle riders being able to physically chain or secure their motorcycle to a secure point in public motorcycle parks. This will provide some further level of deterrence in ensuring that people are less likely to target motorcycles for theft. If they prove effective, the government is keen to expand this program across the territory, but the trial is designed to determine the effectiveness of this initiative.

We will also be participating as a government in the National Motor Vehicle Theft Reduction Council's summit next year on combating motorcycle theft at a national level. This has been recognised as a significant matter and one that needs more attention from government. We will be an active participant in that and I am very pleased that the ACT has become the first place in Australia to install motorcycle anchor bolts in a trial to see whether or not it can assist those motorcycle riders in our community in securing their vehicle and preventing their bike from being a target of thieves.

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

Executive contracts
Papers and statement by minister

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

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

Contract variations:
Brenda Ainsworth, dated 9 October 2007.
Gary Byles, dated 4 October 2007.
Helen Strauch, dated 29 June 2007.
Lisa Gai Holmes, dated 5 October 2007.
Neil Brian Bulless, dated 5 October 2007.

Long-term contract—Roger Broughton, dated 15 October 2007.

Short-term contracts:
Beverley Gow-Wilson, dated 9 and 12 October 2007.
David Collett, dated 20 September 2007.
David Dutton, dated 4 September 2007.
Fiona Macgregor.
Frank Duggan, dated 4 October 2007.
Heather Austin, dated 17 October 2007.
Maree Mannion, dated 27 September 2007.
Pauline Brown, dated 17 October 2007.
Susan Mickleburgh, dated 4 October 2007.

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

Leave granted.

MR STANHOPE: These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 16 October. Today I present one long-term contract, nine short-term contracts and five contract variations. The details of the contracts will be circulated to members.

ACTTAB and Rhodium Asset Solutions Ltd—statements of corporate intent

Papers and statement by minister

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

Territory-owned Corporations Act, pursuant to subsection 19 (3)—Statements of Corporate Intent—

ACTTAB Ltd—1 July 2007 to 30 June 2008.
Rhodium Asset Solutions—2007-2008, dated October 2007.

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

Leave granted.

MR STANHOPE: As required under section 9 of the Territory-owned Corporations Act 1990, I hereby present the 2007-08 statements of corporate intent for Rhodium Asset Solutions and ACTTAB Ltd. I commend the documents to the Assembly.

Financial Management Act—instruments
Papers and statement by minister

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

> Financial Management Act—Pursuant to section 16B—Instruments, including statements of reasons, authorising the rollover of undispersed appropriation of—
>
> ACT Health, dated 9 November 2007.
> ACT Planning and Land Authority, dated 9 November 2007.
> Canberra Institute of Technology, dated 9 November 2007.
> Chief Minister's Department, dated 9 November 2007.
> Department of Disability, Housing and Community Services, dated 9 November 2007.
> Department of Education and Training, dated 9 November 2007.
> Department of Justice and Community Safety, dated 9 November 2007.
> Department of Territory and Municipal Services, dated 9 November 2007.
> Department of Treasury, dated 9 November 2007.
> Housing ACT, dated 9 November 2007.
> Legislative Assembly Secretariat, dated 9 November 2007.
> Shared Services Centre, dated 9 November 2007.
> Superannuation Provision Account, dated 9 November 2007.

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

Leave granted.

MR STANHOPE: The government passed amendments to the Financial Management Act 1996 in May 2007 to provide for a new provision, section 16B, rollover of undispersed appropriations, which allows appropriations to be preserved from one financial year to the next, as outlined in instruments signed by the Treasurer.

As required by the act, I table a copy of authorisations made to rollover undispersed appropriations from 2006-07 to 2007-08. This package includes 13 instruments signed under section 16B. The appropriation being rolled was not dispersed during 2006-07 and is still required in 2007-08 for the completion of the projects identified in the individual instruments.

The instruments authorised $23.681 million in rollovers, comprising $3.744 million of net cost of outputs; $2.444 million on behalf of the territory and $17.493 million of capital injection. These rollovers have been made as the appropriation clearly relates to the project funds and where commitments have clearly been entered into but cash not yet used. These include, for example, capital works projects or initiatives which timing of delivery has changed or delayed; where outstanding contractual or pending claims exist; or where grants remain unpaid pending recipients meeting milestones.

Significant rollovers impacting the net cost of outputs include: $1.3 million to maintain the balance of the restructure fund to allow for further restructuring, as

identified in the 2006-07 budget papers; $0.5 million for stage 1 of the sustainable transport initiative and $0.5 million from the knowledge fund resulting from identified fund recipients having not met agreed milestones in 2006-07.

Significant rollovers impacting payments on behalf of the territory include: $0.7 million relating to undispersed non-ACT government school grants and $1.5 million to maintain the balance of the fund retained by the superannuation provision account for the settlement of outstanding Totalcare superannuation liabilities.

Significant capital injection rollovers include: $2.2 million for schools infrastructure refurbishments where funds have been committed, but the necessary work not completed during 2006-07; $3.4 million for the smart school, smart student project due to delays in recruiting the project team; $2.9 million for the investing in our schools program, which was delayed by ongoing changes in line with Australian government grant guidelines and $3.1 million for various projects funded under the Australian government Department of Education, Science and Training infrastructure program which have experienced implementation delays.

Details relating to these and the remaining rollovers are provided in the instruments. This is the first time this new provision has been used. The provision is a result of recent amendments to the FMA, which demonstrated the government's commitment to effective and strong financial management.

In recent years these amounts would have, in all probability, been drawn into agencies' accounts and kept until such time as expenditure occurred. The cash management reforms have, however, stopped agencies accumulating too much cash. This provision allows us to decide on a case-by-case basis what should be rolled from one financial year to the next. It provides much stronger controls, accountability and transparency over appropriations. This has allowed the government to more effectively manage cash from year to year. This is another example of the government's commitment to strong financial management. I commend these papers to the Assembly.

Financial Management Act—instrument
Paper and statement by minister

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

> Financial Management Act—Pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the Chief Minister's Department, including a statement of reasons, dated 26 October 2007.

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

Leave granted.

MR STANHOPE: As required by the Financial Management Act, I table a copy of the authorisation in relation to the Treasurer's advance to the Chief Minister's Department. Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's Advance. Section 18A of the act requires that, within three sitting days after the date the authorisation is given, the Treasurer present to the Legislative Assembly a copy of the authorisation and a statement of reasons for giving it and a summary of the total expenditure authorised under section 18 for the financial year.

Under this instrument $50,000 was provided to the Chief Minister's Department to make a donation towards the recovery efforts for the Greek fires earlier this year. I commend the paper to the Assembly.

Gaming and Racing Commission
Paper and statement by minister

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

> Gaming Machine Act, pursuant to section 168—Community contributions made by gaming machine licensees—Tenth report by the ACT Gambling and Racing Commission—1 July 2006 to 30 June 2007, dated 15 October 2007.

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

Leave granted.

MR STANHOPE: I present the report on the community contributions made by gaming machine licensees in the period 1 July 2006 to 30 June 2007. The report is a requirement of the Gaming Machine Act 2004 and is made by the Gambling and Racing Commission.

The act requires club licensees to make a minimum contribution levy of seven per cent of their net gaming machine revenue in respect of the financial year and to report to the commission on those contributions by 31 July. While there is no similar minimum level requirement for hotel and tavern gaming machine licensees, they also must submit a report to the commission by 31 July regardless of whether or not they made any contributions to the community. In addition, it is a requirement of the act that licensees who make contributions to registered parties and associated entities must report details of those contributions.

The legislation outlines broad purposes that the contribution must meet to be approved by the commission as a community contribution. It also identifies some types of contributions that are excluded from being a community contribution—for example, expenditure in relation to gambling or a contribution made to another licensee under a reciprocal arrangement. Guidelines in the gaming machine

regulations 2004 provide assistance to the commission and to licensees as to what types of expenditure would be approved as a community contribution.

The areas of the community to which contributions can be made include: charitable and social welfare; sport and recreation; non-profit activities; and community infrastructure. In the area of sport and recreation the legislation provides an incentive for licensees to consider contributions to women's sport, and for every $3 contributed, the licensee's contribution would be calculated as $4. It is pleasing to note that the commission's report showed that contributions to women's sport increased over 22 per cent when compared with the previous financial year.

The commission's report provides information on three main aspects of the contributions: legislative compliance; the extent to which licensees use their revenue to make community contributions and the level of contributions in each reporting category. The report includes data on contributions by club, hotel and tavern gaming machine licensees.

In 2006-07, the club industry had net gaming machine revenue totalling $109.4 million, a decrease of 3.3 per cent on the previous year. It is on the net gaming machine revenue figures that clubs are required to pay the mandatory seven per cent community contributions.

Net gaming machine revenue is calculated as follows: gross gaming machine revenue derived by the licensee less any amount of gaming machine tax payable on the gross gaming machine revenue and 24 per cent of gross gaming machine revenue. The 24 per cent reduction is in recognition of the expenses the licensee incurs in its gaming machine operations in order that the required level of community contributions can be made. The commission's report outlines that the total value of community contributions to clubs in 2006-07 was $12.8 million, representing 11.7 per cent of net gaming machine revenue. This is a 2.9 per cent increase in dollar terms on 2005-06.

As in previous years, the level of contributions to the sport and recreation category consistently and significantly outweighed the level of contribution to the individual and combined totals of other categories. In 2006-07, sport and recreation received approximately $9.3 million, or over 70 per cent of all contributions. However, it is troubling to note that in 2006-07 the contributions to charitable and workable organisations continue to significantly decrease compared with previous years. In 2006-07, contributions to this category decreased by 22 per cent and now account for less than 10 per cent of total contributions. The 2006-07 contribution to charitable and social welfare of around $1.2 million is almost half the level of the equivalent contribution of $2.3 million made in 2003-04.

In 2006-07, women's sport received $170,000, or just over one per cent of total contributions. Non-profit activities received $1.9 million, or 15 per cent of total contributions. Community infrastructure received $220,000, or 1.7 per cent of total contributions.

The hotels-taverns group had gross gaming machine revenue of $710,584 in 2006-07, an increase of $49,000. The 13 licensees in the group contributed $73,904 to the

community, which is a 54 per cent increase compared with the last financial year. These contributions on average account for about 10 per cent of their gross gaming revenue.

The commission's report contains comprehensive data on gaming machine activity in the ACT, which is useful in any debate on future gaming machine operations. I table for the information of members the 2006-07 report.

Paper

Mr Stanhope presented the following paper:

> Totalcare Industries Ltd—Annual Report 2006-2007.

Land (Planning and Environment) Act—schedule of leases
Paper and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations): For the information of members, I present the following paper:

> Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 July to 30 September 2007.

I ask leave to make the briefest of statements in relation to the paper.

Leave granted.

MR BARR: Section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. The schedule I have tabled covers leases granted for the period 1 July to 30 September 2007. During the quarter eight leases were issued by direct grant.

For the information of members, I also table two other schedules relating to approved lease variations and change of use payments received for the same period.

Papers

Mr Corbell presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**
>
> Legislation Act, pursuant to section 64—
>
> Children and Young People Act—Children and Young People Official Visitor Appointment 2007 (No 1)—Disallowable Instrument DI2007-244 (LR, 22 October 2007).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2007 (No 3)—Disallowable Instrument DI2007-231 (LR, 8 October 2007).

Duties Act—

Duties (Affordable House and Land Packages) Declaration 2007 (No 1)—Disallowable Instrument DI2007-249 (LR, 25 October 2007).

Duties (Amount Deferred) Determination 2007 (No 1)—Disallowable Instrument DI2007-248 (LR, 25 October 2007).

Duties (Community Housing) Declaration 2007 (No 1)—Disallowable Instrument DI2007-250 (LR, 25 October 2007).

Exhibition Park Corporation Act—

Exhibition Park Corporation Board Appointment 2007 (No 2)—Disallowable Instrument DI2007-233 (LR, 25 October 2007).

Exhibition Park Corporation Board Appointment 2007 (No 3)—Disallowable Instrument DI2007-234 (LR, 25 October 2007).

Exhibition Park Corporation Board Appointment 2007 (No 4)—Disallowable Instrument DI2007-235 (LR, 25 October 2007).

Government Procurement Act—Government Procurement Regulation 2007—Subordinate Law SL2007-29 (LR, 28 September 2007).

Health Professionals Act—Health Professionals Amendment Regulation 2007 (No 3)—Subordinate Law SL2007-28 (LR, 27 September 2007).

Health Professionals Regulation—Health Professionals Psychologists Board Appointment 2007 (No 1)—Disallowable Instrument DI2007-242 (LR, 18 October 2007).

Legal Profession Act—

Legal Profession Regulation 2007—Subordinate Law SL2007-27 (LR, 28 September 2007).

Legal Profession (Solicitors) Rules 2007—Subordinate Law SL2007-31 (without explanatory statement) (LR, 28 September 2007).

Magistrates Court Act—Magistrates Court (Water Resources Infringement Notices) Regulation 2007—Subordinate Law SL2007-30 (LR, 2 October 2007).

Poisons Act—Poisons Amendment Regulation 2007 (No 1)—Subordinate Law SL2007-33 (LR, 3 October 2007).

Public Place Names Act—

Public Place Names (Forde) Determination 2007 (No 4)—Disallowable Instrument DI2007-239 (LR, 22 October 2007).

Public Place Names (Franklin) Determination 2007 (No 2)—Disallowable Instrument DI2007-240 (LR, 18 October 2007).

Public Place Names (Franklin) Determination 2007 (No 3)—Disallowable Instrument DI2007-243 (LR, 25 October 2007).

Public Sector Management Act—Public Sector Management Amendment Standards 2007 (No 8)—Disallowable Instrument DI2007-246 (LR, 25 October 2007).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2007 (No 4)—Disallowable Instrument DI2007-241 (LR, 18 October 2007).

Racing Act—Racing Appeals Tribunal Appointment 2007 (No 2)—Disallowable Instrument DI2007-232 (LR, 11 October 2007).

Residential Tenancies Act—

Residential Tenancies Tribunal Appointment 2007 (No 1)—Disallowable Instrument DI2007-229 (without explanatory statement) (LR, 8 October 2007).

Residential Tenancies Tribunal Appointment 2007 (No 2)—Disallowable Instrument DI2007-230 (without explanatory statement) (LR, 8 October 2007).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2007 (No 1)—Subordinate Law SL2007-32 (LR, 4 October 2007).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2007 (No 4)—Disallowable Instrument DI2007-238 (without explanatory statement) (LR, 11 October 2007).

Road Transport (Offences) Regulation—Road Transport (Offences) Application to Holiday Period Declaration 2007 (No 1)—Disallowable Instrument DI2007-245 (LR, 24 October 2007).

Road Transport (Public Passenger Services) Regulation—

Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2007 (No 2)—Disallowable Instrument DI2007-237 (LR, 15 October 2007).

Road Transport (Public Passenger Services) (Minimum Service Standards for Taxi Services) Approval 2007 (No 1)—Disallowable Instrument DI2007-236 (LR, 15 October 2007).

Taxation Administration Act—Taxation Administration (Amounts Payable—Interest) Determination 2007 (No 1)—Disallowable Instrument DI2007-247 (LR, 25 October 2007).

Public hospitals—management
Discussion of matter of public importance

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Dunne): Mr Speaker has received letters from Mrs Burke, Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy and Mr Stefaniak proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, he has determined that the matter proposed by Mrs Burke be submitted to the Assembly, namely:

Management of public hospitals in the ACT.

Mr Corbell: I raise a point of order, Madam Temporary Deputy Speaker. I draw your attention to standing order 130, with deals with anticipation of business. That standing order makes it clear that a matter on the notice paper must not be anticipated by a matter of public importance, an amendment or other less effective form of proceeding.

Mr Stefaniak has indicated that tomorrow he will be moving to establish an inquiry, under the Inquiries Act, into the public hospital system. The specific issues he is proposing to debate in that motion include: internal governance and management

practices and procedures of the public hospital system and the review and evaluation of the organisational and administrative arrangements for the public hospital system within ACT Health.

These issues relate directly to the issue of management of public hospitals in the ACT, which is the subject matter of the MPI proposed by Mrs Burke. Therefore, I put to you, Madam Temporary Deputy Speaker, that the MPI pre-empts and anticipates the debate that will be had tomorrow and should be ruled out of order.

Mrs Burke: On the point of order, I refute Mr Corbell's suggestion. I do not think the matter of public importance will anticipate debate. I will take note of the motion on the notice paper for tomorrow. I believe that what I will have to say will be in order.

MADAM TEMPORARY DEPUTY SPEAKER: Thank you, Mr Corbell and Mrs Burke. At 8.30 this morning, Mr Speaker determined the matter of public importance to be debated. In doing so, he would have taken into account what was likely to come on in this matter. In determining that this was a matter of public importance that was in order, he was not able to anticipate another scheduling meeting that might take place. So I think that, as the Speaker has already determined this is the matter of public importance for discussion today, we should proceed with the matter.

Mr Corbell: On the point of order, Madam Temporary Deputy Speaker, regardless of when the MPI was selected by the Speaker, surely the matter cannot anticipate a debate. Clearly, it is clear now that the opposition intend tomorrow to debate a motion into the management, practices and procedures of the public hospital system, amongst other things. That is exactly the same as the matter that is proposed for the MPI.

Regardless of whether or not the Speaker has determined that it was in order at the time, the question for you is: is it in order now? Anything can be in order at a particular point in time. The question for you, Madam Temporary Deputy Speaker, is: is it in order now when it is brought to your attention? Given that the notice paper indicates that an item will be debated tomorrow, it is very much a case of anticipating debate.

MADAM TEMPORARY DEPUTY SPEAKER: Thank you, Mr Corbell.

Mr Stefaniak: On the point of order—

MADAM TEMPORARY DEPUTY SPEAKER: No, it is all right, Mr Stefaniak. Mr Corbell has made a valid point up to a point, as far as it goes. I have looked at the practice that we have in the Assembly and at *House of Representatives Practice*, and I will read the appropriate few sentences:

> Where a topic of an MPI has been very similar to the subject matter of a bill due for imminent debate, the discussion has been permitted, subject to the proviso that the debate on the bill should not be canvassed or that the bill not be referred to in detail.

I will rule that the matter of public importance is in order, with the proviso that, in discussing the matter of public importance, any debate that may be conducted tomorrow should not be canvassed.

Mr Corbell: So just to clarify, then, your ruling, Madam Temporary Deputy Speaker, will this mean that the opposition will not be able, in debating this MPI, to draw attention to internal governance and management practices and procedures of the public hospital system?

MADAM TEMPORARY DEPUTY SPEAKER: What I am saying, Mr Corbell, is that the matter of public importance will go ahead—

Mr Corbell: I understand that.

MADAM TEMPORARY DEPUTY SPEAKER: with the proviso of the general caveat that there should not be general canvassing of matters that it is anticipated will be debated tomorrow. Further to the point of order, Mr Stefaniak's motion is quite specific in relation to the setting up of an inquiry which—

Mr Corbell: Yes, which deals with a range of matters.

MADAM TEMPORARY DEPUTY SPEAKER: Do not interrupt me, Mr Corbell. Mr Stefaniak's motion is in relation to the establishment of an inquiry under the Inquiries Act. There will almost certainly be some reference tomorrow to matters in relation to the administration of the hospital, but that does not preclude this matter of public importance this afternoon.

MRS BURKE (Molonglo) (3.50): As I have mentioned in this chamber before, the strain on our health services and economic and social pressures are compelling reasons for hospitals to consider an independent local board structure in an effort to position hospitals to meet changing demands. A hospital board structure, one that is a hybrid clinical, philanthropic, community and corporate model, will provide expertise in governance, finance and the delivery of improved health services. In developing a new independent local board structure, consideration should be given to identifying the skills and processes required to undertake board business.

The public hospital system in the ACT desperately needs intense scrutiny and evaluation, not only to correct the many inefficiencies which are coming to light and which adversely affect patient wellbeing but also to ensure that the taxpayers of the ACT receive value for money, and that the dedicated staff who are working there are given every support possible. Despite this ongoing dedication and commitment by the ACT's nurses, doctors and allied health workers, our public hospitals are performing poorly against a range of major health indicators. Elective surgery lists continue to be higher than acceptable, with Canberrans waiting one month longer on average than the national median waiting time for elective surgery.

At the heart of all of the issues arising in our public hospitals is the management of public hospitals. The management of the ACT public hospital system needs a stronger focus on community and clinicians, who can then be more closely involved. I put it to the Assembly that perhaps this is at the heart of why the Stanhope government is so very reluctant to adopt a model that removes power and control from their grasp.

As the Australian Medical Association have stated, state and territory hospitals are run by their ministers and their health departments. They are uncomfortably disconnected. If you take a decision to put in place a local board, in between them, it will reinstate the connection and accountability, and may even reduce the number of bureaucrats and administrators required, rather than add to it, as claimed by the Stanhope government. Far from adding additional layers of bureaucracy, it will ensure a more open and accountable process.

The AMA public hospital report card 2007 provides independent analysis of relevant hospital issues, including capacity, performance, access and equity, productivity and funding. It was prepared mostly using publicly available information which assesses public hospital performance against government-determined performance standards and criteria. Unfortunately, in many major areas the ACT government has failed because it has not demonstrated the leadership required to manage the public hospital system.

With respect to the response from the Auditor-General, which we heard about today from the health minister, regarding a performance audit into the availability and adequacy of medical equipment and supplies in the ACT's public hospitals, I welcome the findings, but I do not doubt the many claims made to me about the lack of available equipment and supplies at the time. I do not believe those people would ring me up and lie. Also, I would like to add to what the minister said. In the Auditor-General's response to me, while she said all the things that the health minister mentioned, she said: "Your letter raises key issues relating to the operation of ACT Health which are of great importance to the ACT community and the ACT Legislative Assembly." I will certainly be moving forward with that and talking to the Auditor-General about those matters of concern at a later date.

The government has overlaid the public system with unnecessary bureaucracy, to such an extent that around 30 rooms, recently identified, have been given over to administrators, while patients with infectious diseases have been placed in corners of public wards. Closer scrutiny of the way in which our public hospitals are administered can only assist a thorough evaluation of internal governance and management practices, when we have heard of things like that going on in our public hospitals. I also acknowledge and note that there has been a change to try and reverse that unfortunate situation.

There has been a succession of management failure; there is no doubt about it. There was the case of the young man left unattended after being brought to the Canberra Hospital by ambulance, and who died of a heart attack. There were troubles in the neurosurgery unit. I have even heard one story of an elderly woman who was put to bed in a storeroom. A recent FOI request from my office stated that whilst the target percentage for emergency department access block for the year to July 2007 was 25 per cent, it is actually 30.6 per cent—an increase of 5.6 per cent. Of course, more latterly, we have heard about the very serious issues surrounding oral and maxillofacial surgery within the Canberra Hospital—an issue that has been going on for six years. It is absolutely appalling for this government to say they are blaming the former Liberal administration from over six, seven, eight, nine or even 10 years ago.

We have had three health ministers who know very well about the issues I have raised in this place during all that time. One of those was the Chief Minister when he was the health minister; the matter was raised with him. Another was Mr Simon Corbell, and now it is the current health minister, Ms Katy Gallagher. For this government to say that it was the responsibility of the former Liberal administration is a very damning indictment of its inability and ineffectiveness to resolve a situation that does not involve a demarcation dispute.

The same FOI request indicated there has been a significant deterioration in the triage system at the Canberra Hospital emergency department. In Canberra, 80 per cent of people presenting to the emergency department are classified in triage categories 3 and 4. The Stanhope government has acknowledged this, and that there needs to be more work done on it.

The government recently admitted that there are "endemic" management problems in the public system. We think the succession of Labor health ministers are contributing in no small way to the problem; they are part of it. We have had 100 former patients exposed to hepatitis and HIV after the Canberra Hospital discovered a serious breach in the sterilisation of two instruments used to take colon biopsies. We have patients waiting too long for cancer treatment and urgent dental care. In June, we heard that about 40 per cent of cancer patients did not receive radiotherapy in the recommended four weeks. Most recently, we had a complete debacle when the government rammed through its controversial and most unpopular pay parking system. In May this year, it had to scrap the scheme at both public hospitals, after raising parking revenue of $1.209 million. How much did implementation of the scheme cost? $1.745 million—clearly, an administrative failure and an administrative disaster.

Nurses, who are the lifeblood of the system, are stretched beyond reasonable expectations. They are stressed to a point that discourages them from staying in the system and puts them at risk of compromising their high standards of care. In fact, we have heard that unless the system changes many of those people who would come and work back in the system simply will not do so. They put it down to severe problems with management, which I know the Chief Minister has now acknowledged.

In the year to July, with a target of 60 per cent for patients in triage category 3—30 minutes—only 36 per cent were treated within the preferred time, a drop of 23.9 per cent from the target. In category 4—within 60 minutes—there was a decline from a preferred 60 per cent to only 35 per cent, a drop of minus 25 per cent. Category 5—within 120 minutes—had a target of 85 per cent but came in at 67 per cent, a drop of minus 17.9 per cent.

With respect to elective surgery, whilst noting the figure of 9,620 removals from the elective surgery waiting list in 2007-08, this in itself shows just how out of control the elective surgery waiting time has become. That is an enormous number of people to be removed over that period of time. Whilst the minister parades it as some sort of wonderful achievement, which it would be, and has been, for those people who finally got their surgery, I do not think it is anything to really raise the roof on. It just shows how much of a problem the system had become. Median waiting times of 631 days

for myringoplasty, involving surgical reconstruction of a damaged eardrum, are unacceptable. How many days would people expect to wait in Queensland? Sixty days.

It now seems that every state government faces the challenge of swiftly tailoring health services to meet the demands of the health client base. We must counter the associated complexity of health technology, with its long lead times and staff learning and development challenges. Across Australia, Labor has failed to develop or announce a comprehensive plan to increase the number of doctors, nurses and specialists available in local communities to support patients. Labor's ad hoc super clinic program is little more than a slogan.

From the outset, Canberra's basic infrastructure falls behind national trends—3.4 beds per 1,000 head of population compared to 4.0 beds in the states. The government tells us it is adding more beds, yet occupancy is at 95 per cent, which it has been told is far too high. Effective initiatives that re-engineer health services are the direction required by government to increase health service delivery outcomes. Administration costs are far higher than the average for comparable hospitals, and Canberrans wanting elective surgery still face the longest wait in Australia. The minister, by her own admission, with reference to patients in aged care, mental health and chronic disease management, says:

> The numbers that are being seen … will not be able to be managed in a system built as we have now.

Therefore, if change is not driven by good management practices and strong ministerial leadership, we will continue to have more of the same—poor outcomes, poor performances.

ACT nurses attending the ANF ACT branch biennial conference on Friday, 27 July resolved that it had become essential to notify the ACT community that staffing levels in the public and private health sectors cannot sustain the work demands on health services and that nurses were concerned that standards of care may be comprised and needed to alert the community of genuine concern. Clearly, that is yet another indictment of this government and all state and territory governments across Australia.

There must be some systemic problem, as identified by the Chief Minister, that Labor governments simply cannot get to grips with. I have no idea what it is but I would love to have an audit of all hospitals across Australia to find out why they are in this position. Why are we in this position? We have had more money poured into our health system since self-government, yet we still cannot seem to have better-quality outcomes for people who have been on waiting lists for months and years. It does not seem to be simply an issue of throwing money at the problem. Of course, to his credit, finally the Chief Minister did acknowledge that it was not an issue about money or beds. That is why we come to the point today that the Chief Minister acknowledged—that it is about systemic management issues. I do not know when the light actually came on and the Chief Minister realised that he had to say that that is what it was.

Mr Stanhope: On a point of order, Mr Speaker: I said no such thing. That is a gross misrepresentation.

MR SPEAKER: That is not a point of order.

MRS BURKE: No, it is not.

Mr Stanhope: Well, it is a gross misrepresentation of what I said.

MR SPEAKER: That is not a point of order. Resume your seat.

MRS BURKE: On ABC radio, Mr Stanhope did identify and admit that there were systemic issues with management.

Mr Stanhope: Yes, I did.

MRS BURKE: You did. So why are you saying that you didn't?

MR SPEAKER: Direct your comments through the chair.

Mr Stanhope: Mr Speaker, I am being misrepresented.

MRS BURKE: Thank you, Mr Speaker. I will direct my comments to you.

Mr Stanhope: I am genuinely being misrepresented here by Mrs Burke in relation to these comments.

MR SPEAKER: Chief Minister, you can rise in the course of the discussion of the matter of public importance and put it right.

Mr Stanhope: Or I can move a substantive motion in relation to the untruths that are being told.

MR SPEAKER: Or you can move a substantive motion, yes.

MRS BURKE: Whatever you wish to do, but I think you are just playing semantics now. You did make an admission that the matter was not about money and it was not about beds. We need to clearly take note of this, and we will continue as an opposition to raise the issue of public hospitals. We will continue to raise the issue of the health system more broadly. We will continue to bring it to the public's attention. I think that is our duty as the opposition. The government know that. As much as they do not like it, and try and laugh and joke their way through it, this is a serious issue and an issue that goes to the heart of every person in this community, because hospitals are the place of last resort, we hope. But when they get there, we hope that the management practices and procedures that are in place will ensure that patient outcome is paramount.

We also hope that those dedicated people working in our system will not have to endure what is being said in the media. This cannot be put down to the opposition bringing issues to the media; this is down to poor management and to the lack of support that people on the front line are being given. People contact my office to tell

me that it is about management problems, and I have told the government this enough times. Whether they say I am knocking people is neither here nor there. Feedback to the opposition is that the government needs to do something about the management problems at the hospitals. It is my duty, as part of my role as a member of this Assembly, to bring the matter to this place in a public way, so that we can address the problems. Hopefully, if pressure is kept on the government and, further down the line, the department, those people doing the right thing surely will not have a problem. *(Time expired.)*

MS GALLAGHER (Molonglo–Minister for Health, Minister for Children and Young People, Minister for Disability and Community Services, Minister for Women) (4.06): I thank Mrs Burke for proposing this matter of public importance. It is always good to have the opportunity not only to talk about all the wonderful things that are happening in our health system but also to acknowledge the pressures that do exist in the system and to discuss ways in which the government is working to deal with some of those pressures.

It was interesting to note a general tone-down of some of the allegations Mrs Burke has been making since she got the health portfolio. She has been making a number of claims about our costs being 24 per cent above national benchmarks. I noticed that was missing from her speech. I noticed that some of her badgering of health professionals has been toned down, so that is good. I think she is understanding some of the facts that are being given to her, having regard to all the errors she is making in her public comments around health.

I do question, though, some of her comments. I will go through those as I work through some of the positives. For instance, in relation to access block, Mrs Burke said, "Oh my goodness, it's 30 per cent; five per cent above target." But that target has been set because of the programs we have put in place to reduce access block. Access block is actually coming down from 41 per cent to 30 per cent, and we are heading towards our target of 25 per cent. We have not gone up from our target; we are actually heading down, which means that the processes that are in place to deal with things such as access block are actually working.

I noted the obvious comments Mrs Burke made about an individual's experience with the hospital system. At times, I wonder why we have a coroner, a clinical review committee or a clinical privileges committee, when obviously Mrs Burke can determine the outcomes of those, long before anyone else can. I do not know why we refer deaths to the coroner when obviously deaths in the hospital are a result of management failure—these are the allegations that Mrs Burke is making. She will only make them in this place; she would never make them outside. It does call into question some of those long-established processes that we have in place to determine outcomes of investigations. In the frightening scenario of Mrs Burke as health minister, I look forward to their abolition of processes such as the clinical review committee, the clinical privileges committee and, obviously, the coronial processes. Mrs Burke, based on information, will be able to determine each and every one of them and act on what her own investigations find.

The ACT public hospital system is an excellent system. As I have said a number of times, if you are going to get sick, Canberra is the best place to get sick. We are lucky, in a community of our size—

Mr Mulcahy: Ha, ha!

Mrs Burke: It's a nice thing to say!

MS GALLAGHER: Mr Mulcahy and Mrs Burke scoff at that. They do not realise when they scoff that they are actually running down the reputation of the Canberra Hospital as a regional, tertiary referral hospital, a teaching hospital. We have the ANU medical school there now; people are wanting to come here because of our hospital, because of the opportunities that it will provide for students. By running it down, they disadvantage the medical workforce and the health professional workforce. They scoff at it, but if there is a place to get sick, the public know where that is. And do you know why? Do you know how you can tell? All the national data that we have show that utilisation of public hospitals in the ACT is the highest in the country, bar the Northern Territory, I believe, and that is because there are no private hospitals in the Northern Territory. Our utilisation of public hospitals for elective surgery, again, is much higher than the national average.

Our patients are not choosing to go to the private system; they are choosing to have their surgery performed in the public system, more so than anywhere else in the country, despite the fact that we have the highest level of private health insurance coverage in the country. So how does that work out? With 52 per cent of the community with private health insurance, there is the lowest utilisation of that insurance—they are coming to the public hospital. Our hospitals are busy and they are delivering excellent service and a first-rate quality of care.

In relation to the management of the hospital, I am absolutely convinced that we have an excellent management team at the hospital. This management team is made up of doctors and nurses, and administrators who, more often than not, have been doctors and nurses and who take over management roles in the hospital. The number of administrative positions in the hospital is reducing, and has reduced consistently over a number of years, as we seek to tighten the budget and make sure that we are focusing expenditure on front-line staff. We are opening more beds, as I said. Mrs Burke made the comment that 30 rooms are used for administration; I think that was what she said.

Mrs Burke: I did not. I think Mark Cormack said that, actually.

MS GALLAGHER: Well, you used it in your speech. Those rooms are there because 114 beds were cut out of the public hospital system and not funded by the Liberal government. We are resuming each and every one of those rooms as we open more beds. All of those wards are being resumed. We opened the MAPU last year; we are opening another ward shortly. So that administrative space is being resumed. I would note that hospitals do need administrative staff to run them and I would question where they are going to go. A hospital is made up of wards, and rooms within wards,

and we do have administrative staff who need to have workstations and who need to work at the hospital. So there is a requirement to have administrative space within a hospital and, as I said, we are resuming the majority of that space for the beds that we have funded over the last few years.

We have a targeted, focused approach to dealing with efficiencies in the hospitals. I noticed there was not a great deal of time spent on Calvary by Mrs Burke. The text of the MPI did refer to "the management of public hospitals in the ACT", but I did not think there would be a great deal of focus on the management of Calvary. Really, the MPI should have referred to "the management of the Canberra Hospital". We have a number of measures in place to deal with it. Mrs Burke says there are inefficiencies within the hospital. I am happy to look at it. Where she identifies inefficiencies, I am happy to look at the matter and see whether that is the case. More often than not, when Mrs Burke is asked to stump up and prove some of her claims, she is unable to do so.

Mrs Burke: That is not true.

MS GALLAGHER: Mrs Burke, you have not been able to prove anything yet. Anything that you have alleged in the hospital system has either not been true or it has been factually incorrect from the beginning. There are good indicators that some of the areas of pressure within our hospitals are being addressed through our access improvement program. Our hospital bed occupancy rate is down to 91 per cent, compared with 97 per cent in the same quarter in 2005-06. That is a big result, and I think we are heading towards a target of 85 per cent, to ensure that we have beds available for people being admitted.

Ambulance off-stretcher times continue to improve. With respect to access block at both of the hospitals, it is down on where it was. I think it reached a peak of 44 per cent in 2004-05; it is down to 26.3 per cent in 2006-07. Our hospitals are doing very well, Mrs Burke. Unfortunately, I do not think the introduction of a hospital board will make the slightest difference, apart from adding another layer—

Mrs Burke: You don't want the community involved then? I see.

MS GALLAGHER: The community is very involved in health care in the ACT. I think a hospital board, as we have seen in some of the announcements by the federal government, will increase bureaucracy at a time when you are talking about trying to reduce bureaucracy. In fact, when you reflect on the last hospital board, I think Jim Service, as the chair of the board, resigned in the end because of political interference by the government at the time. There are quite a number of articles around putting in place a board and then you could not stop meddling, so the board could not do its work. In fact, I think the entire board resigned. What we have in place now is a very close, on-the-ground management system. The staff are in place; the managers in place at that hospital have my full support. That goes from the top of ACT Health, from the Chief Executive of ACT Health, right down to individual unit managers within ACT Health. Every single one of those people comes to work every day to make ACT Health work better, to make sure the people of the ACT are getting the services they need. With respect to the constant talking down of managers within ACT Health or management—and I don't know the difference between

"management" and "managers"—guess what: managers are management; it is the same thing. But with the constant talking down of it, without any proof—

Mr Mulcahy: There's a lot of proof.

MS GALLAGHER: There is no proof. The last time Mrs Burke was asked to prove things, she tabled as proof about 20 media releases that she had written. It is an absolute joke to think that there has been any proof. It is not true that there has been any way that Mrs Burke has proved any of the things she has said, other than the fact that she goes on radio and says it. Perhaps if you say it for long enough, it does become true, certainly to Mrs Burke.

I am really concerned about the reputations that the opposition is slighting, particularly in relation to the management of ACT Health. I do not think we could have a better team in place to deal with the issue of emerging health pressures and the current health pressures that exist. Our emergency department sees in excess of 100,000 presentations a year. We admit around 70,000 people. With respect to elective surgery, we are doing more surgery than ever before. Mrs Burke claimed that by removing 9,320 it shows how out of control the list is. The waiting list is not 9,320. That shows you how many people join the list and get moved through. At any time, there are under 5,000 people on the waiting list. We are removing almost twice the waiting list every year. But guess what, Mrs Burke? People keep joining the waiting list. Doctors keep saying, "I think you need this surgery," and putting them on the waiting list. So it is not a matter of saying that the list is out of control. You cannot remove 9,300 people from the list and say, "That obviously shows you how out of control the list is." That shows you how many people need surgery, Mrs Burke.

So that is to be blamed on ACT Health—the fact that we have 9,320 residents of the ACT who needed surgery, who got their surgery and who were removed from the list. Your proposition is almost laughable—that because we have removed so many people, it shows how out of control things are. We are doing 1,700 more operations a year than we did three years ago, and that is because of the investment this government has made in elective surgery. That will not remove the waiting list, because waiting lists are determined by clinicians who have put people on the waiting list. The only thing the government has control over is removals from the list, and we are removing 1,700 more people from the list every single year than were removed three years ago.

The measures that the government has in place are dealing with the pressures the hospitals are seeing at the moment. We have, as I said, a first-rate hospital system. We have first-rate managers running that system. With respect to the allegations made by the opposition, all they are doing is seeking to scare people into thinking that our hospital system does not offer the services that it does.

Mrs Burke: No, that's wrong. That's wrong and you know it.

MS GALLAGHER: Well, Mrs Burke—

Mrs Burke: That is an immature comment, and I am surprised at you.

MS GALLAGHER: So you are instilling public confidence in the hospital system, are you? That is the opposite of what you are doing. You are talking it down. You are

scaring people. You are making people think they will not get the services they are eligible for, and they are. They are getting them every day from the people who work at the Canberra Hospital and at Calvary Hospital. People who come to our hospital in need of treatment, get that treatment. They get first-rate treatment every single day of the year. The ability to treat that many people is because of the managers we have in place who manage those individual wards, individual beds, individual units and individual specialties, right up to the Chief Executive of ACT Health. It is their job to do it, and they do it very well.

MR MULCAHY (Molonglo) (4.20): Mr Speaker, after hearing that address by the Minister for Health, you really would be wondering on what planet, in fact, the minister is living on, because the sentiments expressed today bear no relationship with the sentiment that is out there in the ACT community. It is very interesting when I hear of research across the electorates of Canberra and realise there is a profound lack of faith in the capacity of the Chief Minister and his minister to manage the ACT public hospital system. That issue is not going away; it lies firmly at the feet of this government. It is appropriate that Mrs Burke has pursued this relentlessly here. I think she has actually done a very good job in moving health up the agenda. I only said to someone on the weekend that I think we have, in fact, ensured that the public are aware that this is a major issue, and they are appreciative of the fact that the opposition is now pursuing this thing with vigour.

It is disappointing that those opposite, particularly Mr Barr and his colleagues, do not want to acknowledge what they know from their own Labor Party holding—that they are in major trouble in terms of health administration, and they are in major trouble in terms of the way they handle the schools policy, most interestingly. That is an area where I know Mr Barr felt he sailed through and looked pretty good, but, in fact, he does not seem to have cut the mustard amongst many households in the ACT.

The fact is that the management of public hospitals in the ACT is a mess. We are a jurisdiction with high cost and poor service. In fact, the figures on public hospitals throughout Australia demonstrate that we are the jurisdiction with the highest cost and the poorest level of service. These are not the assessments of the Liberal Party; this is not a bit of desktop research that has been done in Mrs Burke's office or mine or Mr Stefaniak's. This is work that is undertaken by the Australian Institute of Health and Welfare, which found that the administrative costs for ACT public hospitals are 26 per cent greater than the average of comparable hospitals in Australia.

The report also found that if ACT hospitals did the same job—that is, what they term a case-mixed adjusted separation basis—that they are already doing but at the same cost of other similar hospitals in Australia, then their costs should be $61 million less than they are—$61 million less. Just imagine what we could do with that? We would not had to have had the spending spree we saw earlier today announced, Mr Speaker, and we would still have money left over.

The report is a recent report, and I have got the extracts here. This is the 2005-06 report, and the report found that the ACT has the most costly public hospitals of all in Australia. Now, one might think that because the costs of ACT public hospitals are the highest in the country, we might all be getting blue ribbon service, or, hopefully,

at least good service. However, as it is the case with many other areas of government, this simply is not the case in the ACT. In fact, despite the high cost, the waiting times in public hospitals in the ACT are the highest in the country. On almost every measure in relation to waiting times available in the report of the Australian Institute of Health and Welfare, the ACT performs the poorest out of every Australian jurisdiction.

We have the highest median waiting time for elective surgery; we have the highest proportion of patients waiting for more than a year for elective surgery; we have the lowest proportion of patients receiving timely treatment in emergency surgery. It is just extraordinary that the minister gets up here and berates her opposite number and says, "How dare you raise questions." She has a responsibility to this legislature to pursue these issues when such extraordinarily poor figures are out there compiled by an independent agency that is putting it fairly and squarely on the territory government that, in fact, the performance is substandard.

I have pursued these figures in other speeches in more detail in the Assembly, Mr Speaker. However, I would like today to discuss some of the other information on ACT public hospitals, particularly in the category of potentially preventable hospitalisations. Amongst some of the other information contained in the report of the AIHW, there are statistics for potentially preventable hospitalisations. These are hospitalisations that are thought to be avoidable if timely and adequate non-hospital care is provided. Rates for potentially preventable hospitalisations are a potential indicator of how effective non-hospital care would be to reduce the strain on hospitals. This is particularly important in a jurisdiction like the ACT, where hospital waiting times are the highest in Australia. Just as we should not be using our public hospitals as a substitution for the lack of aged care and having people in there at roughly three times the daily price, we also need to look more aggressively at ways in which we keep people out of hospitals. Any means of reducing the problem should be seriously considered.

If you look at the Australia-wide figures, the rate of potentially preventable hospitalisations in 2005-06 was 9.3 per cent of all separations. The rate per 1,000 people in the population has been increasing steadily since 2001-02 by an average of 2.9 per cent per annum. Out of those diseases that can be prevented by vaccination, the number of separations per 1,000 people has decreased by an average of 5.7 per cent per annum. This shows that there are means of prevention that are reducing the instance of hospitalisation for some specific areas. However, overall, the rate of potentially preventable hospitalisation is, in fact, going up.

Unfortunately, figures on preventable hospitalisation are not necessarily a measure of the effectiveness of the health management of the government alone. The trends are, of course, I acknowledge, also affected by the health decisions of individuals and the changing nature of the health problems that face us from generation to generation. I know, Mr Speaker, you do your running to try and ensure that you are not an early admission to hospital—except possibly from an ankle strain—but the fact of the matter is that there are, of course, many lifestyle decisions that could help us reduce those health costs that people are not adhering to. Nonetheless, by looking at preventable hospitalisations, we can certainly identify areas of potential savings—

savings of time in hospitals, savings of money in the health system, and savings of the lives and lifestyles of ACT residents.

I do not cite these statistics merely as a curiosity, Mr Speaker, but, rather, each of these figures points to serious management problems within ACT public hospitals. The high costs and low performance are ultimately the product of a failure by this government and by the Minister for Health to ensure proper management practices in ACT public hospitals. Winning the gold prize for the worst performance in a range of categories is nothing of which to be proud. The responsibility for cost overruns and blow-outs in waiting times fall to management to rectify, with the ultimate responsibility having to be borne by the minister.

I do not mean to rely on anecdotes in discussing problems that have such a wide birth, but it is, nonetheless, important to also look at individual cases as well as general trends in evaluating the management problems in ACT hospitals. In discussing management problems, one cannot help but immediately think of Dr Gerald McLaren, who I have cited previously in the Assembly, a man whose career and life were destroyed as a consequence of having the courage to draw management's attention to serious risks within the Canberra Hospital.

It is astounding that Dr McLaren's concerns over patient safety and the serious concerns he raised over surgical procedures by another doctor took years to be acted upon. It is also a sad testimony to the management of the hospital that Dr McLaren was alienated and essentially forced out of his job as a result of these events. Although I understand that changes have now occurred in response to his concerns, this incident is, unfortunately, indicative of a system where management is unable to deliver effective services for a reasonable cost.

Mr Speaker, overall, the information we have on ACT public hospitals shows severe efficiency problems and areas where we should be aiming for and achieving substantial improvement. The Minister for Health has been unable to improve the ACT public hospital system, and, indeed, on ABC radio this morning the order of the day was passing the buck to the commonwealth on the problems in the ACT health system. The minister was discussing the low number of general practitioners in the ACT—which is lower than other areas in the country—and she complained that she has written to the commonwealth several times. But as callers called up to complain about the management of the ACT public health system, she dismissed their complaints this morning and reiterated that it was the commonwealth's fault, not hers. She was passing the buck and not taking the responsibility that you are expected to accept when you are drawing $200,000 as a minister of this territory.

Mr Speaker, in conclusion, I have more I would like to say but time is going to beat me. There are issues in the management. I had constituents raise issues with me as recently as Saturday, which I will pursue on another occasion, over the apparent poor performance of shared services in relation to appointments within the ACT Health bureaucracy, the problems this created for management in our health system, conflicting decisions in relation to the application of the PBI tax concessional arrangement—a major factor in people joining the ACT Health—and appalling examples about appointments. As I said, I will raise those on another occasion.

MS MacDONALD (Brindabella) (4.31): Mr Speaker, let me start by saying this: our hospitals are managed well. External scrutiny by the Australian Council on Healthcare Standards proves this. I have to say, this is not mandatory. The government puts our hospitals through this scrutiny as a way to further improve the care the ACT government provides, and to provide the public with evidence about the management of their public hospital services. In fact, the government exposes not only our public hospitals but our health department as well through the corporate accreditation process.

The evaluation undertaken by the Australian Council on Healthcare Standards covers all aspects of the management of our hospitals. The accreditation process covers leadership and management, human resource management, information management, safe practice and environment, and care continuum. This process covers all aspects of the management of a hospital, not just the care provided to patients. The accreditation process is an ongoing process that is overseen by the new patient safety and quality unit. Both our public hospitals hold accreditation by the Australian Council on Healthcare Standards. Accreditation from Australian Council on Healthcare Standards shows that the council believes that ACT Health is achieving best practice, has a quality improvement culture, and is committed to quality improvement management systems being in place.

It also indicates that the council believes that ACT Health has a focus on patient needs and patient safety. The accreditation process is a major undertaking over a four-year cycle, with a comprehensive program of annual reviews. ACT Health passed with flying colours. ACT Health was awarded a rating of extensive achievement against 12 mandatory criteria. Mr Speaker, to be awarded a rating of extensive achievement, an organisation needs to have gone beyond the required level. To achieve this against 12 criteria was an excellent result.

However, the government wants to make sure that the people of the ACT have access to more regular information about the performance of their health system. In 2005-06 the government established a comprehensive set of performance indicators to get a better handle on what was happening in our hospitals and to provide the people of Canberra with a full picture on the performance of their hospital and healthcare system. If you go to the budget papers for 2005-06, 2006-07 and 2007-08, you can see this for yourself. The indicators are there, together with the results for each year. The government also produces a quarterly report, which is published on the internet and which provides the public with further information on the performance of their health services.

The Stanhope government was the first to provide this level of performance information for the people of the ACT. Before then, Mr Speaker, the people of Canberra had no idea about how well their hospital system was performing. But we are not resting on our laurels. The government also provided funding in the last budget for a program to provide better support to people who have had multiple hospital admissions due to chronic heart and airways disease. This year's budget builds on this commitment by providing over $2 million over the next four years. This funding will provide for referral of patients to appropriate disease management

programs, mechanisms to prevent disease regression and more early detection of chronic diseases. This program is built on the very simple premise that when you are fully involved in a person, in the management of their health, you end up with better health outcomes. More of our services are now provided as an integrated whole, with the management of care across the community and hospital spectrum being managed by a single team.

But there are issues that need further attention, and we are looking to attend to them. The biggest factor behind the increased demand for access to emergency departments is the lack of access to general practitioners. As you know, Mr Speaker, general practitioners are a commonwealth responsibility, and, due to the abject failure of the current commonwealth government, we are 60 GPs short in the ACT—60. The result of all of this is that the ACT has the second highest per capita usage of emergency departments in Australia. In fact, the utilisation rate is approximately more than 20 per cent above the national average. That is right, Mr Speaker; we are shouldering the consequences of the current federal Liberal government's 11-year failure to address GP shortage numbers.

The ACT government has repeatedly written to the Howard government telling them that the district of workforce shortage strategy, a strategy that attempts to ensure there is an effective and equitable system for the distribution of the medical workforce, does not work in a place the size of the ACT. The Howard government will only allow overseas-trained doctors with a Medicare provider number to practice medicine in Australia if they are working in areas classified as a district of workforce shortage. There is a strong argument for declaring the ACT as a district of workforce shortage so that the lack of GPs can be addressed as quickly as possible. But our health system will always be struggling if the Howard government refuses to address this and accept that this is a problem.

This government has been working long and hard to get the Howard government to understand this situation, but the advice has been falling on deaf ears. What this means to the ACT public is that if we only had the national average number of GPs, there would be an additional $15 million of Howard government funding. If we count the additional services that GPs order, which would include items such as X-rays and private pathology, the shortfall is more like $18 million. Most of all, the impact is felt with a 20 per cent higher presentation rate to our busy emergency departments.

Mr Speaker, I would hazard a guess that every one of us who actually sits in this place could talk about an instance in which we have had difficulties getting in to see our local GP because they are so stretched. We all know that there are problems with access to GPs and that this causes pressure on our emergency departments. In other words, one patient in five should probably be seen by their GPs, but there are not enough GPs because, at the moment, the likes of Gary Humphries, John Howard and Tony Abbot have totally failed us in that regard.

Further, the Australian Institute of Health and Welfare report, *Health expenditure Australia 2005-2006*, shows that in the 10 years from 1995-96 to 2005-06 the Australian government's share of public hospital funding decreased from 45 per cent to 41 per cent. State and territory government funding, including the ACT, during this

period catered for the four per cent decrease by increasing by five percentage points from 46 per cent to 51 per cent. They have done this through failure to fully index the Australian health care agreement. This costs states and territories $1.1 billion per annum and costs the ACT at least $14 million per annum, without costing the additional funding we are owed due to the higher than average utilisation rates of our public hospitals.

So what does that mean for us? It means we have been short changed. What would $14 million do for the people of the ACT? It would provide an extra 3,200 cost-weighted separations to be provided in our hospitals. The extra $14 million each year would slash our elective surgery waiting list by 67 per cent in one year, allowing for an increase of approximately 35 per cent in elective surgery throughput.

So where is this money going? Over the same period, the commonwealth has approved a 38 per cent increase in private health insurance premiums based on hospital costs, whereas comparable indexation increases provided to the public sector are approximately 20 per cent. So the real issue is ensuring the commonwealth government funds its part of the deal for public hospitals. Despite the federal government abrogating its responsibilities to public hospitals, we have made up as much of the gap as we possibly can, Mr Speaker.

Since coming to office in 2001, the Stanhope government has increased spending in the health area by 70 per cent in just over seven years—70 per cent. That funding has not just met the increasing costs of health care; the increased funding for health and our public hospitals has also funded new ways to provide care that provides the people of the ACT with a better range of options to better meet their needs.

Mr Speaker, I have much more that I could say, but time is going to get the better of me as well. I will just say that since 2002-03, approximately $134 million has been committed by this government to deliver budget initiatives which directly impact on our emergency departments and provide greater access to inpatient beds. They are just some of the examples of the way that this government is working to ensure that the people of Canberra have access to the best possible health system that they can. There is no way that the cries of the opposition in regards to the hospital system and the health system in the ACT being inadequate are correct. They are not.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (4.41): Mr Speaker, just in relation to a couple of points that Ms MacDonald raised, unfortunately, I think she is a bit off with the fairies. One thing just springs to mind—they talk about getting doctors into the ACT. Recently, a South African doctor, who appeared qualified, was going to be working in a Charnwood surgery. I note that it was a great initiative by people in the region, but it has actually closed through a lack of medical staff after a lot of effort by a number of people to get it up, including, actually, Ms Porter. We know he was told he would be ticked off by a board, or at least go before a board, within six weeks. It turned out that that was at least six months. Now that is not a federal responsibility; that is an ACT government responsibility.

The sad fact of the matter is that for many years in Canberra we had some basic figures, and any of us who had been through the hospital system would know this.

The average waiting time in emergency was about two hours, and from 2003, that suddenly seemed to jump to about eight hours. It certainly has not got any better. Recently Katy Gallagher and I received a letter from a constituent. I wrote to him on Monday asking whether, in fact, I could use his comments in debate in the Assembly. The letter he sent by email to both Katy Gallagher and me was sent on Monday, 17 September 2007, at 7.54 am. I am not going to name him, but that, in itself, should enable the minister to actually respond to his email, which, as of yesterday, did not appear to have been the case.

He gave me consent to use his email. He wanted to stress that the people working in the hospital are superheroes working under great stress. He went on to say that it was 25 years since he was hospitalised, and he was appalled to see how conditions have so badly deteriorated. He wondered whether, in fact, the health minister would respond to his email. I hope she does.

I will just read out his email that he sent to us on 17 September at 7.54 am:

> Dear Minister and Mr Stefaniak,
>
> I have several questions of you Minister I copy this email to Mr Stefaniak as a local member of ours and as opposition leader:
>
> 1. Is a waiting time of over ten hours to receive emergency surgery for a serious injury at Canberra Hospital an acceptable time frame?
>
> 2. Is a waiting time of over three hours to have an infected and exceedingly painful hand attended to at Calvary hospital an acceptable time frame?
>
> 3. Is a public hospital clinic so short staffed and over worked that staff cannot do their work competently (my opinion) and acceptable outcome?
>
> 4. Is a bathroom in a hospital ward of Canberra Hospital that is literally dirty (that is being kind, I would say filthy given that it is in a hospital) an acceptable situation?
>
> Now Minister, I do not want a "politician response", simply a yes or no will satisfy me to the above questions with which to begin, assuming you actually get to read this mail of course.
>
> A little background to assist you in replying to this mail in short point form;
>
> - I was admitted to A&E Canberra hospital with two fractures one a compound variety the other a common type and a dislocation. I arrived at about 23:00 and was taken to day surgery at about 09:30 the following morning to rectify matters a very long time flat out on an A&E bed with an exposed wound and while I fortunately have limited memory of pain my wife expressed the fact that I was in significant pain from time to time.
>
> - My wife required attention for a severely infected hand (she has no lymph nodes in that arm and is prone to infection from the most

> innocuous contacts) we had sought private care but the oral antibiotics were not sufficient, her original testing surgeon saw her at short notice, he is a rare find amongst specialists, but he referred it to A&E at Calvary due to the nature of the swelling. She was in distress and severe pain she waited over 3 hours and they wanted to admit her, but she refused given my immobility, I would have done the same she is recovering nicely.
>
> - I was requested to attend a fracture clinic a fortnight after discharge from hospital which I did as a courtesy to the operating surgeons rather than just wander off to the private system. The place was clearly oversupplied with patients and under supplied with staff. They were so busy that the plaster that was applied to my leg was not even dry when I was bundled out of the clinic.
>
> - The bathroom in the ward was a disgrace. At the bottom of the mirror was a tray in which lay dirty old toothbrushes, dirty old razors, a couple of old looking calamine lotion tubes orange in colour, an old canister of shave cream and an assortment of other debris. The only attempt at cleaning I witnessed was a lady who walked into the room moved a book off the bed table wiped it with a tissue and said, "your breakfast will be here shortly." Little wonder I experienced a repeat infection in one of the wounds, or was that caused by laying in A&E for hours on end with an open wound?
>
> Let me say this of the health professionals in both establishments, they are of the highest standard of human beings to work under that pressure and be as gentle and reassuring beggars belief, they are truly wonderful people.
>
> I trust the background is of assistance in helping you answer my questions unambiguously.

He goes on to say:

> I shall end by suggesting that your government which, along with many previous to it, stop squandering money on such folly as an arboretum, cycle paths on busy roads, a cycle park at or near Duffy, expensive art for civic, a bronze statue of a deceased ex-federal politician and a goal to name but a few wastes of money an start investing in getting our hospitals clean and the word CARE reintroduced to the health system so that we can say ACT Health Care with honesty.
>
> I look forward to YOUR reply.

Again, I think I have given sufficient detail, including the time, for the minister to actually respond to him. That email, unfortunately, is symptomatic of a lot of experiences people have. I must say—I think I probably mentioned this before—I experienced at the fracture clinic, which my wife visited in April this year, very similar experiences: great staff doing a fantastic job but absolutely run off their feet, and people waiting around hours on end. In fact, the time I was there, some of the people I met, with the typical good Aussie spirit, were making a joke of it, but, even so, it is a concern.

It is a concern to see staff who are there working incredibly long hours, never finishing on time. It is a concern to hear of nurses who are probably getting close to retirement age and who probably want to retire but who keep coming back because they feel responsible. It is a concern that they are doing double shifts, with the tiredness and other problems that actually go with that. Clearly, I think there are significant problems here, and a lot of it obviously does go to the management.

I think this is a very important matter of public importance brought by Mrs Burke. Despite what the government tries to say about it, at the end of the day, you cannot get away from the facts. You cannot get away from national assessments that show that our health system has rates which are some of the lowest in the country. There are people waiting far more time for elective surgery than other people elsewhere in the country. And you can make all the excuses you like. Yes, we are a regional centre and, yes, we do have probably 25 per cent or so of people coming into the region. But other hospitals have very, very similar problems.

At the end of the day, this is a government that has been in for six years. You can blame the federal government all you like. I will probably finish now on the point I raised to start with—that is, things you can do yourself to actually get more doctors in. I was pleased to see an ACT delegation go off to Ireland and England to get some people there, some schooled people, to come to Australia. But I have said on a number of occasions, as have others from the opposition, that, in terms of medical staff, there is an oversupply of trained doctors in Belgium, where there are more doctors than there are positions for them to take. I am told they are up to the Australian standard and speak English—in fact, they were trained in English in Belgium—and would be able to come to Australia. That is a short-term fix, but surely that is something the ACT government can do to address some of the strain we have in our system here.

Something is clearly wrong when you can go for years with about a two-hour wait in emergency. I have got a fairly sick family and I have certainly visited a few hospitals around the country. You have a one or two-hour wait at the Wollongong hospital, a one-hour wait in the Bathurst hospital, and here, regularly, with a few exceptions, you do have that incredibly long wait. That, in itself, I think, is indicative of the fact that something is wrong. It is not the fault of the federal government; it is something that is wrong at the local level and something that needs fixing.

Mrs Burke raises this matter of public importance about the management of public hospitals in the ACT. I think it is painfully obvious that, indeed, it can be improved. I certainly hope the minister addresses the questions about which my constituent wrote to her and, indeed, other questions people, no doubt, are putting to her and make some improvements in the system. It can probably never be 100 per cent; you are never going to get that in any sort of health system. But, clearly, there is a hell of a lot more this government can do, and it is not just continuing to throw money at it. There is more to it than that.

MR SPEAKER: The time for this discussion has concluded.

Personal explanation

MRS BURKE (Molonglo): Mr Speaker, in relation to a conversation you and I have just had in relation to comments I made that the Chief Minister stood to try and take a point of order on, I would say that I did forget to mention something the Chief Minister had said.

MR SPEAKER: You will need to seek leave.

MRS BURKE: Sorry, I seek leave.

MR SPEAKER: Pursuant to standing order 46?

MRS BURKE: Standing order 47.

MR SPEAKER: No, not 47; 46. There is no question before the house so you will have to take it pursuant to 46 and it has to be in relation to something that was raised. Do you claim to be misrepresented?

MRS BURKE: No. Well, I do. The Chief Minister claimed I was misrepresenting him. I just want to put on the public record the grab from the radio interview that he did, which I was referring to. As noted in my press release of 11 October, on 9 October 2007, the Chief Minister said on ABC radio:

> There are clinical issues and staffing and systemic issues that we need to address—investigate closely … These are the processes we need to go through. To get bogged down in a debate about, oh well, this is about bed numbers or money really belies perhaps some of the systemic issues that need to be investigated.

In that regard, I guess I did misrepresent the Chief Minister. I forgot to mention that he was actually talking about investigating the matters himself. Thank you.

Domestic Animals Amendment Bill 2007

Debate resumed from 7 June 2007, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MR PRATT (Brindabella) (4.52): I rise today to fundamentally support the government's new legislation for domestic animals, the Domestic Animals Amendment Bill 2007. We support the great bulk of this bill but there are a number of matters that we want to address.

There are certainly many aspects of the domestic animals bill that we in the opposition wholeheartedly agree with, but there is still room to implement some further measures, we feel, especially in relation to dangerous dogs. We will support the government's amendments, circulated today, on the wearing of dog tags, but we

will not be supporting the Greens' amendment on the same issue. We will support the government's amendments on greyhound muzzling—the questions around that. In addition, I intend to introduce three amendments, all of which were circulated this morning. I will speak to those in some more detail later.

I will now highlight some of the more pertinent proposals that the government has put up and make comments on those where I need to make observations about some minor concerns that the government may wish to regulate on later and that the opposition will monitor. Then we will have those placed on the table.

In terms of the question of registration, in relation to the lifetime registration of dogs, we welcome the proposal that dogs that are already registered will be able to be registered for their lifetime. This will undoubtedly save the owner and the department time and money. It is a sensible proposal.

I would like to talk a bit about microchipping. We support the microchipping of all cats and dogs at the point of sale from approved commercial operations and, of course, the RSPCA. We do not support the retrofitting, for want of a better term, of animals for microchipping—except where an older dog has been identified as being a dangerous dog or a dangerous breed. We would support the government in doing that in that case, but we would not support it carte blanche.

Having said that we will support the microchipping of cats and dogs at point of sale, let me say that we would be disappointed if the cost of microchipping became prohibitive for some pet owners. Currently, the price is fine. I think it is about $45, and the opposition is quite comfortable with that. We would like to see some standards introduced for the procedure of microchipping.

Let me turn to the question of tightening dog seizure and return provisions. These are welcome proposals. The delay of the return of the seized dog to its owner until the premises are shown to be secure enough to keep the dog from escaping again is a necessary amendment which will, hopefully, promote responsible pet ownership. We think that is a good initiative. We are not too sure, though, what sort of standards the government is looking at when it talks about securing premises. I do not know whether the minister wants to elaborate on that, but the amendment bill does not detail benchmarks for what constitutes a secure backyard or secure premises. The opposition has a view about that, and I will come back to that in more detail when I move my second amendment.

I go to the question of seizing dogs. This is a very necessary function of government—that we have the capacity to seize unkept dogs, dogs on the loose. Not only can some of them be a danger to the public, but they are menace to the environment. We in this place are all very much aware of the problem that farmers in the ACT region have with wild dogs running loose and attacking lambs and other livestock. We should do whatever we can here in the ACT to minimise the running free of dogs—dogs which, in some cases, have, unfortunately, been irresponsibly let go by owners who have become bored with them. It is very necessary that we are able to round those dogs up and take care of them. Perhaps they can be placed in a home somewhere, or other actions may need to be taken.

I turn to the question of nuisance dogs. Unfortunately, we do not see enough capacity in TAMS to proactively check for nuisance dogs or dangerous dogs. The onus to alert the authorities should not be only on citizens. Yes, they have a role to do that, but this should be a partnership role with a proactive dog patrolling initiative. We are concerned at the lack of capacity in this legislation. We do not want to see that become an excuse for running down further ranger capacity for proactive dog patrolling. With the 2006 rationalisation of government services, we feel that some of our front-line services in various departments have been run down. We hope that that will not be the case here. We will be watching to see whether TAMS has the capacity to ensure that proactive dog patrolling can continue—for two purposes: identifying nuisance dogs and identifying dangerous dogs.

I go to the question of cat desexing. We support this amendment, provided veterinarians are aware and trained suitably in the desexing of younger kittens. We would hope to see some regulations on the procedure side of things. I note the offer off assistance by Victorian veterinarians in this regard.

We agree with the government's proposed new section 74A regarding "sexually entire dogs and cats", if I may use that quaint term. We agree with the provision here that it is important that, if a distributor sells a dog or somebody gives a dog away, and that dog is known to be "sexually entire", the appropriate notification should be given to the department so that the department can track where that dog—or cat—has gone. That is extremely important.

We agree with the government's new licensing for the keeping of multiple cats. The provisions are that you can keep three cats on one property, but if you go beyond that you are going to have to seek a licence to hold multiple cats. From time to time we have heard the odd horror story, though we do not have a plague of unhinged multiple cat owners in the ACT. But these circumstances do evolve in some places. We do not want to see neighbourhoods concerned about a plague of cats because somebody is not taking appropriate measures to look after their cats.

The new provision in this legislation allowing the seizing of cats is very important, because it tightens it up and makes it very clear to the public that this can happen. Cats can be seized in just the same way dogs can be seized.

On the question of dangerous dogs, the opposition likes the provision that any dog can be deemed dangerous by its proven actions—any dog. I presume that can also mean a chihuahua. If a chihuahua is known to be chewing people's socks off and giving people a difficult time, it is certainly a nuisance dog, if not a mildly dangerous dog. It can be dangerous to children. We support the government's initiative on that.

It is good to see that the government will tighten up its regulations for owning a dangerous dog. However, this still does not address a range of serious issues relevant to dangerous dogs. The focus has been and continues to be more on the owners of such dogs. We believe that we need to see the focus put back on the dangerous animal; consequently, I will be seeking to amend this legislation accordingly.

I commend the government's new section 50A on harassment. It is very good that clear measures will be put in place for anybody who has got a dog that is a bit loopy and that, if the dog is harassing the neighbourhood, appropriate action is going to be taken.

In relation to dangerous dogs, we know that there have been some tragic and notable incidents of dog attack—not so much here in the ACT; this has been more of a problem in New South Wales, where there are many more opportunities for poorly handled dogs to attack people. Nevertheless it is a risk. The government has partly identified that risk; but we do not think it has identified the risk fully and we think that this needs to be tightened up. Consequently we would prefer to see further measures incorporating a special list that notes certain breeds as being known dangerous breeds and stricter requirements for the premises where such dogs are kept. I will speak to our amendments on this issue a little further down the track.

I turn to the question of identifying dangerous dogs. We believe that the onus must be on a dog owner to responsibly check an ACT list. This is the direction that we will be coming from when we table our legislation. We believe that there ought to be a list of known dangerous breeds and that the onus is on an owner of a dog to check such a list to ensure that their dog does not qualify—rather than the onus simply being left with neighbours who may think that it is a dangerous crossbreed dog but may not be too sure whether they should report it or not report it. I will talk more about that later.

While I am on the question of prohibited areas, let me say that it will be important to ensure that there are sufficient dog exercise areas across the ACT so as not to compromise other prohibited areas such as nature parkland. We support the principle of naming prohibited lands or waterways as being non-dog areas in order to safeguard playing children, vulnerable wildlife or just so that we can secure the peace of mind of picnicking families. I agree with that entirely; I think it is a good initiative. But we also want to see a balance to ensure that there are sufficient dog exercise zones designated in suitable places right across the ACT. Let us have a balance. Perhaps it is a mosaic—non-dog, dog, non-dog, something like that.

In relation to areas that might be designated as dog zones where you can walk your dog—and I am not going to legislate; I am not going to seek to amend the bill—I would ask the government to think about this. We would like the government to have a look at the issue of dog owners, when they walk their dogs in public, at least in publicly designated areas, being able to have available to them little bags or scoopers that they can pick up and use whilst they are exercising Fido in that particular area. We are talking about the sorts of regulations and provisions which I have seen in New York City. Of course, this is not New York City; we do not have quite the same density problems. Nevertheless, let us have a look at New York municipality laws and regulations and adopt the principles where dog owners going into a dog approved exercise area will have to pick up after their dog one way or the other. Let us make it a bit easier and encourage dog owners to take those issues into consideration.

Clause 26 deals with the part 4 heading. We support the initiative for new provisions for the keeping of cats similar to the current provisions for dogs. This is sensible. The

closer we can move the provisions for keeping cats and dogs the better—where those provisions are applicable, of course: dangerous pet management is a different thing unless you have got a panther or something like that.

We support the bill. I will introduce my legislation later.

DR FOSKEY (Molonglo) (5.07): In debating the regulation of domestic animals in the ACT, I think that we need to start with the premise that there are too many dogs and cats and not enough adequate homes for them all. Domestic animal legislation needs to seek a balance between making it possible for people to own and care for pets responsibly and ensuring that they do not add to the number of neglected and homeless dogs, cats and other domestic pets trying to eke out a living in our territory.

Last year, the RSPCA euthanased some 200 dogs and 1,200 cats. My understanding is that Domestic Animal Services euthanased a similar number of dogs; hopefully, the minister will be able to provide a more accurate number. I note that the number would have been significantly higher had it not been for the tireless efforts of local animal rescue groups.

Thus, legislation to regulate domestic animals must actively encourage responsible pet ownership to ensure that people are not irresponsibly or accidentally breeding animals that will have nowhere to go, ultimately ending up at Domestic Animal Services or the RSPCA and being euthanased when no-one comes to collect them.

To this end, this legislation certainly contains some good initiatives. The move to lifetime registration and compulsory microchipping for dogs is a sensible change. We all know that the two most important things owners can do to ensure that their dogs come back if they ever get lost is to register and microchip them. Of course, they also have to make sure that they treat them well enough so that the dog wants to return. I do not see the need to introduce this provision over a three-year period. It would be much more efficient to require all dogs to have a microchip at the time they are signed up for their lifetime registration.

Whilst these provisions will have a positive impact, the tag offences created by the amendments to section 15 appear to present significant difficulties. The criticism that I so often express about the government's failure to adequately consult with the community is unfortunately evident yet again in regard to this legislation. While there was a period for comment on the exposure draft, it is disappointing that the government did not take a more proactive role in ascertaining the community's views. The result is that the tag provisions in section 15 are simply unworkable, which is why I will move amendments to ensure that the bill can properly reflect and regulate what happens in the community. I note that, through its amendments, the government has taken notice of the canine association's advice, which my office passed on. That is good; clearly the government does take notice when it gives people with experience and expertise the opportunity to comment.

The requirement to have cats desexed at three months of age and dogs desexed at six months is a sensible and reasonable move. The introduction of a strict liability offence for having an entire dog or cat—using this term in the same sense as Mr Pratt did—without a permit should significantly help in ensuring compliance.

I note that the current cost for a permit to keep sexually entire animals is $288. This is slightly more than the average cost of a desexing operation, which will, we hope, encourage people to have their animals desexed. It is important that the staff at Domestic Animal Services clearly explain this to people so that they can make a choice about the best course of action for their own situation rather than having to be brought before a court. I know from personal experience that there is money available to assist people on Centrelink benefits, and perhaps those on other low incomes, to pay for desexing operations. It is worth the government remembering that paying something like $200 once is going to be an awful lot cheaper than dealing with brood after brood of unwanted pups and kittens later. I hope that this will continue as a service to animal owners and to the whole community.

How well this part of the legislation is monitored will determine the legislation's effectiveness. We need to monitor how many people take up the alternative of a desexing operation. If not enough people are taking it up, we might need to twitch the legislation.

While I applaud the government for the way the regulations are heading, I would have liked to see them go a little further and reduce the number of exemptions from the requirements. The fact that one is in the business of selling dogs and cats should not be a defence for a failure to act responsibly. If anything, those that profit from the animals should bear a higher responsibility for their actions. To say that an industry ought to be exempt from doing the right thing because it might not make as much money out of it is fundamentally unacceptable.

As with so many other issues, when it comes to deciding the best outcomes I consistently say, "Ask the experts." What do the people who have to deal with these problems tell us is the best way forward? For gambling issues we should be asking groups such as Lifeline, for instance: they are the ones who have to pick up the pieces when things go wrong for people with problem gambling issues. In the case of domestic animals, it is the RSPCA who must deal with many of the problems—

Mr Hargreaves: What about Domestic Animal Services?

DR FOSKEY: I have talked about them for the first two pages of my speech, but I will mention them again: Domestic Animal Services. And I understand that the RSPCA was consulted to some extent in the preparation of this legislation. In deciding the best policy direction, we should rely on the advice of these groups. I am assuming that Domestic Animal Services had a great input into this legislation, because they are at the coalface; they are the people who have to deal with not only the dogs but also the dogs' owners when they come to claim them, if they do. To this end, it would have been nice to see some stronger controls around the keeping of undesexed dogs and to see a clearer initiative to prevent people from breeding puppies and kittens in their backyards and selling them.

One has only to look in the *Canberra Times* each Saturday morning to see how many litters are being bred, either accidentally or with the intention of making a few quick dollars. It is these dogs that often end up in the pound and euthanased because there is

no-one to look after them or no-one who can afford to keep them. ACT residents have to pay for running Domestic Animal Services, and for the vets, because of a few irresponsible people in the community.

The requirement that those selling entire animals notify the registrar of the sale is a good idea. However, I would raise a concern that it is unlikely that this will actually lead to any substantive improvement in compliance and a corresponding increase in the rate of desexing. This is not to say that I do not think we should give it a go. Rather, I would say that, for it to be effective, extra resources will need to be given to Domestic Animal Services to follow up and ensure compliance.

I note that Domestic Animal Services are struggling at the moment, with many staff departures, including that of the former registrar. The staff there often have a very difficult job to do. I would like to take the opportunity to recognise their efforts in managing the ACT's dogs and reuniting lost dogs with their owners. The animal shelter, from which I obtained my current dog, is a clean and neat place. It is absolutely crucial that it is staffed by people who love and understand dogs—tough love, of course. But even tough love is not enough, especially in the face of abusive dog owners who resent paying a fine for their inadequate custodianship.

I strongly support bringing the regulations on cat ownership into line with those for dogs. These changes are both necessary and sensible. I think that we should be stringently enforcing the act and ensuring that people have the correct permits where they wish to keep animals beyond the ordinary scope of the act. Cats, in particular, have the potential to cause significant environmental harm. For that reason, the Greens have called for, and the government has introduced, cat containment measures in, hopefully, many new suburbs, especially where they are adjacent to nature parks and other areas for wildlife. It is interesting to note that Mulligans Flat, which I visited a week or two ago, has lost nearly all its endemic native species due to the ravages of cats—

Mr Hargreaves: And foxes.

DR FOSKEY: And possibly foxes and other animals that are not native to our bush. However, cats are a very important part of many people's lives. We need to balance the interests of both. I believe that the bill strikes the right balance and I congratulate the government for it.

Pet ownership is a very important part of our society. We know that domestic pets bring great benefits to many people's lives. We know that pets are important in a child's upbringing, because they enable the child to learn that caring has responsibilities as well as pleasures. There is a greater understanding that animals have a great role to play in alleviating the loneliness of people who live alone and people who are ill in our society. I know that the RSPCA has a program, which I really commend, of taking animals into participating schools. Too often, especially when families are forced to live in flats or in rental accommodation where pets are not welcome, children do not have what I believe is a necessary experience.

Unfortunately, as is so often the case, there are some in the community who do not properly consider the consequences of their actions. We know about the impulse

purchase of dresses and shoes, but what about the impulse purchase of cute little kittens, cuddly little rabbits and sweet little dogs? Unfortunately, these sweet, cuddly, cute animals require a certain amount of care that the impulse buyer is often not able to provide, either financially or because of lack of time or all the other kinds of reasons why people are not able to look after their animals properly. As a community, we must ensure that we take proactive steps so that our pets can remain an important and well looked after part of people's lives and not be just afterthoughts and misadventures for others to clean up after.

I believe that, with my proposed amendments—which have been circulated and which I will put in the detail stage—this bill will make a significant impact in improving the management of dogs and cats in the ACT. I am very pleased to work with the government in ensuring that that happens.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (5.20): I thank members for their contributions to the debate on the Domestic Animals Amendment Bill 2007. I also would like to express the government's appreciation to the opposition spokesman and to the Greens for the provision of their amendments in sufficient time for us to actually give some consideration to them. We do appreciate this level of cooperation. By and large, we are agreed that this is a good piece of legislation, and it is nice to have tripartisan commitment to it. I understand that there are amendments of other members, and I will deal with those during the detail stage.

Following representations from the Canberra Greyhound Adoption Service, I have agreed to a further amendment to the bill to allow ex-racing greyhounds, which have undergone suitable training, not to be muzzled in a public place. I re-emphasise that that is after suitable training, because we do not want people frightened by the appearance of a greyhound.

Dr Foskey also pointed out that dogs can compete in various shows and competitions without their normal collars and, therefore, their tags will be missing. I have an amendment that will permit the registrar to exempt dogs from being tagged in those circumstances. I flag that the government will not be supporting Dr Foskey's amendment, not because we believe that what is in the amendment is wrong; we just believe that the provisions the government is proposing go a bit further than that.

Dr Foskey's amendment to subsection (b) of section 7 refers to dogs participating in an event organised by the ACT Canine Association. What, we ask, would happen if you were a member of the Companion Dog Club? What happens if you are a member of a number of dog-type clubs? What we are saying is that, provided that the registrar approves that particular activity, that will be fine. To single out one particular organisation, I think, is a bit restrictive. We are quite happy to support the thrust of the amendment, but not the detail.

Notwithstanding the amendments, the bill represents state-of-the-art best practice in dog and cat management in Australia, bringing the territory up to date with recent advances interstate, particularly in Victoria and New South Wales. At this point, I would also like to express my appreciation for the officers within TAMS, particularly

Domestic Animal Services. I acknowledge Drew McLean in the gallery and wish him well. I think he is a bit traitorous, but I still wish him well. Riding in his fire engine, I think that is rather nice. Staff of that unit have done some rather brilliant work here.

Members will recall the government introducing these wide-ranging amendments to the Domestic Animals Amendment Act following a major review begun in 2005 and following consultation with the stakeholders and the community in the provisions of the exposure of the draft bill. I reject the suggestion from the Greens that this consultation has not been extensive enough. I actually believe that it was a very, very wide bit of consultation, and that is shown by the way in which the legislation has been composed. It is fair to say, I think, that had we not done it properly, the opposition would have picked holes in it pretty quickly. I hardly think, though, that if you receive 61 submissions on the exposure draft bill that that is not what you would call a decent community consultation.

There was widespread community support for these proposals. In the interests of time we might move on. I have said enough about the actual bill in the presentation speech. We talk about lifetime registration of dogs, the compulsory microchipping of dogs, improved regulation of dangerous and attacking dogs, and—this is where we actually disagree with the opposition—the definition of dangerous dogs. We believe in the notion of deed, not breed. We actually believe, in fact, that the dangerous dogs are individual dogs, and, quite often, the behaviour of that dog can be sheeted home to abuse, neglect, bad training and ignorance of the owner. It is not an inherent trait in a dog to go down this particular track.

We do understand, of course, that there are some dogs out there that have a natural instinct to go and kill things. Jack Russells, for example, in fact, terrorise cats, because they are bred to go down that path. We will talk about this during the detail stage, Mr Temporary Deputy Speaker, but I do note that there is a view out there that rottweilers are really terrible things, they are a dangerous breed and we ought to not have those. There is a thought that we ought to label blue cattle dogs as a dangerous breed as well as pit bull terriers.

I do not think anybody would disagree that, if those dogs were abused and trained in a particular way, they are dangerous dogs. Let us just check back on hospital statistics on this and ask ourselves what was the most common breed of dog in recent times that inflicted a bite on a human being who had to front to the hospital. My latest information is that it was labradors. They are not on the list of dangerous dogs, and I know from my own history of doorknocking—I imagine Mr Pratt has done as much doorknocking as I have, and possibly Dr Foskey—I have been bitten by only one dog. In all of my time doorknocking in the suburbs, I have been frightened by a few dogs but have been bitten by only one, and that was a silky terrier. It took my ankle out and frightened the life out of me. But I do not see the silky terrier sitting on this list, so I suggest that, in fact, it is not a breed thing; it is about the individual dog. Let me tell you, I was also bitten by my parents' grey silky terrier, but there you go.

We will be tightening dog seizure and return provisions. Mr Pratt and I have had some conversations around that. We are widening the scope of amendments, of course, to attacking and harassing offences, and I appreciate the support that I am receiving

across the chamber for that. We have, of course, extended the Administrative Appeals Tribunal appeal rights, which I think is reasonable, and, of course, are providing for compulsory cat desexing before three months of age.

Mr Pratt has quite recently described many of the features of the bill, and I do not propose to go into too much detail any further. We do believe that this piece of legislation shoots back responsibility to owners. We want to make it an incentive for people to enjoy the amenity of a pet. As Dr Foskey quite rightly points out, it is almost inherent in the psychological wellbeing of people to have some kind of a pet around, whether that is a budgie, whether it is a dog, whether it is a cat. Some people even have an attachment to axelotals, but I have to say that they are not on the dangerous breed either.

When we acknowledge the fact that people have these pets around, it is important that they actually treat them properly and have regard to people in the neighbourhood besides themselves, which is why we have codes of practice for keeping animals. We have spoken about the keeping of multiple cats—I have three. My wife wants four, and I said, "Go and get a licence." So now we have got three. So, that one worked.

We have better defined the dog-prohibited areas in the bill, but it is incumbent upon us when we talk about dog-prohibited areas to publish those areas where dogs can go. I would direct people's attention to the website and/or Canberra Connect, and we will happily tell people where that is.

Mr Temporary Deputy Speaker, I thank members for their support. I think it shows what we can do, and I do express my appreciation to Mr Pratt and to Dr Foskey, not only for their support but also the work and the support of the people in their offices who have worked with mine to come up with a good solution. I do pay my respects to those officers.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (5.30): I leapt to my feet very quickly, and I wish to explain to Dr Foskey why that was. Our amendments actually go in synch a bit, and I wished to put my amendment first. If my amendment is passed, it does not necessarily follow that Dr Foskey's will not. But she may choose, then, whether to proceed or not to proceed when she has heard the argument that I put forward, rather than her having to put the argument and then lose that particular amendment. So, if you wish to accuse me of being a little bit considerate—which is a bit unusual—Dr Foskey, then I plead guilty to that. I move amendment No 1 circulated in my name *[see schedule 2 at 3312]*.

This amendment provides an additional exemption to the requirement for a dog to wear its registration tag in a public place under section 15(2) of the act. The existing act provides that a dog is exempt from wearing its registration tag in a public place on the advice of a veterinary surgeon given for the health or the welfare of the dog.

Submissions were received from the ACT Canine Association requesting that an exemption be granted to dogs allowing them not to wear their registration tags in cases where they are competing in shows or dog sports conducted on public land. Advice received indicated that the most efficient way to grant such exemptions would be to allow the registrar to approve them in writing either on a longstanding basis or for individual special cases.
This amendment grants the registrar the power to grant such exemptions in circumstances approved on application in writing. As required, the necessary procedure for application and processing applications and reviewing and appealing decisions can be provided by subsequent amendment to the Domestic Animals Regulations 2001.

Referring to Dr Foskey's amendment, which she has graciously circulated, as I have indicated earlier, limiting it to the Canine Owners Association limits it to only one organisation. I remember going to the Companion Dog Club and a few other dog clubs around the place, and I think it is reasonable that we have an overarching process for those folks to apply to. That is why we are not supporting that amendment.

With respect to Dr Foskey's amendment proposed that it does not apply if the occupier of the premises consents to a dog not wearing its registration tag or another tag showing its registration number, we are a little concerned about this, because what can happen here is two possible things amongst many. One is that all the bona fides will be intact. I will take my dog, for example, to Dr Foskey's house and perhaps ask her whether she would mind bathing the dog while I go and do the shopping. So she does so and takes the collar off. That is fine at this stage, because there is either direct or implied consent that that will happen, and that would satisfy the issue that Dr Foskey has. I have got no problem with that. But what happens if that dog escapes because there was inadequate security in that particular premises?

Mrs Dunne: Your dog has bolted.

MR HARGREAVES: Yes, your dog has bolted, and that is not the first time we have said anything about dog bolters. What happens also, I ask, if those premises are on the edge of a nature park? Dr Foskey talked about the damage that cats did in Mulligan's Flat, and I agree with her, reluctantly, because I have got three cats. My cat does not understand that—I have asked him, and he still does not understand it!

The point, of course, is that I have not seen a cat pull down a fully grown kangaroo in my life, but I have seen a dog do it. We have to understand that if the dogs are shot and they have got tags on them, we can hold an owner responsible. But if a dog visits a premises which does not have the right security and it is on the edge of a nature park, for example, down Banks and Condor way, it can go down to the Lanyon Homestead area and take sheep out—Mr Pratt has been particularly critical of us in the past for

not policing this properly, where you get packs of three dogs going and taking sheep out—and we cannot prosecute the owner unless there is a tag on it.

So what we are saying here is that this actually relates to a third-party premises. If, for example, I go over to Mrs Dunne's place and leave a dog, she is responsible for that dog. That is fine, because there is an arrangement between the two of us. But if the dog goes to a third place, we have no way of policing this; we have no way of finding the owner and saying, "We can prosecute you," particularly if it is Mrs Dunne's place. We do not know where that dog could escape to if it goes to Mrs Dunne's place, no idea.

The issue, of course, for us, again, is that we do appreciate what Dr Foskey is proposing here, but we think that there are other issues at play here. This actually allows an escape for those people who are irresponsible dog owners. That is the only reason why we are opposing this particular amendment. I am happy, in fact, to vote this one down today and then, in the passage of time, over the next six or 12 months or so, whatever you like, if people show us evidence that this actually is not occurring or we have reason to believe that that is the case, we could, for example, talk about another amendment to the bill, sponsored by the Greens, if, in fact, they are absolutely determined to do that. I am not closing the door, but, at the moment, we are not convinced it will work. So, Mr Temporary Deputy Speaker, with that, I commend the government's amendment to clause 9.

DR FOSKEY (Molonglo) (5.36): It is really very heartening that the minister and his office and the various members of Domestic Animal Services have taken on our concerns and, in fact, our amendments are very similar. I am not in a position to put my amendment anymore, but I want to just indicate why it is that I believe the government's part (b) to amendment 1 is definitely better than my part (b), because it broadens it out, replacing my "participating in an event organised by the ACT Canine Association Inc"—which was put in there because the canine association indicated that was their concern—with the broader "in circumstances approved, in writing, by the registrar". I am quite sure the ACT Canine Association is capable of writing to the registrar and seeking approval. I would like to still argue that there are good reasons for retaining subsection (7) (a) and also subsection (8), and the minister has indicated that he will consider that perhaps down the track a little.

The first set of my amendments, and the government's amendments, of course, deal with tag offences, and they are amendments to section 15 of the act. The proposal to replace subsection (7) and add a new subsection (8) is designed to ensure that the bill accurately reflects what really happens out there in the community and recognises reasonable behaviour. The effect of subsection (1) is that it is an offence for a dog not to be wearing a tag, even though it is on private property and the owner may well be behaving entirely reasonably. For example, Mr Hargreaves just came to my house with his dog; it was not a silky terrier, that particular dog. But if he came and asked me to give the dog a bath, which I would be unlikely to accept, under the legislation as it exists, unamended, I would be committing an offence. Even though I was bathing it in pure herbal, organic and other succulents, I would still be committing an offence. As this is a strict liability offence, I would have no defence as I have not made a mistake of fact; I have just done the minister a favour of bathing his dog and trying to convince him of the superiority of non-chemical products.

My amendment would have provided that so long as I have Mr Hargreaves's consent I am permitted to take the collar and tag off whilst it is on my property. However, should that dog leave my property without a tag, I would be committing an offence under section 15 (2) the moment the dog was in a public place. It is for that reason that I think Mr Hargreaves should have really accepted my amendment because this issue is covered elsewhere in the act.

Further, it was brought to my attention that the current bill, where it is an offence if the keeper of a registered dog is in a public place with the dog and the dog is not wearing a tag that shows its registration number, does not provide any exception for dogs competing in shows or other dog sports as there is for dogs being off lead in public places for these circumstances. I am sure this is an oversight. The ACT canine association and its members would be breaking the law when they hold events. For example, an agility dog may not, under current ACTCA or canine association rules, compete with any tag affixed to its collar. This is necessary to ensure the safety of the dog while it is competing.

The introduction of the bill in its current form effectively requires agility members to break the law to compete in ACT canine association trials and will certainly mean most other dog sports and show people will breach it when they exhibit or compete with their dogs. The amendments that I put forward seek to resolve this issue by creating an exemption for ACTCA-sanctioned events. I acknowledge that the government's amendment—that the registrar may approve in writing these types of circumstances—covers that concern, but I hope that down the line they also see the need to add my new subsection (8).

MR PRATT (Brindabella) (5.42): I will be supporting Mr Hargreaves's amendment. I would not be supporting the Greens amendment, not because there is anything terribly, horrifically wrong with it but because I think Mr Hargreaves's amendment covers the requirements that Dr Foskey is heading in the direction of. I would have concern, though, with Dr Foskey's subsection (8). If Dr Foskey visits my place with her cross-breed cattle dog and I am going to give it a good wash, I remove the tag of that dog so that we can wash the dog. However, if Steve Pratt's back fence has got holes in it and that dog escapes, the authorities have got a problem: we have got a dog on the loose, untagged, not identified. Dr Foskey and I would be watching that cross-breed ripping up Isaacs Ridge, taking out kangaroos. So that is why I think it is very important that we ensure that dogs which need to be tagged—and that includes dogs identified as dangerous—be 24 hours, seven days, tagged. So we will not be supporting that particular amendment.

I was just going to say that where the registrar has the flexibility to make decisions is perhaps a better way of managing these issues rather than identifying one or two particular associations which we know are absolutely reliable, capable organisations of running dog activities. But the registrar in this case will not have the flexibility to identify other associations which may be just as competent at managing dogs in such circumstances.

Amendment agreed to.

Clause 9, as amended, agreed to.

MR PRATT (Brindabella) (5.45): I move amendment No 1 circulated in my name *[see schedule 3 at page 3313]*.

My amendment seeks to tighten up the issue around dangerous dogs and I alluded to this in my primary speech. We think it is necessary that the ACT do identify a list of dangerous dog breeds and that this list be publicised so that members of the public know that they have a responsibility to come forward to authorities and register their dogs.

We do not seek to ban dogs, and we know that there is a vibrant debate around this question of what comprises a dangerous breed of dog. But we still think it is responsible for the government and its authorities to start somewhere and I will be talking on my third amendment a little bit more about that. Whilst I acknowledge that the identification and definition of a dangerous dog is subject to that debate, we think it is necessary. A list is not necessarily exhaustive, but importantly such legislation imposes a certain discipline on both the government and the community.

I believe this amendment will more actively safeguard our children and that, after all, is the most important thing here. We do not seek to deny people the ownership of certain dogs, we do not seek to ban certain dogs, but we do think that there is a primary responsibility, a duty of care. We want to keep our kids safe, and that is why we think it is necessary to identify a dangerous dog breed list.

There is no reason why the government should not support this amendment—no reason at all. There are some breeds of dog that are notoriously dangerous; therefore the government should be prepared to start with that identified list of dogs. I repeat: we do not seek to ban dogs, but we do seek to identify as a starting point a list of dog breeds which the government has a responsibility to monitor. Beyond that we can have a debate about where that list goes to.

I just want to bring some details to the attention of the chamber. The Victorian and New South Wales governments both have dangerous dog lists—quite lengthy lists. There is a lot of information available from both state governments about the listings that they have created, which I would invite the government to have a look at. We believe it is very important that we do have such a mechanism in place. We think that is responsible government and we are very disappointed that the government has not decided to look at this issue. Therefore, I commend to the house my amendment No 1 for a new clause 9A and I seek to have it written into the government's law.

DR FOSKEY (Molonglo) (5.49): While I acknowledge that Mr Pratt's amendment is a sincere response to a very concerning situation, I indicate now that I will not be supporting any of the Pratt amendments, simply because this kind of regulation does not work. It is too difficult to say with any certainty just for a start that a dog belongs to one breed or another. What about those that are 50 per cent banned breed and half something else? Which part of that dog wins that battle?

The experience in other jurisdictions has not been promising, to say the least. In Queensland, for example, I have heard of many examples of staffordshire terriers, which generally speaking are quite a docile breed, being confused with pit bulls, and of perfectly safe pets being euthanased. Unless they are your dog, of course they do not really concern us, but this is the situation. On the other hand, we know of other dogs—apart from the silky terriers—which suddenly turn on children and other people, totally out of the blue, and they do not belong to this breed. I think the only way you could effectively do this is ban all dogs—or a better solution is to control the reproduction of problem breeds.

So we need to strengthen the desexing requirements as much as possible so that these breeds are effectively bred out, if such a thing is possible. We seem to be better at getting rid of endangered species than dangerous dogs, but anyway we should give it a go, rather than these being arbitrarily and ineffectively controlled by the registrar.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (5.51): We will not be supporting this amendment. Dangerous dogs are currently declared dangerous in the ACT based on their behaviour as individual dogs; it is not their breed. As I indicated earlier, it is the deed, not the breed. Declaring dogs dangerous on the basis of their breed will lead to a significant increase in the number of declared dangerous dogs in the ACT. I also need to make a comment on what Dr Foskey said—that we perhaps could breed out these breeds. That is a nice idea; it is a great idea—in the same way we can breed out racial prejudice and we can breed out discrimination.

The fact is that we are right on a border. We have no hope of doing such things in the ACT unless we have border patrols which say, "If you come into this place with a bull terrier, we will arrest you." It just ain't going to happen. You just cannot do it. Unless there is a national approach to this sort of this issue it is not going to happen.

There would be significant administrative costs involved in administering, registering and enforcing such legislation and the ACT is a small jurisdiction with limited resources available for breed-specific legislation and enforcement. There would be a need to call on expert advice, expert panels, to define the breed types. Appeal procedures would need to be defined to process dangerous dog species declarations. Defining cross-breeds as dangerous based on the breed types expressed would be problematic and open to challenge by dog owners. Mr Pratt actually referred to Dr Foskey's cross-breed—was it a bull terrier or a Queensland cattle dog?

Dr Foskey: Is this a border collie—

MR HARGREAVES: No, it was your cross-breed cattle dog. There are definitional issues around that. Which breed could be considered dangerous? Currently in New South Wales and Victoria less than 10 breed species are regarded as potentially dangerous under legislation. The New South Wales Department of Local Government in 2007 reported its dog attack statistics compiled from council records for the year July 2004 to June 2005. There were 29 pure breeds of dogs identified as being involved in attacks during that year. Of these, 15 pure breeds were involved in more than 10 attacks.

These figures showed that the breeds not normally regarded as dangerous were ranked in the top 10. The most attacks originated from german shepherds—ranked No 1—followed by Australian cattle dogs at No 2 and rottweilers at No 3. These were followed by dog breeds commonly described as dangerous; for example, bull terriers and staffies. They were ranked fourth. American pit bull terriers were fifth, bull mastiffs sixth and bull terriers seventh. In addition, there were 20 types of cross-breed dogs involved in the attacks. It could be expected that cross-breed types represented in the statistics for New South Wales in 2004-05 would be by no means exhaustive of the cross-breed types possible.

There were 873 reported attacks involving pure-bred or cross-breed dogs in 2004-05 in New South Wales. By contrast, the ACT's deed not breed approach recognises that any breed or cross-breed of dog may be potentially dangerous given poor socialisation, training or treatment of individual animals by their owners—or, indeed, membership of the Liberal Party. Therefore, by placing the emphasis on promoting responsible dog ownership and only potentially declaring dogs dangerous based on their behaviour, which may be due as much to the dog's environment or the treatment it gets from its owner, the ACT government's alternative deed not breed policy provides an incentive for an improved and higher standard of dog ownership and responsibility.

We believe that it is not the breed that is the issue; it is those people who own and are supposedly taking care of the dog who are responsible, and those are the people we will hold to account for dangerous activity. Indeed, if we go back to the analogy Mr Pratt made of a dog escaping from his house through a hole in his fence, taking off up Isaac Ridge and taking a kangaroo out—it is that individual dog owner that we will hold to account for the activity of that dog, in addition, of course, to probably then destroying the dog. But just stopping people having a dangerous breed will not stop that. The government will not be supporting the amendment.

MR PRATT (Brindabella) (5.57): This is a serious issue and I do not think that Dr Foskey and the minister have quite understood the gravity of it. I take the point that all dogs are different and that certainly some dogs identified as belonging to the more notorious dangerous breeds can be somewhat tamed and can be quite reliable, and we know, of course, that other dogs can have perhaps a problem and become somewhat vicious. However, in the interests of not wanting to offend dog owners, good governance does not mean that you play Russian roulette when it comes to safety.

Again I want to point this out, in response to the very disappointing comments made by Dr Foskey and by the minister, which are clearly much more of a libertarian approach than a duty of care approach: how can you both say that if I, Steve Pratt, keep a dingo cross in my backyard, this does not present a serious risk to the three, four and five-year-old children who predominantly reside in my street? A large group of young children live in my street. Why should I not be required to specially register that dog or perhaps an Argentine fighting dog or one of the other identified dogs? Why should I not be required to specially register that dog and to ensure that my backyard does not allow that dog to escape out of my yard or that my yard does not unnecessarily lead three, four and five-year-old children from my neighbouring

properties accidentally into my place? We have seen enough examples around this country of poor little kids walking, unknowingly, into those sorts of circumstances.

Therefore, I stress again the need for this amendment, to ensure that we start somewhere with a dangerous dog breed list. It is very, very important that, whilst we have the debate about what constitutes a dangerous dog or a dangerous dog breed, we at least start with a list so that we can put in place the processes needed to discipline both the government and its departments and all of us.

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

Adjournment

Australian Labor Party—policies

MR SESELJA (Molonglo) (6.00): I would like to say a few words about the recent comments of Peter Garrett and what I think they might mean for the Australian people if they do choose to support the Labor Party at the federal election. Peter Garrett was a very loveable rock star, I have to say. I used to quite enjoy listening to a bit of Midnight Oil. In fact, I must confess that I still occasionally listen to a bit of Midnight Oil. I go back to the old favourites. *Beds are burning* from the *Diesel & Dust* CD was fantastic.

I remember the opening of the national museum. Peter Garrett and Midnight Oil were there, and it was quite a performance. He was quite a performer. As an activist he was somewhat more extreme. With the ACF we saw some of his views on various things. We saw him vehemently opposing US bases. Of course, once he joined the Labor Party he recanted.

He once said that any economic growth is always accompanied by commensurate environmental degradation. For someone who aspires to be environment minister of this country, that is an interesting thing to say. Essentially, he believes that economic growth automatically will cause environmental degradation. But if we look around the world we see that the countries that are the most developed tend to have better environmental records than less developed nations. If anyone wants to look around the world for examples, they would not have to go too far.

The stupidity of that statement, of course, is clear. But it does demonstrate where he was coming from. The only part of his true beliefs that has come out in Labor Party policies so far is the 60 per cent target by 2050 that the Labor Party has put on the table. Of course, they are happy to put long-term targets, but they did it without doing the work as to whether it can be done and what the impacts might be. This is one of the dangers of the policies espoused by Peter Garrett and the Labor Party in these areas. But, of course, we saw the true colours coming out recently when Mr Garrett said to Steve Price, "Once we get in we will just change it all."

We have seen a lot of me-tooism from Kevin Rudd. Rudd is, in fact, the acceptable face of the Labor Party. They have put him forward as someone who seems inoffensive and who seems like he is not going to change very much once he gets in.

But Peter Garrett has, of course, let the cat out of the bag with his comment that once they get in they are going to change it all. He did not just say it to one journalist. He said on two different occasions. He said it to Steve Price and he said it to Charles Woolley as well. We have to surmise from that that perhaps he actually means it. It was not just a one-off line that he used in an airport. He has used it more than once and perhaps we should actually take him at his word.

This is the Labor Party that very recently elected Mark Latham as their leader and until recently was prepared to put him up as their alternative prime minister. Half of the caucus believed that Mark Latham was the best man to lead this country. We know how that turned out. The current deputy leader of the Labor Party is a big Mark Latham fan. I guess the question for the people of Australia will be whether Julia Gillard and Peter Garrett have more control than Kevin Rudd and perhaps Wayne Swan. This is the great concern.

Some of the questions that come to mind are: what are they really going to do on greenhouse and what are they really going to do on tax? Are we actually going to see tax cuts? Lindsay Tanner is on record as supporting a 60 per cent top marginal rate. Are they going to balance budgets—none of the other Labor governments do—what will really happen to non-government schools and how much control will the unions have?

But the bigger concern, and it is apparent here in the ACT with the campaign to unseat Gary Humphries, is a Labor Party dominated by the likes of Julia Gillard and Peter Garrett with the Greens holding the balance of power. What kind of social outcomes might we see in that scenario? What kind of dugs policy might we see? What kind of policy might we see on the US alliance? What kind of tax policy might we see? What kind of policy might we see on the funding of non-government schools? This is a very scary prospect, a very, very scary prospect—Kerrie Tucker and Bob Brown with the balance of power with a union dominated left-leaning ideologically dominated Labor Party. It is very, very scary.

Water—use and restrictions

MR STEFANIAK (Ginninderra—Leader of the Opposition) (6.05): Thank you, Mr Speaker. It is scary, and I do not even think that Julia Gillard can sing. I want to speak about something different tonight. I have received several reports of the government, either through its contractors or its own employees, using very good potable water—drinking water—for industrial purposes. This relates to a couple of complaints I have received in relation to the new K-10 superschool on the old Ginninderra high site at Holt. I believe that Ms Porter received a first complaint, like I did, early in October—

Mr Hargreaves interjecting—

MR STEFANIAK: Yes, I can actually sing, Mr Hargreaves.

MR SPEAKER: Not everybody calls it that.

MR STEFANIAK: That is true. Nothing actually happened in relation to that complaint because on 30 October another constituent contacted me. He had witnessed

a water tank being filled from a fire hydrant to be sprayed on the ground for dust suppression at the site of the new superschool in Holt. This constituent was so incensed by what he saw that he stopped his vehicle, took photos and emailed them to me. I have given them to the media and I think he has also complained to the media about it.

I really think this is hypocrisy of the highest order on the government's part. Here we have a government that is supposedly trying to encourage people to save water. I am not criticising the private sector here, or indeed the contractor, for disobeying the law because you are entitled to fill up at a hydrant and you understand that you pay for it. But with the lower Molonglo treatment works literally a couple of kilometres down the road, five minutes drive and with Actew providing treated effluent which is perfect for building sites for free, why is the government not practising what it is preaching?

I understand, too, that the HIA and the Property Council of Australia have actually been in extensive discussion with Actew in terms of matters such as the quality of water required for building works and accessing treated water for certain usage. That proactive approach taken by industry is to be applauded. What I am criticising here is the do as I say, not as I do attitude of the Stanhope Labor government. Here is a government imposing water restrictions on the people of Canberra but ignoring its own rules and using perfectly good drinking water on a major building site. The government trumpets this site as the great new K-10 superschool.

Mrs Dunne: Environmentally friendly.

MR STEFANIAK: Environmentally friendly, Mrs Dunne says. Some of the foundations are not if they are using drinking water when they could use perfectly good recycled water from the lower Molonglo. I understand that a lot of councils do that. Indeed, up the road in Goulburn that is all they use in their building works.

Water restrictions are costing us dearly. It is a difficult time. It has been a difficult drought and it is costing us in economic, social and health terms. Mr Stanhope today could not or would not acknowledge those costs, and he is not undertaking any study to actually assess them. But businesses are suffering. People are suffering. People are seeing their gardens die. Thousands of trees around the ACT are dying because we are in a drought. We are also seeing the government continue with its plans for the arboretum, and it does make the point that it is using non-potable water for that. That is just as well. There was a furore when it looked like they were using potable water for their arboretum.

But here we have a major government building, a major government construction, a very high profile construction where not just the odd incident, but several incidents in the month of October were reported to the government. I understand that Ms Porter took this matter up and that other people have complained to the government about this continuing to happen.

What has the government done to require government contractors to comply with water restrictions? Are those requirements articulated in government contracts? It would seem clearly not because here we have a contractor using drinking water for

industrial purposes. This is a new project. Water restrictions have been around for years before this project started. Really, I think the government has been caught with its pants down here. It has got to live by its own standards for the use of water in the city. That is crucially important.

The Chief Minister is saying that we might have to go to level 4. That is a very real possibility. It behoves the government to take all reasonable steps to ensure that it practices what it preaches and that, wherever it can, it uses recycled water. Use the treated water from lower Molonglo. Do not use this precious resource out of fire hydrants for something like this.

World War I

MR GENTLEMAN: On Sunday I represented the Chief Minister in the ACT at the ceremony for Remembrance Day at the Australian War Memorial. In attendance were His Excellency the Governor-General and his wife, the Prime Minister, Gary Humphries, Bob McMullan, Kate Lundy representing the Leader of the Opposition, the Chief of the Defence Force, the chiefs of the navy, army and air force and many others.

While I personally view war as abhorrent, I do think it is important to remember those that have served Australia in the past. Remembrance Day is the day that Australia remembers those who died in war. In 1918 the armistice that ended World War I came into force, bringing to end four years of hostilities that saw 61,919 Australians die at sea, in the air and on foreign soil. Few Australian families were left untouched by the events of World War I, the war to end all wars. Most lost a father, son, daughter, brother, sister or friend.

At 11 am on 11 November we pause to remember the sacrifices of those men and women who died or suffered in wars and conflicts and all those who served during the past hundred years. The armistice became effective at 11 am the same day and the guns fell silent on the Western Front in France and Belgium. Four years of hostilities had ended.

More than 416,000 Australians volunteered for service in World War I and, of these, 324,000 served overseas. My grandfather was one of those in the 6th Light Horse Regiment. It was started in Sydney in September 1914 for men who had enlisted in New South Wales and became part of the 2nd Light Horse in Sydney on 21 December 1914. The Light Horse were considered unsuitable for the initial operations at Gallipoli, but were subsequently deployed, without their horses, to reinforce the infantry. The 2nd landed in late May 1915 and was attached to the 1st Australian Division. The 6th Light Horse become responsible for a sector on the far right of the Anzac line and was left there on the peninsula until 20 December 1915.

Back in Egypt the 2nd Light Horse Brigade became part of the Anzac Mounted Division and in April 1916 joined the forces defending the Suez Canal from the Turks in the Sinai Desert. It fought in the battle of Romani on 4 August, at Katia the following day and participated in the pursuit that followed the Turkish retreat. The regiment spent late 1916 and early 1917 engaged on patrol work until the British advance into Palestine stalled before the Turkish bastion of Gaza.

The focus of British operations then moved to the Jordan Valley. Early in 1918 the 6th was involved at Amman in February and Es Salt in April. These were tactical failures but they helped to convince the Turks that the next offensive would be launched across the Jordan. Instead, the offensive was launched along the coast in September 1918, with the 6th taking part in the subsidiary effort east of Jordan.

The Turks surrendered on 30 October 1918. The 6th Light Horse were employed one last time to down the Egyptian revolt of early 1919 and sailed home on 28 June 1919. So my grandfather came back to Australia and our family was able to continue.

Mr Mulcahy: And we have the blessing of you here.

MR GENTLEMAN: Yes, indeed. After World War II the Australian government agreed to the United Kingdom's proposal that Armistice Day be renamed Remembrance Day to commemorate those who were killed in both wars. Today the loss of Australian lives from all wars and conflicts is commemorated on Remembrance Day.

In October 1997 the Governor-General issued a proclamation declaring 11 November as Remembrance Day—a day to remember the sacrifice of those who died for Australia in wars and conflicts. The proclamation reinforced the importance of Remembrance Day and encouraged all Australians to renew their observance of that event.

Housing—affordability

MR MULCAHY (Molonglo) (6.15): Mr Speaker, I know that the opposition shares that sentiment in relation to Remembrance Day. It is an occasion that we must continue to keep in mind as we go forward and recognise the sacrifice from earlier generations.

I would like to use my time in the adjournment debate tonight to discuss a couple of issues. First, and most importantly, I want to talk about housing affordability. This, of course, is a hot topic at the moment. It is a serious issue but, as I have said before, I think that it is important not to get carried away. Anecdotally, I know more young people who have entered the housing market over the last few years than at any stage in the past. When I was in my twenties, owning a home was a rare event for a person of that age. I am now finding substantial numbers of young people in their twenties who have got properties, in some cases investment properties, so it is not all bleak out there, and I think we need to recognise that. But clearly there is a problem that needs some measure of addressing and that is why I want to focus on some of the announcements made by the Prime Minister yesterday.

Before I do, however, I want to place on record a quote that was the basis for a question today that the Chief Minister was not able to answer thanks to the intervention of Mr Corbell. In yesterday's *Canberra Times* Peter Martin said, "Any mortgagee today will be most likely be better off than a person in a similar position would have been under Labor in 1989, not worse off."

Now, there has been a lot of noise made by those opposite and their federal colleagues that says the exact opposite of this statement, which is based on data from the Reserve Bank of Australia. Under the Howard government, Labor would have us believe, the average mortgage holder is significantly worse off than at any stage under the previous Labor government whose hallmark, most of us would remember, was high interest rates. If you are young you probably do not know that but, in fact, we remember it very well, those of us who have been around for a while. I would be interested in hearing Mr Stanhope's position on the findings in the *Canberra Times* article. If he disagrees with it, I would be most interested in hearing his reasoning.

In my limited time today I would also like to touch on Mr Howard's announcements from yesterday. I said earlier that housing affordability is a hot topic at the moment and unfortunately, like many such topical issues, it has prompted a lot of talk but very little action from those opposite. In contrast, yesterday's announcements will have a meaningful result. They will enable more young people to enter the housing market.

It is worth mentioning just a few of the initiatives: tax free home savings accounts for children up to 18 allowing family members or the account holder to contribute a tax deductible total of $1,000 a year; tax-free home savings accounts for adults allowing adults aged between 18 and 39 to contribute up to $10,000 to the account, $1,000 of which is to be deductible; an arrangement to expedite the disposal of 961 hectares of commonwealth land; the creation of a community infrastructure projects program to the tune of $500 million over three years and $100 million for streamlining residents approvals programs. I want to take this opportunity to congratulate my federal colleagues on these initiatives. I urge the people of the ACT to support them because they will provide real benefit to the people of Australia and real benefit to our young people.

Just in concluding, Mr Speaker, in the final adjournment discussion before we went into the last break, Dr Foskey made some remarks. She said:

> I want to start by thanking my staff for their amazing effort during this and last sitting week. People may not be aware that I have two new staff, a lot of part timers, and it does seem that some members, in particular Mr Mulcahy, are not aware that my office has to deal with absolutely every portfolio. If we make mistakes, I do not go up there and roar at people. That is not my style. I reckon we do the best we can. I have learned not to shrink when Mr Mulcahy casts his glinted eye upon me.

Now, anyone reading that might come to the conclusion that these poor new staff upstairs were responsible for that blunder that was made earlier in the day that Mr Barr and I picked up where Dr Foskey delivered a speech which she had delivered previously and had to resume her seat after that became known in the chamber. But then later on the Thursday night in question I received this message from one of my staff:

> Was just talking with one of Foskey's staffers at the ANU event. She told me that the whole staff tried to tell Foskey that she had already read that speech before but she insisted that she hadn't and decided to read it.

Mr Speaker, when I make mistakes here, I do not come into this place and blame my employees; I come in here and accept responsibility. It has happened on two occasions where we have made an error. I would encourage Dr Foskey in future not to attempt to cast aspersions on other members or on her staff but, in fact, own up to the fact that she made the mistake in the first instance.

Schools—student smoking

MRS DUNNE (Ginninderra) (6.20): Mr Speaker, I cannot let the adjournment debate go without dwelling a little more on—I am not quite sure what I should call it; should I call it ciggygate or durrygate; perhaps faggate—and the minister for education's dreadful handling of the issue of a student in his care who has been given some sort of permission that has allowed her to smoke during school hours.

One of the things that became very clear is that, first and foremost, this matter was dreadfully handled by the minister for education. As I have said to many people, and I think I said it on radio the other day, if I had been the minister for education and this matter had come to my attention, I would have been very proactive about this and gone out and actually said, "If this is the case, if this is going on in one of the schools that I am responsible for, I make a commitment to the public that this arrangement will end today."

But what actually happened was that Mr Barr and his office tried to smother this event for the best part of a week, rather than getting on top of it and getting in front of it, and then they tried to blame everybody else for this issue becoming public. The end result was that when it all became too difficult to suppress any longer everyone was bending over backwards to impress upon the public that no permissions had been given for this student to smoke.

Now, it may be true that no permission was given for this student to smoke on school grounds and it may be true that no permission was given for this girl to leave the school grounds specifically to smoke. But I suspect that there was a "do not tell us, darling, and we will not do anything about it" approach where, yes, someone was given permission at the instigation of parents to leave the school grounds with the full knowledge of the school authorities and, eventually, the minister that if they did this this girl would smoke.

I could have come down here today and read you fact sheet after fact sheet about the perils of smoking at any time, but especially at a young age. What this has actually brought to our attention is that we have a problem in ACT schools and that we have a minister who, instead of addressing that problem head-on, has just tried to bury it everywhere.

One of the things that really stuck out for me the other day listening to the interview, not listening to the broadcast of the interview, but actually listening to the interview that Mr Barr and staff of the Department of Education did in relation to this issue was where that official from the Department of Education said something along the lines of, "We have noticed a drastic reduction in the number of people who are smoking at

school." This actually begs the question: how many people are now smoking and how many were smoking hitherto?

Over the last two weeks, this debacle, this farrago from Mr Barr and his faggate has revealed that we actually have a situation where we are giving young students permission to smoke at school and saying that it is all right. No matter how much the minister and his officials bend over backwards saying that permissions were not given, the clear message is that it is all right to smoke in and around ACT government schools.

What does that do for the reputation of ACT government schools? At a time when people are queuing to leave the government school sector and go to the non-government school sector, especially in the high schools, we have this absolutely disastrous public relations event brought about by Mr Barr. As a result there are more people wanting to leave.

I have actually come across people who have said to me, "This school was on my list of possibles. It is no longer on my list of possibles." Mr Barr, through his mishandling of this matter, once again has brought down the reputation of ACT government schools. Mr Stanhope came in here today with his new appropriation bill saying that he wants ACT government schools to be the first choice for all Canberrans. So do I, Mr Speaker. But nothing that Mr Barr, the minister for education, has done in the past fortnight has done anything to enhance their reputation.

Question resolved in the affirmative.

The Assembly adjourned at 6.25 pm.

Schedules of amendments

Schedule 1

Electricity (Greenhouse Gas Emissions) Amendment Bill 2007

Amendment moved by Dr Foskey

1
Clause 4
Page 2, line 11—

omit clause 4, substitute

4 Territory greenhouse gas benchmarks Section 7 (1) (c)

substitute

(c) for the year 2007—7.27 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population;

(d) for the year 2008—6.91 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population;

(e) for the year 2009—6.56 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population;

(f) for the year 2010—6.23 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population;

(g) for the year 2011—5.92 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population;

(h) for the year 2012—5.63 tonnes of carbon dioxide equivalent of greenhouse gas emissions per head of ACT population.

Schedule 2

Domestic Animals Amendment Bill 2007

Amendments moved by the Minister for Territory and Municipal Services

1
Clause 9
Proposed new section 15 (7)
Page 5, line 14—

omit proposed new section 15 (7), substitute

(7) Subsections (1), (2) and (3) do not apply if the dog is not wearing its registration tag, or another tag that shows its registration number—

(a) on the advice of a veterinary surgeon given for the dog's health or welfare; or

(b) in circumstances approved, in writing, by the registrar.

Schedule 3

Domestic Animals Amendment Bill 2007

Amendments moved by Mr Pratt

1
Proposed new clause 9A
Page 5, line 17—

insert

9A New section 22A

insert

22A Declarations—dangerous dog breeds

(1) The Minister may declare a stated breed of dog to be a dangerous dog breed.

(2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified under the Legislation Act.