



# Debates

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Legislative Assembly for the ACT

**SIXTH ASSEMBLY**

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**Wednesday, 14 November 2007**

**The Assembly met at 10.30 am.**

*(Quorum formed.)*

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

## **Petition**

*The following petition was lodged for presentation, by Mr Pratt, from 1,132 residents:*

### **Roads**

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the assembly that:

1. as a result of residential development in southern Tuggeranong there has been a significant increase of traffic on arterial roads connecting the region to the rest of the ACT;
2. the increase in traffic on arterial roads, particularly on Tharwa Drive, has resulted in a significant increase in the travelling time for southern Tuggeranong residents; and
3. the substandard nature of arterial roads in southern Tuggeranong coupled with the increase in traffic has resulted in the region's roads becoming less safe.

Your petitioners therefore request the Assembly to alleviate the traffic problems being experienced in southern Tuggeranong by duplicating Tharwa Drive from Pockett Avenue in Banks to Johnson Drive in Theodore, as well as duplicating the remaining section of Drakeford Drive.

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

## **Government Transparency Legislation Amendment Bill 2007**

**Mrs Dunne**, pursuant to notice, presented the bill.

Title read by Clerk.

**MRS DUNNE** (Ginninderra) (10.33): I move:

That this bill be agreed to in principle.

I have great pleasure today in presenting the Government Transparency Legislation Amendment Bill. It does not come with an explanatory statement at this stage because of some changes that the Parliamentary Counsel and I made yesterday afternoon. There was some renumbering; it will be circulated and I will seek leave to table it later today or tomorrow. I apologise to members for that.

The bill being introduced today is the result of my experiences and those of other members of the Canberra community over the last year, in our attempts to obtain information about the motivations of the Stanhope government in its decision to close 23 schools in Canberra. We all remember that in April 2006 the new minister for education and new member of the Legislative Assembly, Mr Barr, made commitments to openness. He said in this place on a number of occasions that everything in relation to school closures would be on the table. Unfortunately, that was the first of the big lies about school closures. Actually, it was not the first of the big lies; the first big lie was when the government said it would not close schools.

My experiences as the shadow minister for education, and those of countless members of the community over the last year, continuing to this day, have been that the Stanhope government's and Mr Barr's commitments to openness and accountability are mere words and nothing else. These amendments today begin what the Canberra Liberals see as being a very overdue revamp of the Freedom of Information Act. These first steps are taken as a result of my experiences and the experiences of our constituents over the last year.

I will give a little bit of context and a reason for my passion on this subject. Back in 1982, when the Commonwealth freedom of information legislation was introduced, I was an FOI officer. I helped to set up the FOI arrangements in the commonwealth department of education before the act was commenced, and I was an FOI officer working on the release of documents for some time after the commencement of the act in 1982.

Over the years, I have had considerable contact with freedom of information matters. When I was a staffer to a minister in this place, it was one of the things I was very passionate about that we should do properly. One of the first occasions when I had concerns about the operation of freedom of information in the ACT came about when an official rang me and said, "We've got this FOI request about a matter and there are some documents here which may be inconvenient."

The words used were "inconvenient" or "might embarrass the minister if they were released". The official asked: "What do you want me to do?" I am a person who, I hope, lives by my principles. I said to the official: "It's your job to tell us that you have released a document so as to give us some warning that something might blow up, but it's not your job to come to me or to the minister and ask for permission for that document to be released. You have to apply the act as it stands and not take into consideration whether or not my boss would be embarrassed by it. He's a big man; he has to look after himself."

That is the principle that I have always applied in the application of the Freedom of Information Act, in and out of government, as a public servant or as a ministerial

adviser. I think I have a fair track record, going back to 1982, of experience with the Freedom of Information Act. As a result of that, we are seeing today what I would say are the first steps of reform of administrative law in relation to people's access to information.

The Government Transparency Legislation Amendment Bill does four things. It amends the Financial Management Act to make provisions for the publication of the report of the strategic and functional review of the ACT public sector and services. It highlights the responsibility of respondents in a freedom of information matter to assist the Administrative Appeals Tribunal in reviewing the material in question. It removes most of the circumstances where a minister can issue a certificate under the Freedom of Information Act, and it increases the status and applicability of the model litigant guidelines.

The Stanhope government was elected in 2001 on a platform of reform of the Freedom of Information Act, but it has not done so. The only reforms of the Freedom of Information Act that I have been aware of are those which were introduced recently by the attorney and which in fact made it easier to issue conclusive certificates, not harder.

Going through the provisions of this bill, clauses 1 to 3 are the usual mechanical provisions and clause 4 sets out the purpose. The purpose of this bill is to improve transparency and accountability in the exercise and functions of the ACT territory executive by ensuring that decision makers take all reasonable steps to assist the proceedings in the administrative review of decisions, promoting freedom of information by limiting the ability of ministers to issue conclusive certificates and establishing a statutory basis for the model litigant guidelines.

The bones, the guts, of the legislation are contained in the schedule of consequential amendments. The consequential amendments amend the Financial Management Act by inserting a new part 9A which relates to the report of the strategic and functional review of the ACT public sector and services, sometimes referred to as the functional review or the Costello report.

Part 1.1 of the schedule creates a new section 126 of the Financial Management Act which defines and describes the functional review as the report of the strategic and functional review of the ACT public sector and services. To remove any doubt about the identity of the document, the explanatory memorandum will include a copy of the conclusive certificate issued over this document by the Chief Executive of the Chief Minister's Department on 5 September 2006.

New clause 127 of the Financial Management Act requires that, three weeks after the commencement of this law, the responsible minister must publish, both electronically and in printed form, the functional review and make it available for purchase or inspection. New clause 128 of the FMA makes it clear that the Freedom of Information Act would not provide exemptions to the release of the Costello report once this law is passed.

The 2006 budget was premised on the information contained in the Costello report of the functional review, and there have been numerous attempts through the

mechanisms of this house, by freedom of information, to obtain what should be a public document. Until now, the government has hidden behind a range of ruses and said, "We can't release it because it is cabinet-in-confidence." Making something a cabinet-in-confidence document does not mean it must be kept secret. At any time the minister can say, "Even though this is a cabinet-in-confidence document, I am releasing it to the public." This legislation makes provision for the people of the ACT to see the reason behind the draconian cuts in the 2006 budget by releasing the Costello report.

The rest of the legislation is about making the administrative processes better and clearer. Part 1.2 of the schedule amends the Administrative Appeals Tribunal Act 1989 by inserting a new section 32 (1A) which requires a respondent, in a review of a decision, to take all reasonable steps to assist the tribunal in making its decisions. This provision almost exactly mirrors the provisions in the relatively new section 33 (1AA) of the commonwealth Administrative Appeals Tribunal Act. This is a simple change that makes sure that public servants are just that—that they serve the public and that, when they go to a review of a decision they have made, they assist the decision maker in coming to a conclusion about whether that original decision was a well-made one and that they do not find means of obfuscating.

The real meat on the bones is contained in part 1.3 of the schedule. These are amendments to the Freedom of Information Act 1989 which remove the power of ministers to issue conclusive certificates under sections 35 and 36 of that act. That is in relation to cabinet documents and internal working documents. I considered removing certificates that relate to national or commonwealth-state relations but decided not to at this stage.

This is something that needs to be discussed at COAG level. Some of the documents that would come under those exemptions relating to national security and commonwealth-state relations may not be documents of this territory but documents that have come into possession of the territory, and it would be perhaps inappropriate for someone to use a loophole to get to those documents which otherwise may not be released. Matters in relation to national security and commonwealth-state relations need to be discussed at a national level and they need to be discussed at COAG.

It is interesting that the current Leader of the Opposition has made commitments to remove all conclusive certificates from the commonwealth freedom of information legislation, and this has not been ruled out by the commonwealth government. I would ask the current attorney in this place to take a leaf out of his national leader's book and follow him down the path of doing something about conclusive certificates.

Part 1.4 of the schedule removes the power of the minister to issue conclusive certificates under section 35 and part 1.5 removes the power of the minister to issue certificates under section 36. The subsequent parts, 1.6 to 1.23, are consequential amendments that remove further references to certificates issued under sections 35 and 36 of the act.

As I said, these laws begin the process that the Stanhope government said it would introduce when it came to power in 2001. It said it would open the windows and let

the light in; instead it has been doing business in the darkest cellars. Far from reviewing the FOI system to promote transparency, it has raised to the level of an art form the abuse of the system to hide from accountability, to quash potentially embarrassing information. In particular, it has cynically used loopholes to sabotage the extensive review provisions built into the existing legislation.

The worst example has been the abuse of conclusive certificates. These certificates were intended to be used in exceptional circumstances for documents that are so sensitive that even the reviewer should not see them—things such as national security matters and the like. Emboldened by the decisions in the McKinnon case last year, the Stanhope government have used them for documents that they do not want the reviewer to see, because if the reviewer saw them it would be obvious that there was no basis for their suppression. *Towards 2020* is a prime example of how the government have become an abuser of the FOI system. Literally thousands of pages of school closure documents were suppressed out of pure political cynicism.

I have come to the conclusion that the only way to make FOI work in the ACT is to remove the mechanism of conclusive certificates as they relate to territory documents. Frankly, I do not believe there is any legitimate use for them in a place like the ACT in relation to cabinet documents or internal working documents, and it is not something that this government can be trusted with. This bill puts the ACT process under closer public scrutiny by taking away a minister's power to issue a conclusive certificate.

The laws I have introduced today are a direct result, as I have said, of my own experiences and those of other members of the community in our attempts to get to the bottom of the Stanhope government's decision over school closures. In doing so, the Canberra Liberals are seeking to create a fairer and more transparent government, while the Stanhope government is running in the opposite direction.

Part 1.4 of the schedule amends the Law Officer Act 1992 to give statutory recognition to the ACT model litigant guidelines. Clause 1.24 gives new powers and responsibilities to the Attorney-General. Clause 1.25 requires the Attorney-General to produce and publish model litigant guidelines and requires that all people performing territory legal work comply with the guidelines.

New part 5AC of the principal act requires that the chief executive of the Attorney-General's department report on compliance with the model litigant guidelines and report any breaches that have been brought to the public's attention. Again, this is a simple change that makes sure that people serving the public are doing just that, whether they are public lawyers or people employed by the public to act on behalf of the government, so that they are actually serving the people who pay for the government.

The model litigant guidelines already exist. This legislation raises their status in a way that ensures that people will have a better regard for the operation of the model litigant guidelines. In a sense, it does not create much work for the attorney, but the passage of this bill would create an opportunity for a review of the model litigant guidelines, to have them published and to give them some status. It would be possible

in the future for tribunals, magistrates and judges to comment adversely if a public lawyer, a lawyer acting on behalf of the territory, did not comply with the model litigant guidelines. That would be a considerable rebuke to a lawyer, and that is why we have done this.

The experience that prompts me to do this is the experience that I have had in the Administrative Appeals Tribunal and that other people have had in trying to make AD(JR) cases and the like in the Supreme Court. The obfuscation they have experienced at the hands of government lawyers shows that they are not working in a spirit of openness and cooperation.

It is timely that this legislation has been introduced today because it coincides fairly roughly with the report of the independent audit into the state of free speech in Australia, chaired and compiled by Irene Moss AO, which was published on 5 November. I commend the 300-odd pages to the attorney and to the Chief Minister, the bastion of free speech and human rights in the ACT, because I think it is very sobering reading.

The ACT does not get much of a guernsey because we are only a small jurisdiction, but there are many lessons in this piece of reporting that we should be taking home. It will certainly be the bible, to an extent, that the Canberra Liberals will be using when they undertake their reform of administrative law in relation to access to freedom of information. It is timely to quote from Irene Moss's report in relation to freedom of information. In her summary in relation to freedom of information she says:

FOI laws work effectively and reasonably consistently when they are used to provide access to personal information ... A range of factors limit their effectiveness in ensuring access to documents relevant to government accountability ...

That was the very reason for them in the first place. She goes on to say:

No government, federal, state or territory, has taken sustained measures to deal with an enduring "culture of secrecy" still evident in many agencies. There are few visible, consistent advocates of open government principles, within government systems and leadership on FOI is lacking.

Today, the Canberra Liberals are taking leadership in relation to FOI in the ACT. We will see the Stanhope government come scurrying afterwards. In February and March 2001, Jon Stanhope made great commitments to amend the Freedom of Information Act, and he has done nothing. Today, the Canberra Liberals are starting to make the changes that he said he would make in 2001. We are taking the leadership that has until now been lacking.

It is timely that we talk about some things relating to the culture. There have been a number of reviews of the Freedom of Information Act. In 2006, the Commonwealth Ombudsman reviewed the commonwealth Freedom of Information Act. He said:

A person's enjoyment of the rights conferred by the FOI Act should not depend on the agency to which their FOI request is made. There should be a uniform



commitment to FOI objectives across government—a whole-of-government standard, as it were. We expect all agencies to perform at a uniform standard in administering financial integrity laws, and we can equally expect consistency in the administration of democratic integrity laws.

Today, the Canberra Liberals are taking a stand. This is the first of our stands in relation to the Freedom of Information Act. We will be ensuring integrity, openness and access to free speech and information in this territory, and it is time that the Stanhope government got on board. I commend the bill to the house.

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

### **Electricity Feed-in (Solar Premium) Bill 2007—exposure draft Paper and statement by member**

**MR GENTLEMAN** (Brindabella) (10.53): I seek leave to table an exposure draft of the Electricity Feed-in (Solar Premium) Bill 2007 and make a statement in relation to the paper.

Leave granted.

**MR GENTLEMAN**: For the information of members, I table the following paper:

Electricity Feed-in (Solar Premium) Bill 2007—Exposure draft.

The explanatory statement will be presented when the bill is presented to the Assembly next year. A changing climate is a natural process for the environment. Unfortunately, our climate is changing in adverse ways at an accelerated rate due to the vast amounts of greenhouse gas emissions, most notably from fossil-based fuels produced by mankind. The ACT contributes approximately one per cent of Australia's greenhouse gas emissions; in turn, Australia contributes approximately the same percentage of global emissions.

These figures show that we here in the ACT are small players when it comes to greenhouse gas emissions—but players nonetheless. We as individuals, as a neighbourhood and as a community as a whole need to work together to start the social change required in addressing climate change.

For many years now there have been countless academics preaching about the need to address this issue. I firmly believe that all of us here in the Assembly and the ACT community are aware of the challenge that faces us. The deadline for action is fast approaching. One area where we can facilitate instant change is electricity production from renewable sources like the sun.

Our current level of dependence on fossil fuels is unsustainable. The transition to sustainable energy systems is one of the largest challenges to face mankind in the coming century. Our federal counterparts, led by a climate change sceptic for some 11 years, have failed to take the lead in an area where we need it most—and only recently have back-flipped, accepting that there is a problem.

Unfortunately for the Australian people, the initiatives suggested by the federal government, most notably nuclear power, are unwanted and, above all, unsafe. Our only nuclear plant, at Lucas Heights, has been shut down. The time, effort, cost and emissions it would take to establish one nuclear power plant, let alone 25, would take up to 15 years. Fortunately the Australian public knows better. We have not got 15 years to act; we must act now. We as a territory government have a duty to take leadership and encourage the social change required.

There has been much debate about what are the best ways to encourage, develop and adopt renewable energy. A book titled *Feed in tariffs: accelerating the deployment of renewable energy*, by Miguel Mendonca, was released earlier this year. A review of this book was undertaken by the ANU's John Sandeman OAM. He says: "This timely volume shows clearly that feed-in tariffs have been by far the most successful amongst the various methods attempted to encourage the development of renewable energy sources for electricity production." In his conclusions he states: "This book should send a wake up call to those who after years of denial about the reality of climate change are now admitting this fact, but still under the spell of the fossil lobby, can only see carbon trading schemes with either nil or only aspirational targets."

I am pleased to be part of a Labor team whose members are clearly not climate change sceptics. In July this year, the Chief Minister showed the leadership required by releasing the ACT government's climate change strategy. This is an important, forward-thinking document and one that outlines a detailed plan for the ACT's future in its efforts to combat climate change. I was pleased to see even more funding announced yesterday for the initiatives that the strategy contains. Part of the strategy was the release of the 2007-11 action plan 1. Within the action plan are many well-thought-out initiatives. I draw members' attention to action 18:

Introduce feed-in tariffs so that energy fed back into the electricity grid from distributed generation (eg. solar panels on buildings) is credited at a higher rate than energy bought from the distributor.

The ACT government has clearly outlined its intentions to pursue an effective feed-in tariff, and that is what I am proposing to the Assembly today with the Electricity Feed-in (Solar Premium) Bill 2007. I would like to quote directly from a European Photovoltaic Industry Association best practice report. They state:

In stimulation of PV market growth, a feed-in tariff is the single most important and most successful driver, when applied correctly. Other market support mechanisms ... will merely prove effective as and when all sources of energy ... reach the same level of competitiveness.

We here in the Australian Capital Territory have an opportunity before us that we must grab with both hands. Never has the need been greater. With this bill we have another opportunity to not only take the territory forward but also lead the rest of Australia. I have witnessed first-hand the benefits to a community that a feed-in law that is well thought out, well designed and well supported can bring. Parts of the developed world such as Europe and Japan have significantly pushed ahead with renewable energy development in the last decade—a decade when Australia has remained stagnant.

Some 41 countries, states and provinces have now enacted solar feed-in laws. South Australia has recently introduced a feed-in tariff, albeit one with little incentive. In Germany, which is the current benchmark for feed-in standards, there was a 30-fold increase in the amount of installed photovoltaics between 1999 and 2004. The Germans are now installing over 600 megawatts of solar PV per annum. We here in the ACT currently have approximately 60 connections, amounting to 80 kilowatts. As you can see, we have a battle ahead of us if we are to catch up. The positives of this are that, with detailed studies of these overseas feed-in laws, we can ascertain the key elements that we require to ensure the successful stimulation of renewable energy uptake here in the ACT.

In brief, a feed-in law is a system that encourages the use of renewable energy technology by offering economic incentives to households and to commercial and industrial buildings that generate their own electricity and feed it back into the grid. The power grid distributor is obliged to pay a premium rate for the renewable energy generated while still charging the producer the standard rate for the electricity that they consume. The cost will be passed on proportionately to all electricity consumers in the ACT.

The model that I am proposing for the ACT is based on the conclusions of the December 2005 *European best practice report*, based on a study of the national policy frameworks for photovoltaics in 11 European countries and Japan. In researching this, I consulted with various community groups, including ACTCOSS, the Conservation Council, industry experts BP Solar and Origin Energy, community groups, sea-change groups and local community councils.

All were supportive of the initiative. I point out that studies have shown that the majority of the population in the ACT is ready to accept an increase in electricity bills if it relates to renewable energy. There is an argument that renewable energy is far too expensive. While it is still expensive in comparison with fossil fuels, renewable energy will become increasingly competitive as the industry grows and new technologies are developed.

One of the main issues facing the accelerated uptake of renewable energy is the initial capital investment required. In effect, the solar premium enables renewable installations to become profitable long-term investments as the pay-back period—for example, 10 years—becomes less than the life of the system—for example, 30 years. It is with this in mind that the proposal put forward today contains a premium rate of 3.88 times the highest retail price of electricity for generation from a unit that has an installation capacity of 10 kilowatt hours and 50 per cent of that rate for larger installations.

It is important that the premium rate of the total amount of electricity generated is paid—unlike the South Australian model, which pays only the net amount. This rate will ensure that the pay-back periods will be met and will thus create a greater financial incentive to invest in renewable energy right here in Canberra. It is estimated that the cost of new installations will decrease over time as new technologies are developed and that the tariff will also decrease over time to reflect that.

I am proposing that the minister review the rate every year via a disallowable instrument, taking into consideration certain factors. When determining the rate, the minister must take into consideration the need to encourage the generation of electricity from renewable sources. The minister must also consider the need to reduce emissions of greenhouse gas, the pay-back period for the initial investment and the costs to the distributor.

This bill will be available as an exposure draft so that members of the public and stakeholders can ensure that any concerns are addressed in the legislation. I ask the government and stakeholders to have any submissions completed by the end of February 2008 so that the bill can be ready for the Assembly in March next year.

In closing, I would like to refer to the Stern report, which indicates that the cost of electricity in the future will be far greater if we do not act now. I have said it before and I will continue to preach these words: we have a fantastic opportunity here in the ACT to make a successful transition from reliance on coal and clean coal electricity to renewable energy.

I urge all members to support this bill. I believe, as do many others around the world, that this is an important piece of legislation. If and when this becomes law, there will not be a waiting time of 10 to 15 years. There will not be a waiting time while scientists develop clean coal technology. This is a concrete step that provides instant results. We have a powerful tool in the sun; let's not waste it. Herman Scheer, dubbed the father of the feed-in law in Germany, has made famous this quote: "remember, the sun doesn't send us any bills".

## **Hospitals—proposed inquiry**

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (11.05): I move:

That this Assembly calls on the Chief Minister to establish an inquiry under the *Inquiries Act 1991* ("the Act") into the public hospital system in the ACT with the following terms of reference, procedures and timelines:

### **Terms of reference**

- (1) to review and evaluate the internal governance and management practices and procedures of the public hospital system;
- (2) to review and evaluate the organisational and administrative arrangements for the public hospital system within ACT Health;
- (3) to assess the current impediments to the provision of hospital services to the population;
- (4) to assess the adequacy of beds and related equipment, particularly in the hospital emergency departments;
- (5) to assess the adequacy of suitably trained and qualified staff to provide the services required, particularly in the hospital emergency departments;

- (6) to review and evaluate the Government's strategies to meet the future needs of the population for hospital services;
- (7) to consider and evaluate any other related matters that may emerge in the course of the inquiry;

**The inquiry process**

- (8) call for submissions addressing the terms of reference;
- (9) require submissions from key stakeholders;
- (10) collate and analyse available sources for insights into public hospitals governance, management, and administration and organisational arrangements;
- (11) gather and analyse relevant facts, including statistics, benchmarks and attitudinal data;
- (12) frame and present specific questions of fact and interpretation to stakeholders (agencies and individuals) in writing for written response as necessary;
- (13) frame and present follow-up questions of fact and interpretation as required;
- (14) conduct public hearings and cross-examination of interested parties and stakeholders including, but not restricted to, key agencies and organisations;
- (15) prepare an interim report, including a draft concept, framework and process to implement sustainable hospital governance, management and administration and organisational arrangements;
- (16) take and analyse submissions on the draft report and finalise the report for delivery to the ACT Government;

**Time frames for the inquiry**

- (17) inquiry to present its interim report to the Chief Minister by 31 March 2008;  
and
- (18) inquiry to present its final report to the Chief Minister by 30 April 2008.

Around the country, we have seen some terrible failures in the public health system under various state and territory Labor governments. In Queensland, for example, we have seen the effects of the failure of the states to properly check on the credentials of overseas doctors, which led to the deaths of patients at the hands of a doctor now simply referred to as Doctor Death. In New South Wales, new horrors are being revealed daily in the public hospital system after a woman had a miscarriage in the toilet of a public hospital emergency department after being made to wait for hours for treatment.

Then we heard about the elderly lady who was parked in a supplies room—because, the health minister, Reba Meagher, said, it was close to the nurses station. Yesterday, at an inquiry into Royal North Shore Hospital in Sydney, a former surgeon testified that “cockroaches ran over patients during operations” and that operating tables sometimes broke in two during operations, due to age and fatigue. That doctor resigned after getting no response to his written complaint about these conditions. He said yesterday that the “endless procession of events” highlighted “bureaucratic negligence” and “medical indifference”.

Here in the ACT, without a shadow of a doubt, we are facing similar problems. Here in the ACT, any attempt by the opposition or by nursing staff, doctors or patients and their families to raise issues about the inadequacy of treatment, the lack of basic supplies and equipment and the extraordinary waiting times in emergency have met with the usual brick wall and confected indignation of this Stanhope government and its current health minister.

This motion was prompted by the death of Allan Osterberg, aged 30, who died of a suspected heart attack after waiting for four hours to be treated at the Canberra Hospital. By the Canberra Hospital’s usual standards, four hours is not a particularly long time to wait. The opposition knows of one case in which a woman had to wait 41 hours for treatment. Around eight hours seems to be the norm—and has been since about 2003; before that, the norm was about two hours, and had been for decades.

What made Mr Osterberg’s case worse is that this young man, who came to the hospital seeking urgent care and treatment for a life-threatening condition, did not receive that care in a timely way. Indeed, so bad was the failure in the hospital’s duty of care towards Mr Osterberg that he had a coronary, unnoticed—I repeat that: unnoticed. He was there for four hours, and he died, unfortunately, a few hours later. We do not know whether he would have survived—

**Mr Corbell:** On a point of order, Mr Speaker: the matters surrounding the death of the individual Mr Stefaniak refers to are subject to a coroner’s inquiry. I do not know to what extent Mr Stefaniak is able to venture an opinion on the matter ahead of the coroner’s inquiry, but I seek your guidance as to whether there are any conventions that Mr Stefaniak needs to have regard to, given that these matters are subject to a coroner’s inquiry which is ongoing at this time.

**MR STEFANIAK:** I will be careful. I am coming to it. I will be mindful of that, Mr Speaker.

**MR SPEAKER:** Yes, please be mindful. It is a matter before the coroner, Mr Stefaniak. You, as much as anybody, would be aware of the Attorney-General’s concern that you do not stray onto that territory too far.

**MR STEFANIAK:** Thanks, Mr Speaker. To reassure the Attorney-General, let me say that we do not know whether he would have survived, but he would have had a much greater chance if he had received care in a timely way. The coroner will be inquiring into this case.

But it would seem that this sad incident is only the tip of the iceberg. A couple of months ago, a man who had a heart attack at Bowral while on holiday from his home in Canberra was sent back to the Canberra Hospital by ambulance to convalesce. After being taken out of the ambulance on a stretcher, he was forced to sit in a waiting room for several hours before a bed could be found for him.

When a family member complained about the situation, a member of the hospital staff replied that the whole point of having a glass wall between the nurses station and the waiting room was that staff could monitor the condition of waiting patients by looking at their colour. The same relative was told by nursing staff that her father was very lucky to have had his heart attack in Bowral, because it was unlikely that he would have survived had he had it in Canberra. That is very concerning indeed.

Yesterday I mentioned an email from a member of the public who was recently admitted to the Canberra Hospital with two fractures, one of the compound variety, and a dislocation. I referred to his 10½-hour wait in an emergency bed with an exposed wound. I also referred to the fact that he remarked on the condition of the bathroom he had to use at the hospital. He thought it was a disgrace. He talked about the bottom of the mirror. He said that at the bottom of the mirror there was a tray in which lay dirty old toothbrushes, dirty old razors and a number of other things. He was quite impressed by the efforts of the staff, because he felt that they were run off their feet. Yesterday, I referred to some statements he made. He concluded by saying: "Little wonder I have experienced a repeated infection in one of the wounds, or was that caused by lying in accident and emergency for hours on end with an open wound."

The opposition has had reports of things like vomit being in the same place in a corridor days later and about ward toilets. We have heard, from nurses and patients' relatives, about equipment not being available—such as lifting equipment—causing one patient to hurt himself. And there are many reports of the lack of basic supplies.

What has the government's response been? The health minister told us yesterday that this was not true. According to Ms Gallagher, speaking yesterday in question time, there are always plenty of supplies even if a supply tray is sometimes temporarily depleted. Everything being reported by patients and their relatives—and nursing staff, before they were sat on by management so they could not speak—is apparently a figment of people's imagination. Ditto with the maxillofacial and reconstruction patients who have had to have allegedly failed operations or misdiagnoses fixed in the private sector in the ACT. According to the minister, these reports are just an attempt to smear medical professionals who, she appeared to threaten yesterday, would not stand for much more of this.

This is not the first time that the opposition has been threatened by this government on the issue of the standards of medical care in our public hospital system in the ACT. Ms Gallagher says blithely that she is "confident" or "very satisfied" with the process in the public hospital system, and specifically in the Canberra Hospital. She said yesterday that she would not speak further about the maxillofacial and reconstructive surgery area. She was most indignant that a public hospital system which has patients

who have an urgent need for medical care wait for hours and hours—which sticks infectious patients in a corner of a public ward while hiving off around 30 single rooms for administrators offices, and which does not even necessarily provide a clean and hygienic environment—would be criticised by my colleague the shadow minister for health.

This is a government that does not have any interest in being accountable. This is not a health minister who is working strenuously to address these serious issues. Indeed, the issues are being denied. All we ever have from the government is buck passing and whingeing. It is usually about the commonwealth. The government is never responsible for the system that it manages here in the ACT—just like every other state government and the Northern Territory managing a health system.

This is why we need an inquiry into the parlous state of the public hospital system in the ACT. The system has been run down by the Stanhope government despite record levels of funding. The health budget is \$700 million, a fact often trumpeted by the ACT government. This year the ACT government will get \$823 million in GST from the commonwealth government to spend as it sees fit. Even the Chief Minister has conceded that the issue is not funding but management of the public hospital system. Let me quote Mr Stanhope's words from 9 October on ABC radio: "There are clinical issues and staffing and systemic issues that we need to address, investigate closely. We need to ensure that when mistakes are made we own up to them in full and we seek to redress."

They are fine words indeed. There are a growing number of external studies which show just how poorly the ACT is doing in public health care. In August a report by the Australasian College for Emergency Medicine found that the ACT's hospital emergency departments have more patients and longer admission waiting times than three years ago. According to *The state of our public hospitals*, a report from the federal Department of Health and Ageing in June 2007, the ACT performed poorly, rating equal last in Australia for public hospital beds per 1,000 weighted population, second last for the percentage of patients seen within the recommended time—70 per cent—last for the percentage of admissions that waited longer than one year for elective surgery, and last for the median waiting time in the emergency department. The AMA has issued a damning scorecard. In July we heard the Australian Nursing Federation ACT Branch warning about the pressures on nursing staff and the possibility that care could be compromised, despite the very best efforts of our hardworking nurses.

Yet according to this government, this Chief Minister and this health minister, everything is rosy. We have a "fantastic health system", to quote the Chief Minister. According to Mr Corbell, the acting health minister several weeks ago, speaking after the death of Mr Osterberg, Canberra cannot expect a system that is fail-safe. What sort of attitude is that—to admit a margin of failure before you even start?

We are calling for an inquiry under the Inquiries Act. The government, when in opposition, was very keen to see the same occur in relation to disability services. Back in 2000, Mr Stanhope, as opposition leader, would not have countenanced such a blase, hit-and-miss sort of attitude to the provision of services which go to the life and death of people in our community.



Back in November 2000, after the deaths of people in the care of disability services, Mr Stanhope argued for an inquiry into “service quality, service monitoring and accountability, consumer protection and resource allocation”. He was most adamant that there was “no cogent argument to suggest that the coroner cannot go off and do his duty, and that this Assembly cannot initiate an inquiry into all those other issues that are vital in an assessment of the extent to which disability services are being appropriately delivered in this city, for the people of Canberra.” That is what he said. All you need to do is remove the words “disability services” and replace them with “the public hospital system” and the situation is the same today.

I am pointing to Mr Stanhope’s comments in November 2000 because the government has stated already that there is no need to run a coronial inquest side by side with the wider inquiry the opposition is calling for. What nonsense! It goes against everything it said in opposition. This is in no way to impugn the investigation of the coroner, but rather to highlight the breadth of the community’s concerns about the state of the public hospital system in the ACT.

Let me quote Mr Stanhope again, from page 3,406 of *Hansard* in November 2000. In calling for an inquiry which subsequently became the famous Gallop inquiry, he stated:

It is a nonsense to suggest that we cannot initiate an inquiry into the systemic issues in relation to the delivery of disability services and care because there is a coronial inquiry currently proceeding in relation to some deaths of people in very sad circumstances while they were in care. It is just a nonsense to me.

Mr Speaker, let me tell you that it is equally a nonsense to me if we cannot have an inquiry into our public hospital system at the same time as this coronial inquiry into the sad death of Mr Osterberg. It is also a nonsense to me if the government turns around now and does not support this inquiry.

The purpose of an inquiry into our public hospital system is clear. It is not to satisfy Ms Gallagher that the public hospital system is functioning as it should. It is to satisfy the people of Canberra and the people of the ACT who pay through their taxes for a public hospital system and who have every right to expect the highest level of care in that system—just as they did in relation to disability services with the Gallop inquiry.

If the public hospital system is as good as the health minister and the Chief Minister would like us to believe, with maybe a few little hiccups here and there, then, on the basis of what the Chief Minister said when he was opposition leader, in initiating the Gallop inquiry the government should have no compunction about laying bare the management of our public hospitals for all to see. But if—as the opposition has maintained on the basis of external reports, the testimonies of nursing staff, patient and family complaints, and statements by doctors and others—the management of our public hospital system in the ACT is not so good, the government is not likely to want to put its dirty linen on show.

I remind the government and the health minister that lives are at stake, and at least one has been lost in extremely sad circumstances where timely care and treatment may not

have been forthcoming. Problems in our health system and our hospitals are an indictment of our public healthcare system in this rich nation and this rich city. People are sick of excuses as to why they cannot be fixed. If it was good enough for the current government, when in opposition, to initiate in the Assembly an inquiry into those sad deaths of people in disability care, then it is good enough to initiate an inquiry into our hospital system.

The Gallop inquiry led to significant improvements in the provision of services for disability care. It led to a number of reforms being made. Surely that is what we want to see—an independent inquiry chaired by an independent person in accordance with the terms of reference, who will go out there, see what is what and make recommendations as to how it can be fixed. The opposition and the community are sick of the excuses of this government. We believe that there is no excuse for the government to refuse an inquiry into the public hospital system in the ACT.

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (11.20): I welcome the opportunity to talk again about the public health system here in the ACT. What we have seen this morning from Mr Stefaniak is yet another attack on our health system from the opposition. It is another attack on medical staff. In fact, Mr Stefaniak made several references to the quality of medical care being provided at the hospital. As Mr Stefaniak would know, the medical care being provided at our hospitals is being provided by doctors and nurses. So you cannot, on the one hand, say this is not about attacking doctors and nurses and then attack the quality of medical care. We could all come in here and read letters—I could read a number of letters that I get from people who have come through the hospital system and had a wonderful experience with the hospital system. I look at it as just a tactic to stand there and read out a longwinded, obviously complex experience that a patient has had.

There are over 100,000 cost-weighted separations and 70,000 admissions to our public hospitals every year. As the acting health minister said, a health system deals with sick people, and sometimes we do not get it right for them. At times, the system does not get it right, and the system changes when those cases are reviewed. That is what we need. The system obviously deals with a group within our population who attend a hospital for one reason—usually because they are sick—and when the system does not work for them, we fix it. That is the system that we have put in place at the public hospitals. That is the process that we have in place—that is, to make sure that the system responds when experiences are bad or when the standard of care being provided is not what it should have been.

We have here a motion from the opposition seeking an inquiry. They are trying to create a scandal. They are trying to create a scandal where they have not been able to find one themselves. When we have asked for proof of all these problems that they know of in the health system, we have Mrs Burke tabling her own media releases. That is the only proof that Mrs Burke—

**Mrs Burke:** Because I am not required to table anything, and you know that. You have to like it or lump it. You know I'm telling the truth.

**MR SPEAKER:** Order! Mrs Burke.

**MS GALLAGHER:** The only proof Mrs Burke has been able to provide of all of these alleged scandals in the health system is a piece of paper that she has written herself. Well, sorry, but I cannot take that as proof to back up the claims that you are making. In fact, the first claim that was made was that we have a disastrous system in terms of supplies and consumables. As we have seen, and as I said yesterday, what we have had is the Auditor-General come out and say that there is no reason for a performance audit in this area because she can find no significant deficiencies in the processes that ACT Health has put in place to ensure that we have the supplies and consumables we need.

We have this amazing situation where yesterday Mrs Burke attacked the government for delivering record levels of elective surgery. I said that over 9,000 operations have been performed, and Mrs Burke claims that that is a disaster because it shows what a terrible situation the waiting lists are in. She does not realise that the waiting list is not 9,000—that is, operations that have been performed for 9,000 people. But she says, “Well, you should not brag about that as though it is something good.”

**Mrs Burke:** How long have they waited?

**MS GALLAGHER:** Mrs Burke, you do not understand the health system, and you are wrong again on that. This motion by the opposition is really trying to set up, I think, an inquiry to try and deliver them some problem with the health system, because they have not been able to find one themselves.

**Mr Pratt:** That’s the Reba Maegher defence.

**MR SPEAKER:** Order! Mr Pratt.

**MS GALLAGHER:** The opposition talks about management beating down staff and problems with supplies. I think this is an amazing situation where the opposition is linking cases outside the ACT as justification for claiming an inquiry needs to happen here. We have so many processes for you to find out information. Mrs Burke asks the question, she gets an answer. We have Assembly committees to use if you want an inquiry into the public health system. Run it through the committee system. I am appearing before the annual reports hearings in the next week. Ask me questions through the committee system. Questions on notice—we answer every single one of them.

**Mrs Burke:** No, you don’t. You used to.

**MR SPEAKER:** Order!

**MS GALLAGHER:** Any information the opposition want, they get. There are procedures and processes in place that deal with the opposition’s alleged concerns around the health system. We have had a review into the health system. In fact, a comprehensive review was performed in 2002—the Reid review. That has significantly changed the health system over the past five years. Major reforms were implemented as a part of that. The structure of the health portfolio was simplified.

There is one line of accountability now. We involve health professionals in decisions around how the health system runs. We involve the community in how the health system runs. We have got the ACT Health Council, chaired by Kate Moore, which looks into aspects of the health system.

**Mrs Dunne:** Aspects.

**MS GALLAGHER:** All aspects; they are not constrained by anything. They provide advice to me. The Health Council is made up of eminent representatives across our community—health professionals, community members. They are all there having a look at the health system and providing advice. They are there to do that for the government.

**Mr Stefaniak:** That was all there for disability services, and you had an inquiry, and rightly so. Have an inquiry now.

**MS GALLAGHER:** There is simply no reason to have an inquiry into the health system along the lines that Mr Stefaniak is proposing. In fact, in terms of some of the allegations that are being made that the health system is not coping—

**Mr Stefaniak:** Doctors and nurses would like an inquiry.

**MR SPEAKER:** Order! Mr Stefaniak.

**MS GALLAGHER:** If you simply look at the investment the government has made in recent years, we have got 147 new beds dealing with the amount of pressure that we have seen, the increases in demand for services. We continue to increase bed numbers; we continue to increase doctor numbers; we continue to increase nursing staff; we continue to increase allied health professionals; we continue to look at our community health providers. We are planning for the future. I know I have been criticised in this place in the past for having too many plans and not enough delivery. We are planning for the future for chronic disease management, early intervention, prevention and health promotion.

This government is tackling the pressures that will face this community in years to come on all fronts. We are dealing with the acute sector; we are dealing with the subacute sector; we are dealing with health in the community; we are dealing with early intervention; we are testing our year 6 kids to see how fit they are and to see what we can do to make sure that when they become adults they are not going to present this community with a health problem that we cannot respond to.

All our indicators in our national health performance show improvement of the ACT's health system over recent years. Our access block at the emergency department is declining. We have opened new beds to get people out of the emergency department. Our ambulance off-stretcher time is improving. People are moving through the emergency department faster than they have in the past. But, yes, we are dealing with enormous pressures in these areas, and we must grow our health system to ensure that it can deal with the demands that are going to be placed on it in years to come.

There is a lot of work to be done in the health system. There is no such thing as a health system that does not occasionally fail. Anyone who stands here and says they could deliver a health system that never has a problem would not be telling the truth. We are dealing with sick people, often presenting with complex scenarios, and the hospital does everything it can to deal with their situations. But, from time to time, there will be problems. As I said, when we have problems, the system needs to respond to that. It does not respond in the Assembly chamber; it responds through the processes that are established in the health system to deal with them. For example, I refer to the case that has come before the Assembly a number of times in relation to OMFS. That needs to go through the processes at the hospital. That will not be dealt with in the Assembly, and it is not appropriate for it to be dealt with in the Assembly. It needs to be dealt with—

**Mrs Burke:** It has been going on for six years.

**MS GALLAGHER:** It has been going on for much longer than that, Mrs Burke, and you know it. You know that.

**Mrs Burke:** The blame game.

**MS GALLAGHER:** These are the processes that we have set up. Mrs Burke had a comprehensive briefing the day before yesterday on the processes that have been put in place to deal with concerns relating to medical professionals and concerns relating to patient experience. They have been firmly established since the neurosurgery issues, which we all know about, arose. They relate to clinical review committees and clinical privileges committees. There are processes that appropriately deal with concerns around the health system. As I said, there are a number of public forums. We stand here ready to respond. There is just simply no need for an inquiry like this, Mr Stefaniak. You have not been able to justify it. You have not got any proof of your concerns. Every time—

**Mrs Burke:** Ask the community.

**Mr Stefaniak:** We're giving it to you, Katy.

**MS GALLAGHER:** Well, the satisfaction rate in the hospital has never been higher. I am not saying that you will not be able to walk in here and read an email from someone who has not had a good experience in the hospital. We know that happens. I get the emails. You did not read the bit out in that email about how you had not responded to him, I notice—that bit about “Mr Stefaniak, why didn't you reply to me when I sent this to you?” You just cut that bit off the email. I get those emails; I get them, too. And what we need to do is look at those experiences and respond to them.

An inquiry like this will not address those issues. What you are trying to do is create a scandal where a scandal does not exist. If you had proof that there were significant problems in the health system, you would, no doubt, be providing that proof, probably not to me, but to the media. You have not been able to do that. We have a very good public health system, and I will not have it talked down. The performance indicators

on the state of our public hospitals show, apart from two, how well our public hospital system is delivering.

**Mr Stefaniak:** AMA's report card, concerns by the nurses.

**MS GALLAGHER:** Mr Stefaniak, show us your proof. Show us some reason why we should support this motion, because you have not been able to do it.

**Mr Stefaniak:** The AMA.

**MR DEPUTY SPEAKER:** Order! Mr Stefaniak.

**MS GALLAGHER:** Your shadow has not been able to do it, and the government is not going to support your motion. There is simply no reason to support the motion. There is no reason, as I have said, repeatedly—

**Mr Stefaniak:** That's not what your boss said in 2000.

**MR DEPUTY SPEAKER:** Order on the opposition benches!

**MS GALLAGHER:** All of the performance indicators show how well we are going in the health system. When referring to those performance indicators I am not just talking about emergency department waiting times in category 3 and 4 and waits for elective surgery; I am talking about all aspects of the health system. We report openly on that. Go to the website, have a look at it. We set the targets; we set the goals; we show you how we are performing every single quarter. We are more open than any other health department in the country in terms of public reporting around our performance. It is all there, Mr Stefaniak.

**Mr Stefaniak:** What are you afraid of?

**MS GALLAGHER:** It is all there. There is no need for an inquiry when all the information is there. All that you want an inquiry to do is to dig up a scandal or to try and find a scandal that does not exist. It would be a waste of time; it would not deliver anything; it would not change what happens in the health system, because the health system has been reformed by this government and it is delivering for our community. It will continue to deliver for our community as we plan and invest in our health system, which is something that you guys did not do. We fixed up your mess; we fixed it up in disability; we fixed it up in child protection; and we fixed it up in health.

**MRS BURKE (Molonglo) (11.33):** Well, well, well; that attempted speech by the health minister really shows her ineptitude. How shallow! When you read back some of these comments, you see the shallowness of this minister in being able to take charge of one of the most important portfolio areas in this government. She sits there trying to be in denial and saying everything is rosy in the garden. Mr Deputy Speaker, an inquiry is needed, and Mr Stefaniak stated the case quite clearly.

What hypocrites! What hypocrites are you! You demanded in opposition that we do something in disability services, and it was done. But, no, now the boot is on the other

foot, you are not going to do it, are you? It is an absolutely appalling state of affairs and a travesty in this place that this government just wants to hide away from what is really at the cause of the problems in our public hospital system—that is, systemic management issues. Only an inquiry under the Inquiries Act will reveal that. They know that; the Attorney-General would know that. The Attorney-General knows full well that an inquiry under the Inquiries Act is the only way to get to the bottom of the cause of many of the systemic problems, which the Chief Minister himself identifies.

We have the health minister in this place throwing her arms up in the air. She is totally out of her depth—totally out of her depth. Supposedly she is not now going to answer questions without notice. Since when has that ever happened in this place? We have set a new, all-time low level in this place today. Future and emerging questions around oral maxillofacial surgery need to be asked. They need to be asked for public interest, and I will continue to ask them.

This is a very major area at the Canberra Hospital—a very major area. The minister now stands as good as to say that she cannot stand the heat. She only wants to be portrayed as rosy and lovely and “everybody loves me”. She cannot take the heat. She cannot take the hard questions that come. What do we get from the health minister over this whole issue of hospitals? The hand wringing: “It’s the former Liberal government’s fault,” “No, it’s the commonwealth’s fault.” It is a pathetic response. Given six years of this government and two reports particularly into the oral maxillofacial services area, the Stanhope government has been unable, unwilling or too totally inept to be able to fix the problem.

Unfortunately, very sadly—and Mr Mulcahy alluded to this yesterday—we have a part-time health minister. She is not fully committed to the job; she is unable to be fully committed to the job. I make that quite clear. It is very important that we have a health minister who is on the ball 100 per cent of the time. She is not across this portfolio. She is unaware of the many issues that are bubbling under the surface. She knows nothing about them, and that concerns me. That is why we need an inquiry under the Inquiries Act.

This current health minister—the third in the Stanhope government, let us not forget—is not coping in her role. She is lurching from one disaster to another. In between that, we have this sprinkling of warm and fuzzy announcements in the media. There are no real solutions to addressing the major systemic problems in our public hospital system. That is no more so than at the Canberra Hospital, as the minister herself said yesterday. The constant wailing and moaning—I am absolutely over it. She wails and moans—it is so overdone. There is no credibility left now in what she has to say, and the Canberra community need to know that.

An enormous amount of money is being spent on our public hospitals, but for too long now there have been administrative failings which point to problems with internal government and management practices. There have been various damning external reports, as we all know, and to all of these reports the health minister and the Chief Minister have turned a blind eye. They simply maintain, “There are no real problems. Everything’s fine. We’re doing really well actually, if you really look at some of the good figures.”

There are system glitches, and they have been acknowledged by the Chief Minister. They are not being resolved. We need an inquiry to get to the bottom and the heart of the matter, just like those opposite wanted an inquiry when they were in opposition in regard to disability services. It is no different. There were very good people working in disability services. There were very good stakeholder groups giving advice to the government of the day, but we still had an inquiry.

The AMA, most annoyingly for the government, put paid to the stock excuses of this inept government. The national President of the AMA, Dr Rosanna Capolingua, stated in a radio interview on 2CC with Mike Jeffreys on 29 October that the AMA has looked at claims that too many people are in hospital beds who should not be and that too many patients are in emergency departments who should not be—among the Stanhope government's favourite excuses—and has found that this is absolutely not the case. Dr Capolingua said that the claim that there are too many people in hospital beds who should not be there is, in actual fact, not the case. She said that, sure, we need more transition, step-down and aged care beds, but that the people who are in hospital are sick and need to be there.

Dr Capolingua also said that the excuse or claim that there are too many people in emergency departments who should not be there is not true. She went on to say that a very, very small percentage of those patients could have been managed in general practice if there had been an opportunity for them to go there. I emphasise—a small number. We have seen, of course, that there would be more GPs on board, but this lot opposite cannot get their act together in terms of overseas-trained doctors coming to Canberra. We have heard the weak defence from the acting health minister saying that they are wrong; Dr Thinus van Rensburg up in Mr Stefaniak's electorate is wrong. Everybody lies, but this government is supposedly all right. This is an absolute insult to the community—an absolute insult.

In recent months I and my colleagues have called for reform of the Canberra public hospitals. We want to see an overhaul of management. This is staggering, but the Chief Minister himself agrees that they need to investigate the systemic issues. Why not use an inquiry under the Inquiries Act to do that? Obviously, the Chief Minister is not afraid of stuff coming out into the open. What is the health minister afraid of? Again, I do not think she can stand the pressure; she cannot stand the heat; she is not up to the job.

Dr Capolingua touched on the subject of the administration of the public hospital system saying that it is a sad state of affairs that you have to put shame and blame back onto the state government administration of hospitals. She said this is really about hospital management and the philosophy of constraint and holding back, rather than the delivery of services. She referred to some arenas where, quite clearly, there is what they call the closing of beds and opening of desks—in other words, becoming very heavy with bureaucrats and administration rather than doctors and nurses and infrastructure and service delivery. Dr Capolingua said that you cannot treat patients on desks, and that is, indeed, right.

Indeed, a leading Canberra doctor highlighted just this very situation in October. Dr Peter Collignon, when speaking on ABC radio's breakfast show on 9 October,



spoke of a number of patient rooms, which he reckoned to be about 30, which have been turned into offices. He said he thought that is a bad practice and that what actually happens in our hospitals is, in fact, that all the single rooms—which, from an infection control point of view, we need more of—are the ones usually picked for offices and what we get left with is multi-accommodation for the patients. He said we have to have adequate facilities, adequately trained staff and functionality to make the system work.

The opposition raised the issue of the nurse who was sacked from the Canberra Hospital earlier this year after complaining about the failure to follow infectious disease protocols after an infectious patient was placed in the corner of a public ward. The health minister wanders off from the debate here. She is obviously totally bored; she does not really want to be here. If she is not up to this, she should not be here. That is what I say today.

Dr Collignon said it is very important that sick people in the top triage categories are moved into a bed as soon as they are triaged where they can be monitored properly. He said that you cannot do that in a waiting room. What an extraordinary state of affairs. The government's response was to say it was all the Liberals' fault from when we were last in government six years ago. This is pitiful.

Through the constraints of time I am not going to get to say what I would like to fully say today, but I have pretty much covered it. It is absolute hypocrisy by the government of the day to deny the right of the public to know exactly what is going on within our public hospital system. It is hypocrisy to deny us that right—the same right that we gave them when they were in opposition to go ahead with an inquiry into the disability sector. That is no different to what we are calling for today. If this is what majority government offers, then I think Canberrans need to beware.

Finally, the problems in the health system are not for want of spending by this government. We are the third-highest per patient spender in public hospitals in Australia and are significantly above the national average. It is not about money, but management. We know full well that this Chief Minister has said on ABC radio that it is not about beds; it is not about money; it is about systemic issues. I hope he comes down into this place to support this motion, just like he pushed for an inquiry when he was opposition health spokesperson in 2001. Thank you.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services) (11.43): I am pleased to join with the Minister for Health this morning in arguing that this motion should not be supported. The challenges facing public health in developed countries are chronic and difficult. Whether it is in Australia, the United States or the United Kingdom, the model of health care that we as developed nations have put in place is facing significant challenges and problems.

But at the same time there are two ways of tackling these problems. One is to have deliberate concrete action to invest in and improve resources, training, equipment and people. The other is that which we get from those opposite. Those opposite have no concrete plan to fix and improve the health system. Instead, they propose more bureaucracy, committees, reports and inquiries—an avalanche of paper and no concrete solutions on the ground.

What we hear from those opposite is: “Let us have an inquiry. Let us set up a committee. Let us do a report.” That is what we hear from those opposite, but that is not going to fix our public hospital system. What will fix our public hospital system are the steps this government has invested in significantly over the past six years: 140 extra beds for our public hospital system; more money for our emergency departments; doubling the per capita amount spent on mental health services; investment in extra operating theatres and a record level of elective surgery. These are the things that this government is doing to address our public hospital system.

As the health minister pointed out quite appropriately, in a large-scale system that deals with tens and tens of thousands of people every year, it is difficult to ensure that the system works without fault. But this government has ensured that mechanisms are in place so that when mistakes are made the system learns from its mistakes and takes steps to ensure that they do not occur again.

When we came to office there was no clinical privileges mechanism that worked across the territory. We had the absurd situation where a doctor could be barred from working in, say, the public hospital but could continue to work in a private hospital across the city because the clinical privileges system did not communicate between hospitals. We have fixed that. We now have a uniform clinical privileges system in place to ensure that it works across the public and private sectors. It should not matter whether the hospital is owned and operated by the community or by the private sector. It is, nevertheless, an issue of public safety. So we have put in place those clinical privileges systems.

There were issues raised, for example, with the previous health minister, Mr Moore, around Dr Gerry McLaren and complaints around the conduct of neurosurgery at the Canberra Hospital. They were not able to be dealt with in the Canberra Hospital because there was no coherent clinical privileges system in place. A clinical privileges system is the mechanism that is used to identify errors and problems with safety of care and to address them down the track. These are the types of measures that this government and this administration have put into place.

In contrast, what we have from those opposite is simply a proposal to establish yet another committee, yet another board, yet another report and spend millions of dollars on a big lump of paper which is not going to improve one bit the delivery of health services in our community. In fact, so fixated are those opposite on tinkering with the bureaucracy that they want to establish a board. They think that another layer of bureaucracy will help the delivery of health services to the Canberra community. They have an uphill battle to explain how another level of bureaucracy—another committee—is going to improve access to the emergency department, improve the delivery of elective surgery and improve the management of bed block in our public hospitals. They simply have not made the argument.

The argument that they do make when they try to substantiate this flawed position is that it will put the doctors in charge of running the hospital. They say, “We want the doctors to be caring for the patients. We do not want the doctors and nurses having to worry about all the minutiae of running a public hospital system and all the

administration that goes with that.” Let us face it: public hospitals are large institutions that need to be managed on a full-time basis. Do you want your doctors and nurses caught up in the day-to-day minutiae of administration of a public hospital or do you want the doctors on the front line delivering the services?

We do not want to see another layer of bureaucracy imposed on our public hospital system. We do not want to see that level of cumbersome, confusing bureaucracy placed onto our public hospital systems. We want to continue to improve services for the Canberra community. As the health minister has said, we report comprehensively and openly on these issues. There is a quarterly report that reviews the performance of every part of the public and community health system, not just elective surgery or waiting times in the emergency department, but the performance of this system overall against long-term benchmarks. They are not short-term measures but long-term benchmarks. We report on those openly and accountably every quarter.

The government has reviewed closely the opposition’s proposals in relation to this inquiry. What is extraordinary about this inquiry is that in no way does it indicate how the opposition will improve the delivery of public health services. They have had six years in opposition to deliver a coherent alternative to what is a significant public policy challenge in any democracy—the delivery of quality, safe and accessible public health care. What have they done during that time? What alternative have they presented? They have presented no alternative in terms of policy except to establish another committee. That is the Liberal Party’s solution—another committee.

**Mrs Burke:** No. It is about scrutiny. It is about accountability. It is about holding you to account. You know that.

**MR CORBELL:** I look forward to hearing the argument from Mrs Burke about why another committee will help improve the management of our public hospital system.

**Mrs Burke:** Because we will get to the bottom of the problems that are being currently covered up. That is why.

**MR CORBELL:** We will continue as a government to make the investment.

**Mrs Burke:** You know those things are being covered up.

**MR SPEAKER:** Order! Mrs Burke.

**MR CORBELL:** We will deliver the actions that will help improve the delivery of our public hospital systems. We are not interested in committees that simply add another layer of bureaucracy. We are not interested in boards that will further confuse accountability. We are interested in action on the ground.

We have improved the level of capacity in our public hospital system by an extra 143 beds. We have delivered record levels of elective surgery. Bed block and access block in the emergency department are at a five-year low. We are improving off-stretcher times in our public hospitals so that people are not waiting in the ambulance to get into the emergency department. The incidence of that is going down. Those indicators are there, they are concrete and they cannot be disputed.

Yes, there are challenges, yes, there are issues and, yes, in a hospital system that deals with chronically ill people bad and sad things will happen. The challenge is to make sure that they happen as least often as possible and to make sure that when they do happen the lessons are learnt and improvements are made. That is what this government is committed to. That is our record on improving services. We have delivered the money, we are delivering the management and we are delivering the improvements. We will continue to take that approach.

**MR MULCAHY** (Molonglo) (11.54): We have just heard Mr Corbell and, earlier, the Minister for Health harp on about the fact that there is no real need for an inquiry; it will not achieve anything. The question remains to be asked: if it will not achieve anything, why are things not improving to a level that the public would expect?

Yesterday we spoke on management problems in the ACT public hospitals. These are serious issues that have been highlighted by a report of the Australian Institute of Health and Welfare, and I cited a number of facts in my address to the Assembly. In particular, I remind members that the report notes that, despite the very high cost, waiting times in public hospitals in Canberra are the highest in the country. Those are not the opposition's words but the words of the Australian Institute of Health and Welfare.

On almost every measure of waiting times available in the report the ACT performs the poorest out of every Australian jurisdiction. We have the highest median waiting time for elective surgery, the highest proportion of patients waiting for more than a year for elective surgery and the lowest proportion of patients receiving timely treatment in emergency surgery. We have gone through these figures time and time again but still this government wants to turn a blind eye to this and say, "Life is wonderful in the Canberra public hospital system." The problems have been repeatedly drawn to the attention of this government. However, it appears that little or nothing has been done to fix them.

Whilst the reports of the AIHW and the evidence that trickles into the Assembly on these matters from various constituents raise serious concerns, they are not sufficient to identify the specific managerial problems that are leading to poor performance. For that reason, Mr Stefaniak's proposal for an inquiry of this nature is most appropriate. You cannot go on year in and year out running a hospital system that is failing to perform to national standards and is costing vastly more to operate than it ought when compared on equivalency basis with other jurisdictions and to say that you do not want to have it looked at. Of course you do not want it looked at because it is politically very, very embarrassing.

Mr Corbell was shunted out of the role of health. He could not manage the area. Ms Gallagher is clearly struggling to manage the role of health on the occasions we see her in this chamber. Obviously we need to get to the bottom of what are the fundamental issues with this health administration.

I refer to another report. I do not just rely on the AIHW, although I think their work is credible. The Minister for Health says that she wants some evidence of the problems.

I have referred to the evidence in the AIHW reports, but there is more. The *State of our public hospitals* report for 2007 gives rankings in a range of areas. In six out of the nine categories of performance measure, the ACT is sitting at seven or eight. In the category of public hospital beds, number per 1,000 weighted population, the ACT is ranked at seven. In the category of elective surgery, percentage of people seen within the recommended time, the ACT is ranked at seven. In the category of elective surgery, percentage of admissions that waited longer than one year, the ACT is ranked at eight. In the category elective surgery, median waiting time, the ACT is ranked at eight. In the category emergency department, percentage seen within the recommended time, the ACT is ranked at eight. In the category emergency department, median waiting time, the ACT is ranked at eight.

Mr Corbell has the temerity to stand up in this place and say that things are fine and why should we be looking into it. The evidence stands and it speaks for itself. Clearly, there is a need for a comprehensive, transparent and thorough examination of the administration of ACT public health to determine the failings that are leading to these poor outcomes. How many people have to suffer and be disadvantaged and complain before this government takes it seriously? I said yesterday that research I have seen has indicated that it is the number one single issue of concern for the people of Canberra. Either the people of Canberra have all got it wrong or this government is seriously out of touch with the issues that do trouble our constituents.

We have had the federal government demonstrating some leadership in this area. They have had to bail out state and territory hospitals in the past, which should not really be necessary, but the Australian government has expressed a desire to support the establishment of local hospital boards that will actually represent the views of the community and ensure that the health bureaucracy allows doctors to operate. It would not just be a committee or a board made up of doctors. That is not what Mrs Burke advocated. A serious construction that has no validity has been put on Mrs Burke's remarks. The fact of the matter is that you cannot say to the doctors, "We don't want you to have any knowledge of or involvement in the administration of a hospital. You get out there and treat patients."

What happens when the doctors find they do not have sufficient nurses rostered on or they do not have sufficient resources or there are not enough doctors available to cover things? They are meant to just cop that, just ignore the issues and be told, "Well, you're nothing to do with administration, doctor. You get out there and treat them." What a ridiculous thing to say to people, many of whom have had 14 or 15 years specialist training, that they cannot make a contribution to the management of administration. Of course they can.

Dr Capolingua, the new President of the Australian Medical Association—and I might say that she is an impressive president—has advocated the concept of local boards. It is something that has been in existence in the past in Australia. Dr Capolingua has said that there are examples of that currently in Victoria and that local hospital boards bring management, accountability and responsibility right back to the community. The AMA president is not saying this to keep herself amused. There are good, valid reasons for this. She has identified that local hospital boards are a management issue. In a media interview she states:

The AMA has always supported the concept of local boards. And when they were dismantled in Western Australia—

her home state—

we fought quite hard to stop that from happening.

The dismantling was something instigated by the Government and Health Department at the time, under-resourcing the boards so that they could take control.

Local boards mean that the chair of that board can make direct representations to the Health Minister; make demands with regards funding, the opening of beds, and the needs of that board—of that hospital, and I guess that might be uncomfortable for State Governments and State Health Ministers.

Of course it is, and I am sure there have been offenders on our side of the political landscape. But the fact of the matter is that if you go through life taking a view that you do not want this level of accountability, that you do not want to hear the perspective of people in the front line and the community's concerns and simply take a blinkered approach, then you can probably convince yourself that all is well. But the fact of the matter is that that is not a position that is sustainable. The level of public concern in this territory is continuing to grow. The horror stories that have been cited by members on this side of the house and raised with me directly by constituents about the administration of public health raise deep concerns and strengthen the need for a comprehensive inquiry along the lines that Mr Stefaniak is putting forward.

What is there to fear if things are run so well? What is there to fear? We hear Mr Corbell argue that it would be another layer of bureaucracy. Well, this government is a champion of layers of bureaucracy, an absolute champion. It has established a record for a very heavily weighted bureaucracy in health and that does not seem to trouble it.

When we have advocated reforms and efficiencies, as I did in my first budget response in 2004, I was attacked by Mr Stanhope for suggesting improvements in efficiency in health administration. Mr Stanhope made extreme statements about how I would shut down the health system and rip hundreds of millions out of the health system. That was the puerile response that was produced as a defence for the high level of inefficiency.

This government can take some guidance from what the Howard Government is proposing to do nationally. On 19 October, the federal Minister for Health, Mr Abbott, said:

The Howard Government wants to establish local hospital boards that will represent the views of the community and ensure that the health bureaucracy allows doctors to operate.

These community boards will put pressure on politicians and bureaucrats to cut the waiting lists and improve the quality of care.

Well, if that is such a crime, then I am all for it. In a doorstep interview at the Commonwealth Parliamentary Offices in Sydney, Mr Abbott commented:

Well certainly under the next Health Care Agreements we will increase funding to the states. But the problem is not just money. The problem is much more bad management.

Night after night on television we have seen these stories coming out of Sydney which point consistently to the incapacity of Labor parties to manage the public hospital system. The Howard government has a plan for bedding at public hospitals. It involves more money and essentially better management, in particular, as I have indicated, establishing community hospital boards. We have to give back to the community and those in the health profession the opportunity to have input into the development of health administration. For that reason I think the first stage is to gather the requisite information and have the inquiry advocated by Mr Stefaniak. I urge members to support that proposal.

**DR FOSKEY** (Molonglo) (12.04): I have listened with a great deal of interest to all speakers in the debate today. This motion has been on the notice paper since the last week we sat so we have all had time to think about it. At this point in time I am not prepared to support this motion, but if it came back in a year or two and we still had the same configuration of the house, which, of course, is unpredictable, I think I would be more prepared to consider it. The reason I do not want to support it now is that there are a number of processes in train that I think should be allowed to run their course before we actually have anything that says in a hard way that we need something as serious as a judicial inquiry, which is what this more or less amounts to.

At the moment we know that we have a coronial inquest into the death of a patient in the emergency waiting room. That death appears to have started a whole lot of concern about the emergency waiting room, yet all these concerns have been there for a long time. It just comes in waves. It is like that black spot on the roads that we do not worry about until someone dies there.

It is of concern that governments all over Australia are now driven to take this approach to services where you wait. It is a complaints-driven process, actually. I would like to see a much more positive approach to all our services, certainly the ones that involve life and death matters, like the safety issues of roads and transport and hospitals. We should identify the areas where there are problems and act on them before someone dies. I share the Liberals' concerns in that way. I know that we are going through an upcoming internal clinical review. It is an internal review, but I would ask that the results of that be public. We have a coronial inquest. Also, in 2008 the Australian Council on Healthcare Standards will be running its accreditation process.

I looked at the terms of reference which the ACHS uses in running this process and it seems to me that they pretty well cover all of the concerns that Mr Stefaniak has mentioned in the terms of reference for his inquiry. I think that it would make a lot of sense to wait until the coronial inquest is reported and also until the Australian

Council on Healthcare Standards has run its accreditation process. Then let us look at it because we will have some more up-to-date and hard data.

At the moment I would say, though, that there are not too many people in this room that could not identify where the problems are in our health system. We hear it over and over again. We know that there are long waiting lists and that emergency rooms fill up. We know there is a shortage of doctors and that doctors are working in those emergency sectors of the hospital for unsustainable lengths of time. There are real issues. They are probably not unique to the ACT system, though, and that is why I would go further and ask why we are not calling for a national inquiry.

In the run-up to this election we have had various pretenders to the throne of Prime Minister and health minister make all kinds of pronouncements on health. But those pronouncements are not part of a national strategy. They do not contain any sense of governance of the health system. The latest is boards; let us have boards. Boards may be a good idea. We used to have them but now we do not. Why don't we? There must be a reason.

The potential for those boards to become politicised is a concern. It should be a huge concern to our community because health is already a political football. We do not want to politicise it further. We certainly want practitioners and consumers involved in decisions that are made about our health services, but I do not think we want political appointments so that our hospitals, even at the level of clinical care, become politicised. At the moment I would say that at that level where care takes place people are just concerned about giving that care in the best way they can with the resources they have.

We know that hospitals need more resources. That is a huge issue, and I think we should be looking at the federal and state and territory interface in terms of health. It is just too convenient for the Liberals at the national level to blame the states because they are all Labor governments. It just becomes part of that political football where you blame the states; it is easy. I wonder if it would be any different if they were Liberal governments. Would the federal Liberal coalition be acting in the way it is? That is a hypothetical. We do not know because that is not the situation. My research indicates that these problems are not party political problems. They are problems between different levels of government and they existed even when there were Liberal coalition governments all over Australia. That was a short moment, of course, but there was that moment.

I think we do know that there is consensus across all parties, in the ACT and elsewhere, that we need more general practitioners. We probably have shortages of some kinds of medical specialists and that is always going to be a problem. We are now in the global competitive rush to find these people. This is not just a territory problem or a national problem. It is a global problem. It is part of the globalisation of health issues, which has been a deliberate policy by some governments to open up our health system to so-called competitive procedures. It means that we are now not in a system where we are playing on a level playing field. We have to try and attract doctors from elsewhere, and increasingly we are robbing developing countries of their doctors. I actually think they need them more.



We talk about our health system. I have to say that we do not know how well off we are. I have lived in the bush and I know what the service is like for most of Australia. The level of health services for rural Australians is much lower than it is here in the cities. We speak from the relative privilege of being some of the healthiest people in Australia. Let us not forget that. That is the context in which we speak. Hospitals come in at the pointy end when things go wrong. It is not good when they do go wrong, but what we need to do is keep up that level of health. We have an ageing population. More of us will be vulnerable. More of us will get sick, including everyone in here, and then we will have that experience ourselves.

I have had constituents come to me with their concerns about the hospital and at times I think they are valid. Very frequently I think they are valid, but at other times I think, "How much do you want?" How much do we expect? Our expectations are rising all the time. It is a good thing that we expect the best, but it is making us more and more critical. This is a fine balance that the minister and the government are working on. I would like to see more accountability. I am not very happy to hear that Ms Gallagher is not going to answer any more of the opposition's questions. I can understand her frustration and why she has taken that position, but I think it is a bad decision. I ask her to reconsider because it opens the government to charges of a lack of transparency and accountability. It might be annoying. I know the bureaucrats in AusAID felt that there was at least one full-time bureaucrat working for Senator Harradine answering his questions. Nonetheless, that is the kind of government we have.

The balance is being frank about the problems—and I think the government is doing that—but also making sure that the public has confidence in our health system. On the whole I think they can, and it is absolutely vital that they can because unless the hospitals, the doctors and the patients work together we will not have good outcomes.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (12.14), in reply: I think everyone has spoken and I thank members for their contributions. Let me just make a few points in reply to the minister, who categorised this motion as another attack on our system. That is hardly the case. The opposition, indeed the general public, have heard over a period of time real issues raised by doctors and nurses, people at the coalface, people who work there daily who have problems with the system and who want improvements. They include senior doctors like Professor Peter Collignon, who referred to about 30 rooms which should have been for patients being used for administration.

When you hear problems from people like that, you tend to take note. When you hear problems from nurses who have been in the profession for 30 or more years, you tend to take note. When you actually experience yourself things that occur now that did not occur five, 10, 15, 20 or 25 years ago and maybe are not necessarily occurring in similar hospitals around other parts of the country that you have got some knowledge of, then you think that something needs to be done.

The minister said that sometimes the system does not get it right. That is so true. Probably no system is ever going to get it 100 per cent right. She stated, "When something goes wrong, that is when we put things in place to fix it." That is very

reactive, and governments do have a tendency to be very, very reactive. They need to be a lot more proactive. This motion to set up an inquiry is not just reactive. It is, in a sense, reactive to a series of problems. The death might have been a catalyst, but there is a series of endemic problems, systemic problems—which even the Chief Minister admitted in early October—that are causing significant concerns. They are concerns that have been ongoing, not just for a few months, here and now, here and then, and then you do not hear anything and then some other problem crops up. It is not like that.

There seems to be a series of systemic problems which are enveloping our health system in the ACT which are not going away, which are concerning the professionals who work there, which are concerning patients who go there and which are concerning the loved ones of patients who go there. Many people in Canberra have contact with our health system, and that is not going to go away. Surely, at the end, of the day what you want is the most effective health system you could actually deliver.

What we need is a fair dinkum independent inquiry which will actually help identify real systemic problems. It would be independent. It would not tell the government—it does not matter what government it is; we happen to have a Labor government at present but we had a Liberal government during the Gallop inquiry—what it necessarily wants to hear. It has got a lot more chance of getting to the root of the matter, drilling down into the nitty-gritty and coming up with some real solutions to a number of systemic problems in our system, much more so than any other type of inquiry. It would be a lot more proactive than just reacting to one disaster after another.

The minister said a couple of other things. I think she said, for example, that we are testing year 6 kids to see if they are healthy. I understand that is actually a commonwealth initiative. It involves Dick Telford, and apparently it is not all year 6 children. Mr Corbell stated that the problems are chronic and difficult. Yes, they are, but they are not going to go away. They are unfortunately not going away. We are not seeing waiting times in A&E come down. That eight-hour average seems to be continuing. That is of concern, a lot of concern, to people.

The allegations that our hospitals are over-bureaucratized and the allegations, for example, that Peter Collignon talked about, that space that should be used for treating patients is being used for administrative purposes, do not seem to be going away. The fracture clinic, which does a wonderful job in very difficult circumstances, seems really stretched, and that does not seem to be going away. The letter I read out yesterday made a reference to that, and I observed firsthand back in April some of the problems they had. We have some great staff in our system and it behoves government, because of that great staff, to make the working conditions and the way the hospital runs as good as we possibly humanly can make them. We are never going to get it completely right, but I think there is a hell of a lot more we can do.

I want to speak about the terms of reference for the inquiry. I listened with interest to Dr Foskey's apologies for not backing this sensible move and just backing the Labor government. If the boot were on the other foot, I doubt very much if you would be doing that. I think you would probably be leading the charge for an inquiry. I was a bit disappointed to hear you basically sweep that under the carpet.

I just draw your attention to a few of the actual things the inquiry would do. The terms of reference include: to review and evaluate internal governance and management practices and procedures; to evaluate the organisational and administrative arrangements; to assess any current impediments; to assess the adequacy of things like beds and related equipment; to assess the adequacy of suitably trained qualified staff to provide the services required, especially in emergency; to evaluate the government's strategies to meet the future needs of the population for hospital services; and, finally, to consider and evaluate any other related matters.

The process is important, too, because the inquiry calls for submissions from key stakeholders. It will analyse available sources for insights in relation to governance, management, administration and organisational arrangements. It will collect data and facts, present specific questions of fact and interpretation to stakeholders, agencies and individuals requesting responses. It will do follow-up questions and conduct public hearings and cross-examinations of any interested parties. It is very thorough. It is basically a very thorough core process. The inquiry will prepare an interim report, which will include a draft concept, framework and process to implement sustainable hospital governance, management and administration and organisational arrangements. It will analyse submissions on the draft report and finalise the report to deliver to the government.

It is a very thorough process. The Gallop inquiry was a very thorough process. The government did not necessarily like it. The government probably thought Gallop went overboard in a few things, and there were complaints—and I recall them—about the inquiry. But at the end of the day it was thorough. There were recommendations for improvement, and those recommendations could not have been made in such a thorough way had it not been such a powerful inquiry. It was an inquiry conducted under the Inquiries Act. It was independent of government and there was no way that anyone could allege that the government could interfere with it, as people might allege if the government is doing some sort of internal review. It was open, accountable, in the public—in your face, if you like—and very, very thorough to ensure that the issues were canvassed.

The inquiry I propose would not just be reacting to one issue; for example, a tragic death or an outbreak of some infection in a particular ward or something like that. Rather, it would be a systemic inquiry. That is what is needed because, of all the areas of government, health is one of the most difficult. We all know that. Anyone who has been in government knows that. That is just a fact, and it is not going to get any easier. But if you want to make it that a little bit easier than it is now, if you want to ensure that your service delivery and your systems match the challenges that we are experiencing now and will experience in the future—I think we have a pretty fair idea of what they are—then you will do yourselves a favour by actually having an inquiry. You will be showing that you are accountable for a change. You will be showing that you are not hypocrites. You led the charge for an inquiry in relation to three tragic deaths in disability services. Mr Stanhope said:

This is an inquiry into service quality, service monitoring and accountability, consumer protection, and resource allocation.

It was not actually an inquiry into the specific cause of death. Mr Osterberg's case may well have been the catalyst for this inquiry, but it is only one thing. It is an inquiry into systemic issues: service quality, service monitoring and accountability and probably a few more things as well. At the end of the day if you have an inquiry—clearly you are not going to—you might find out a few things that will help both you in government and any future ACT governments to address the problems in our system, as well as some of the potential problems. But you will just sweep it under the carpet and be absolutely hypocritical in terms of changing your position on this because it suits you or you think it suits you. When you were in opposition, it was full speed ahead.

This inquiry would get to the bottom of a number of problems. What do you have to hide? Maybe you are hiding something, or are you just frightened of being accountable? You do not do yourselves any favours by knocking this on the head. The problems are not going to go away. The complaints are not going to go away. The people seeing the opposition and the people dealing with the system—the nurses, the doctors, the consumers and the patients—are not going to go away. I am not surprised, but I think it is a tragedy for our system that you are knocking this back.

Question put:

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

The Assembly voted—

Ayes 6

Mrs Burke  
Mrs Dunne  
Mr Mulcahy  
Mr Pratt  
Mr Seselja

Mr Stefaniak

Mr Barr  
Mr Berry  
Mr Corbell  
Dr Foskey  
Ms Gallagher

Noes 9

Mr Gentleman  
Mr Hargreaves  
Ms MacDonald  
Mr Stanhope

Question so resolved in the negative.

**Sitting suspended from 12.28 to 2.30 pm.**

### **Questions without notice Legislative Assembly library**

**MR STEFANIAK:** My question is directed to you, Mr Speaker. I understand that in April 2007 you were advised that a review was to be conducted into the operations of the Legislative Assembly's library. I am now aware that you have expressed some very serious concern about the decision made to declare as excess the position of head librarian. Your concern relates in part to the significant staffing decision having been made before the review has been completed.

My question is: were you consulted on the elimination of the position of head librarian in the Assembly's library? What action are you taking to ensure that the

review of the Assembly's library is not pre-empted by decisions that may be made by the government?

**MR SPEAKER:** No, I was not consulted on the loss of that position.

**Opposition members:** Shame!

**MR SPEAKER:** Please do not interject. I have written to the minister concerned to get to the bottom of the issue. I will be keeping members of the administration and procedure committee informed about developments. I am due to meet with the reviewers of the library soon. I do not recall the exact date, but soon—it is on Friday. That is about it.

### **Health—oral and maxillofacial surgery**

**MRS BURKE:** My question is to the Minister for Health and I have already given the minister advanced warning of this question today. Minister, I have been advised by officials from your department, via a briefing this week, that the plastic and reconstructive surgeons based at the Canberra Hospital are qualified to conduct oral maxillofacial surgery. Minister, if this is so, why are patients being referred by a senior plastic surgeon from the Canberra Hospital to oral maxillofacial qualified surgeons to conduct trauma work outside of Canberra?

**MS GALLAGHER:** I thank Mrs Burke for the question. I understand that during the briefing on Monday Mrs Burke was taken through a number of matters in relation to this and it was confirmed that our plastic surgeons are qualified to conduct the surgery that they have been performing at the Canberra Hospital. As to why a particular doctor might make a referral to another doctor—I cannot answer that question. Those matters are made on clinical decisions based on the patient. They happen across a variety of areas—in fact, across the whole of the ACT health system. I do not think it is unusual for these matters to be referred to other specialists if they need to be.

**MR SPEAKER:** Supplementary question, Mrs Burke?

**MRS BURKE:** Yes, thank you, Mr Speaker. Minister, are you aware that Dr Aquilina, a surgeon from the Westmead children's hospital in Sydney, told Channel 9 on 26 October 2007 that he cannot understand why children with trauma from maxillofacial injuries need to be ambulated to Sydney when the work can be done by OMFS specialists in Canberra?

**MS GALLAGHER:** I note this in the email that Mrs Burke sent me at 1.42 pm. I do not know that he said it, other than what is in the email; it says that he did say it. I did not see it. I think this is all no secret to anyone that we are trying to reintegrate a full service at Canberra Hospital. It has not been in operation since, I think, 1997. There has been an enormous amount of work spent on trying to get this service reintegrated. We were at a point where that was to happen. I understand now that it is a little less clear about the way forward because of the way that this matter has been dealt with. That is extremely unfortunate.

We will continue to work to make sure that the reintegration does happen. As members would know, we have advertised for an OFMS surgeon. That position is filled and perhaps more of these cases can be done locally, but I imagine there will be times when we need to move people to Sydney for particular specialties. I do not think in the future that we can rule out moving children with trauma or children needing surgery—or adults needing surgery—in particular areas to Sydney, if the best place for them to have that surgery is Sydney. We would be crazy to say, “Well, you can have it done here but the best place for you to have it done is Sydney.”

### **Planning—Molonglo Valley**

**DR FOSKEY:** My question is to the Minister for Planning and concerns the proposed Molonglo Valley development. To what extent are any environmental assessments in the Molonglo Valley dependent on NCA or federal department of the environment and heritage approval before the development in Molonglo Valley can proceed?

**MR BARR:** I thank Dr Foskey for the question. We are in the middle of a consultation period in relation to the proposed developments in the Molonglo Valley. It is a dual process whereby both the ACT government and the National Capital Authority are consulting concurrently in relation to the proposals. The requirements are quite clear in terms of changes to the national capital plan that this proposal would require. Environmental studies are a key part of both the ACT government work and the National Capital Authority work.

The ACT government has been quite clear in its position on the particular proposal put forward—that we have extensive environmental impact studies as part of that. The National Capital Authority process, I understand, also involves an assessment of environmental matters. In order for the development to proceed, it needs to achieve or go over the benchmarks for both approval agencies. In the context of the ACT government position, we have set a very high benchmark around the environmental studies that we have put in place. The National Capital Authority’s processes are a matter for them; the ACT government cannot dictate which environmental processes the National Capital Authority conducts. We are responsible, though, for the matters that are under our control. The details of the environmental impact studies that are being undertaken in assessing this development are publicly available for Dr Foskey, as part of the consultation that is occurring at the moment.

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

**DR FOSKEY:** Yes. What responsibility does the NCA or the federal department of the environment and heritage have in terms of the environmental assessment or planning approval process which determines the relative values, in planning terms, of the large lake option as compared to the series of small settling ponds option?

**MR BARR:** I will have to take that question on notice. The initial advice that I could provide to Dr Foskey is that these matters are being considered by the ACT government as part of our assessment. In terms of what role the commonwealth would have in that, I would have to take that on notice and provide the information to Dr Foskey.

## **Health—oral and maxillofacial surgery**

**MR SESELJA:** My question is to the Minister for Health. Minister, at a recent briefing from officials from ACT Health, information was provided relating to complication rates resulting from treatment of fractures of the jaw. None of the data on complication rates was drawn from Australia. Minister, what research has been undertaken, either in the ACT or elsewhere in Australia, to identify issues about complications relating to oral maxillofacial surgery and plastic and reconstructive surgery? If no research has been undertaken, why is this the case?

**MS GALLAGHER:** I will take that question on notice. I do not know how much research has been done here in Australia. I know that Mrs Burke was given information about complication rates for jaw fractures as part of a comprehensive briefing as an attempt to urge the opposition to allow processes around OMFS and some of the allegations that are being made to be examined through the clinical processes that we have in the hospital. As I said, there has not been one confirmed case of an adverse outcome for a patient at this stage. The cases that have been referred are all being reviewed by a doctor through the hospital. Really, the opposition's way of conducting this is most cowardly, I have to say.

**Mrs Burke:** You have to be kidding me.

**MS GALLAGHER:** What you say in here you will not say out there. And that is the test. Would you go out there and say what you have been saying—

**Mrs Burke:** I'm just doing—

**Mr Pratt:** What's the—

**MR SPEAKER:** Order, Mrs Burke; Order, Mr Pratt!

**MS GALLAGHER:** You would not. What you are doing is alienating doctors not just in one particular area of the hospital but across the hospital. If they think that every time someone makes a complaint about their performance it is going to be raised in here—

**Mrs Burke:** Point of order, Mr Speaker, on relevance. The question was actually about research being undertaken in the ACT or elsewhere in Australia.

**MR SPEAKER:** But it was in relation to a certain type of surgery and the minister is entitled to address issues around it.

**MS GALLAGHER:** Mr Speaker, what we have here is the reputation of one area of the hospital being run down when there is absolutely no evidence—no proven evidence—that there is anything for this doctor to answer. What Mrs Burke has done is take the side of one group and decide that that is the truth. That is what she has decided. She has decided that everything that she hears on this from one side, one party, is the truth. We are trying to look at all of the issues from both sides and examine the cases that have been referred.

**Mrs Burke:** Six years.

**MS GALLAGHER:** The cases which have been recently referred, Mrs Burke—not six years.

**Mrs Burke:** Six years. They go back six years.

**MS GALLAGHER:** Not six years.

**Mrs Burke:** Check your information.

**MR SPEAKER:** Order, Mrs Burke!

**MS GALLAGHER:** I have checked the information. Not six years. The cases that have been referred most recently are being reviewed through the clinical review process. What we have here is an attack on one group of doctors within our hospital—a group of doctors which, I should say—

**Mr Seselja:** The question was about research.

**Mrs Burke:** Can you bring her back to the subject matter, Mr Speaker.

**MS GALLAGHER:** Which, I should say, work very hard for this community—who work a one in two roster, who are on call one night out of every two, who cannot leave the ACT—

**Mrs Burke:** Point of order, Mr Speaker. This really is not answering the question before the minister. I have asked about what research.

**Ms Porter:** It wasn't your question.

**Mrs Burke:** If the minister cannot answer the question, she can take it on notice.

**Ms Porter:** It wasn't your question.

**Mrs Burke:** I have asked a point of order.

**MR SPEAKER:** Mrs Burke, Mr Seselja asked the question.

**Mrs Burke:** So? I have taken a point of order.

**MR SPEAKER:** It was in relation to a particular type of surgery. The minister has five minutes to respond to the question and can touch on matters related to that particular type of surgery.

**Mrs Burke:** Mr Speaker, with your indulgence, it was about complication rates, not surgery per se—and about the research surrounding complication rates.



**MR SPEAKER:** I cannot direct ministers to answer questions in a way that will please members of the opposition; I can only ask them to stick to the subject matter. The subject matter of the question concerned a particular type of surgery.

**MS GALLAGHER:** I urge the opposition to allow the processes to continue—allow natural justice to occur, allow the processes to continue and afford all the doctors in this debate the same rights—equal rights, which they are not getting at the moment.

### **Health—oral and maxillofacial surgery**

**MR MULCAHY:** Mr Speaker, my question is to the Minister for Health. Minister, yesterday in question time you talked about the current advertising campaign that was or has been underway to attract OMF surgeons to the Canberra Hospital.

In relation to the issue of providing appropriate oral and maxillofacial surgery in the ACT, the Acting Minister for Health recently said that “a level of detail around role delineation” remains to be determined. He also said that regrettably this is taking time.

Minister, how are you able to advertise for positions, and indeed make appointments, when the necessary delineation of the role is still underway? What assurances have you given or will you give to applicants in relation to the delineation of the role?

**MS GALLAGHER:** Thank you, Mr Speaker. Quite simply, because we had reached agreement with the surgeons involved. We had reached agreement about what type of surgery was to be performed by one and what was to be performed by another. We had reached agreement. We went out to advertise, and then Mrs Burke stuck her nose in.

**Mrs Burke:** Ha!

**MS GALLAGHER:** And then Mrs Burke started raising allegations—unfounded allegations at this point—and she only makes them in here. She will not go outside and say it. But we had agreement. Whether we still have agreement, as this keeps getting raised in the Assembly, is unclear.

We need the goodwill of all the doctors involved to make this work. At the moment some of the goodwill of doctors is eroding, I have to say. So we will just have to wait and see whether, after Mrs Burke’s unhelpful interference, we can actually get a full service up and running at the hospital. At the moment, from where I sit, it seems pretty unlikely.

**MR SPEAKER:** Mr Mulcahy with a supplementary question.

**MR MULCAHY:** Thank you, Mr Speaker.

**Ms Gallagher:** Go outside and say it, Mrs Burke.

**MR SPEAKER:** Order!

**Ms Gallagher:** Go on if you are so sure.

**MR SPEAKER:** Order! Mr Mulcahy.

**MR MULCAHY:** Thank you, Mr Speaker.

**Ms Gallagher:** A coward—that is what you are!

**Mr Stefaniak:** I raise a point of order.

**Mrs Burke:** I will do it. It is all right, Bill. Thank you very much for your support, colleagues. I ask Ms Gallagher to withdraw that. That is silly.

**MR SPEAKER:** Withdraw that.

**Ms Gallagher:** Yes. I withdraw that, Mr Speaker. It is true, though.

*Members interjecting—*

**MR SPEAKER:** Order! I call Mr Mulcahy.

**MR MULCAHY:** Minister, can you now advise the Assembly how many applications have been received and when you are likely to be in a position to appoint the successful applicant or applicants, as the case may be?

**MS GALLAGHER:** Thank you. I do not believe that the time has closed. I certainly have not been briefed on the number of applicants. But if we do have that information, I will happily provide it to the Assembly.

### **Infrastructure and services**

**MS MacDONALD:** My question, through you, Mr Speaker, is to the Chief Minister in his capacity as Treasurer. Can the Treasurer advise the Assembly of the government's approach to investing in the provision of infrastructure and services to the ACT community?

**MR STANHOPE:** I thank Ms MacDonald for the question. I am very pleased today to respond to the issue of the investment by government in infrastructure and services. I think it is particularly good following the revelations today by the shadow Treasurer that he does not endorse and refuses to endorse any part of the appropriation bill that was tabled yesterday, despite the quite glowing support of some of his colleagues.

It is relevant to any question around investment by government in infrastructure and services to reflect on the approach adopted by the alternative government in this place, as expressed by the alternative Treasurer. When the ABC this morning asked Mr Mulcahy, "Is the Chief Minister right? Do you think people prefer better services rather than tax cuts," Mr Mulcahy responded emphatically, "No, he's wrong." The

approach, as laid out by Mr Mulcahy today for the provision of infrastructure and services is: get the tax cuts, give people what they want, and then start to consider your priorities. In other words, at the heart of the question is a debate about the appropriation bill and a philosophical approach to the provision of services and government.

Mr Solly, to his credit, then asked Mr Mulcahy whether the Liberal Party put tax cuts ahead of the provision of, say, additional resources for sexual assault or for indigenous health to deal with issues around—

*Members interjecting—*

**MR STANHOPE:** Does the Liberal Party, as expressed by the alternative Treasurer, believe that the people of Canberra would prefer a tax cut to the employment of an additional 32 student welfare officers for our public schools? Does the Liberal Party, as expressed by the shadow Treasurer, believe that the people of Canberra would prefer tax cuts to the provision of a therapeutic drug and alcohol rehabilitation facility for indigenous people? Does the Liberal Party, as expressed by the alternative Treasurer, believe that the people of Canberra would prefer a tax cut to additional cancer treatment equipment? Does the Liberal Party believe that the people of Canberra would prefer a tax cut to a new department of ophthalmology at the Canberra Hospital?

**Mrs Dunne:** It wasn't a priority when you were cutting—

**MR SPEAKER:** Order, Mrs Dunne!

**MR STANHOPE:** The response of the Liberal Party from its spokesperson in relation to budgeting and the delivery of resources and the provision of infrastructure and services is, "Yes, we believe emphatically that we must, as a first-order issue, reduce taxes and rates and charges within the ACT, and once we've done that, we'll actually give some consideration as to whether there are any priorities that need funding and resourcing."

*Members interjecting—*

**MR STANHOPE:** It is there; it is in black and white. That is in an environment where, as I have indicated and as is illustrated on the basis of information from commonwealth-funded agencies like the Australian Bureau of Statistics, the ACT is not a high-taxing jurisdiction. We are the wealthiest and most prosperous community in Australia. Average disposable income or salaries in the ACT are significantly higher than the rest of Australia, to the tune of \$200 a pay. Each of us has, on average, in our pockets every week hundreds of dollars of disposable income more than our fellow Australians. We tax and charge on the average, the median. We are not a high-taxing jurisdiction. We provide services at a level higher than the rest of Australia.

If we want to meet the expectations of this community, the rightful expectations of this community to a world-class, first-class public education system, a world-class, first-class public health system, then we must invest in it. That is the priority. But we

now see out of the mouths of the spokesperson for the Liberal Party their philosophical position.

*Members interjecting—*

**MR SPEAKER:** Order!

**MR STANHOPE:** There is a divide. As far as I am concerned, it is pleasing, at least, to have such a clear distinction between the essential philosophical approach of the alternative government and to my government, a government that is proud of the achievements in developing a sustainable budget, the preparation to show fiscal responsibility, to take the tough, courageous decisions, to put our budget on the soundest footing it has had in 17 years—

*Members interjecting—*

**MR SPEAKER:** Order!

**MR STANHOPE:**—so that we can respond to the reasonable expectations—

**MR SPEAKER:** The minister's time has expired. Resume your seat.

*Mrs Dunne interjecting—*

**MR SPEAKER:** Mrs Dunne, I warn you.

**MS MacDONALD:** Mr Speaker, I have a supplementary question. Can the Treasurer give the Assembly some examples of how the government is implementing this approach?

**MR STANHOPE:** Thank you. There are many examples, and they are examples of which we are enormously proud. For instance, since coming to government this government has increased funding for mental health services. When we took government, mental health in the ACT was funded at the lowest level per capita in Australia. There is perhaps no more shameful statistic or fact in relation to the transition from the previous government to this that in this community, in this society, we funded services for mental health at the lowest per capita rate of any place in Australia, despite the fact that we are the wealthiest and the most prosperous community in Australia. That is the sort of priority that the Liberal Party had.

We have increased funding for health by \$330 million a year. We have increased funding. We have made up the difference. We have actually made up the difference in the context of the damage that was caused. We have increased funding for education dramatically. As I said, health expenditure has been increased by 80 per cent in six years. Expenditure on children, youth and family services has increased by over 100 per cent, with additional funding for the care and protection of children—substitute care, foster care of children at risk.

Additional disability services have been funded following of course the scarifying report by Justice Gallop through the royal commission of inquiry into disability

services, which was conducted in the last year of the last government—the great Michael Moore legacy—a legacy of the Liberal Party in power. There are an additional 120 police now operating in the ACT.

These are just some of the examples of the difference in approach—the concentration by this government in government on the things that matter to the people of Canberra—an additional \$330 million on health, an additional 120 police, and a \$350 million investment in public education.

Just this week we see a continuation through the initiatives announced yesterday of this government's commitment to remove disadvantage, to ensure that this is genuinely an egalitarian society, a community in which everybody, no matter who they are or where they come from, has, through the provision of services by this government, an opportunity to reach their potential and to participate fully in the life of this community.

We do it through the unparalleled level of support which we have provided for public education—the great leveller. If there is one way in which any community can express its commitment to genuine equality of opportunity, to a fair go, it is through access to the highest possible quality public education system. This government's commitment to public education is unequalled anywhere in Australia, if not the world.

A \$350 million investment in public health over four years in a jurisdiction of this size is phenomenal. We do it through a range of other initiatives. They were there yesterday: additional funds to deal with sexual assault, additional funds to allow seniors to travel at half price and half fare, a major commitment to and investment in climate change, student welfare officers for the public education system and support for the private system, and a major investment of \$75 million in public transport.

And it goes on and on. There are specific purpose-built facilities for drug and alcohol rehabilitation for Indigenous people. There are specific, targeted education programs to ensure that we assist Indigenous students lagging in their capacity to reach national benchmarks to reach those benchmarks in the way that their non-Indigenous peers do. These are targeted, specific, philosophically-driven initiatives that are not matched by the Liberal Party. What we see again today is a commitment.

It is all *laissez faire*: “give the people tax cuts; don't worry about this soft and fuzzy stuff”, as Mrs Burke has called it today in her unprecedented attack on the Minister for Health. The attack today by Mrs Burke on the fact that the Minister for Health has taken maternity leave summarises the attitude this party has to equality of opportunity by all in our society.

**Mr Mulcahy:** Mr Speaker, I rise on a point of order. It relates to standing order 118 (b). This is not relevant to the question about government investment and infrastructure.

**MR SPEAKER:** Come to the subject matter of the question.

**MR STANHOPE:** On the point of order, it is relevant—it is about the philosophical approach of governments reflected in their commitment to policy and policy investment.

**Mrs Burke:** Sit down. Time's up.

**MR STANHOPE:** The claim by Mrs Burke today in which she quotes Mr Mulcahy that Ms Gallagher is not committed to her job because she was on maternity leave is absolutely outrageous.

*Opposition members interjecting—*

**MR SPEAKER:** Order! Chief Minister, resume your seat. Order!

**Mrs Dunne:** Before I ask my question, Mr Speaker, I rise on a point of order. The minister's time had expired and he would not take your ruling to sit down. I think it is really about time that members of the government were warned with the same eagerness and enthusiasm as members of the opposition are warned.

**MR SPEAKER:** I do not take too kindly to those sorts of reflections on the chair, Mrs Dunne, so I order you to withdraw that.

**Mrs Dunne:** I withdraw. If you consider it a reflection on the chair, I withdraw.

### **Schools—student smoking**

**MRS DUNNE:** I have a question for the Minister for Education and Training. Minister, yesterday during question time you told the Assembly that the issue of a female student attending a Canberra high school who is addicted to smoking was first raised with your office during the last weekend of October. Indeed, you said “right from when 2CC first approached my office in that last weekend in October”. Yet, minister, according to an article in the *Canberra Times* of 6 November 2007, you said that you were first alerted to the issue “late last week”—and late last week by that calculation would have been 1 or 2 November. Minister, when did you actually become aware of this issue and when did your office first become aware of the issue?

**MR BARR:** Mrs Dunne's fascination with this subject seems to show no end. My media adviser received a call from 2CC on the morning of Saturday, 27 October and then contacted me. We then sought advice on that day, as best we could from the department of education and the school, in relation to the allegations. The initial advice at that time was that there was no truth to those particular allegations. We subsequently confirmed that advice that came through on the weekend early in the next week—from recollection it was the Monday—and we then received a number of inquiries because 2CC continued to run with the issue in spite of the fact that we had indicated that there was no truth to it.

What I told the *Canberra Times* was an accurate statement. On the question of when the *Canberra Times* report what I say and when they actually ask the question—there

can sometimes be a delay. But if in any way I have confused by a matter of a day or two one week a Saturday versus the following week—seriously, if you are going to pick me up on a day here, I will apologise to the Assembly if anyone believes that the statement I made then, that I was in fact contacted by the media on Saturday the 27th, was incorrect. I am not entirely sure which day it was that the *Canberra Times* first approached but I do know that they decided not to run with the story for some time because they believed—

**Mr Pratt:** Because you were still busily covering it all up.

**MR BARR:** They accepted the position that I put, that the department put and the school put to them—that there was no truth to the story. The reason, it seems—and there are allegations out there that in fact a particular interstate media outlet ran the story—was that there were financial inducements offered to the family to make their statements. That is the issue that should be of greatest concern. There are rumours, in fact repeated by the family concerned to the school, that financial inducements were offered by media organisations from interstate for their story; that there were people from interstate media outlets out touting for the business.

As I indicated in my answer yesterday, I think you can take it as a pretty fair indication of whether a story is true or not when *A Current Affair* decide there is nothing in it and they do not run it. A show renowned more for its entertainment value than for its hard-hitting news and current affairs: when that sort of a media organisation determines that there is nothing in a story—that in fact it is simply a massive beat-up, fuelled, it would seem, if the rumours and the stories that have been told to the school by the family concerned are correct—that financial inducements were offered, my advice to the shadow minister in this instance would be to accept the position of the principal of the school and of the other people who have commented on this matter and to work with the rest of the school community, the department of education and the government to assist this student in the two most important things for this student: finishing year 10 and quitting smoking.

I do not think the approach by the shadow minister is helping that at all. I do not believe that that is helping the situation at all. As I indicated at the beginning of this answer, I first heard about it on Saturday the 27th and sought advice and subsequently had that advice confirmed that from the school's perspective no such situation ever occurred whereby the school gave permission for the student to smoke. So the entire basis of the story was factually incorrect. So, if the expectation is that I as minister am going to respond to every facetious story that happens to make its way into News Ltd papers, and that I have to deny every straw man that is put up—

**Mr Stanhope:** You're not attacking the *Telegraph*, are you?

**MR BARR:** I could well be, Chief Minister. If that is the default position—that it is the responsibility of the minister to deny every story that is manufactured—that is just an incredibly ridiculous position to expect of any minister, to have to get up and deny things that are fundamentally not true. It is the “when did you stop beating your wife?” or “when did you start beating your wife?” sort of analogy, isn't it? It is just outrageous, and this line of questioning from Mrs Dunne to try to manufacture something is again disappointing.

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

**MRS DUNNE:** Thank you, Mr Speaker. Minister, how is it that once again this issue has been brought to your attention not by your department but by the media or some other outside body? Why was this issue so badly handled by you, including not addressing the issue for over a week, calling the girl a liar on local television and in this place airing her school record?

**MR BARR:** In response to Mrs Dunne, if someone brings forward a wild allegation which seeks clarification and it is categorically stated not to be true, is it the expectation that I will then go to the media and fuel the story by saying, “No, the allegation that X, Y and Z made is not true”? My office made that clear to the media outlets on numerous occasions. The particular student, it would seem, and the family were offered money by one of these interstate media outlets to tell their story. That, I think, is the issue that should be of particular concern. I responded, and my media adviser responded, to the various approaches from 2CC and from some of the interstate media organisations as well as, eventually, from the *Canberra Times* and WIN, and stated the position that was consistent throughout—that this never occurred. Let me repeat, for the benefit of Mrs Dunne and all of the muppets on the frontbench here, that this never occurred. For the shadow minister for youth affairs and the shadow education minister to peddle this story in the way they have shows their total disregard. I don’t know how many times we had to deny that this event ever took place. We have done that consistently.

**Mr Pratt:** Have you covered this as well as the Campbell high school saga?

**MR SPEAKER:** Order, Mr Pratt!

**MR BARR:** I have responded consistently throughout that this event never took place. This ongoing campaign by the Liberal opposition proves again the point that the Chief Minister and others have made. It highlights their real attitude to public education. This is a campaign to run down an outstanding school. Stromlo high school has an outstanding reputation and it deals passionately and very carefully with all of its students. It is a school that works very hard with all of its students to assist them to complete their studies. I repeat: if there is some good that can come out of this entire incident, with the muck raking from the opposition and the rubbish we get from the interstate media, it is that this student will finish year 10 and get assistance to quit smoking. They are the two positives that can come out of this, and I am very pleased to be able to say that I am confident and I know that the staff at Stromlo high school are working very hard to achieve both those outcomes, and that is the important thing here. Eventually, once Mrs Dunne has got over her fixations with gates and with rude innuendo, we might be able to move on and focus on the needs of this student, and be able to provide the assistance, and to have unanimous support in this chamber for the response of the school to provide assistance, to this student to finish year 10 and to be able to assist her to quit smoking. They are the two important things that should come out of this.



**Mrs Dunne:** Mr Speaker, I seek your ruling. At one stage during Minister Barr's reply he referred to members of the opposition as "muppets". I don't know whether that is considered unparliamentary.

**MR SPEAKER:** If you used that term, I would ask you to withdraw it.

**Mr Barr:** Mr Speaker, I withdraw.

**MR SPEAKER:** Mrs Dunne, I am grateful that you withdrew your reflection on the chair a moment ago but I am still quite prickly about it, because with members of the opposition I do warn them more than once before they are warned about constant interjections. It is a practice that I like to observe, and the same rules will apply to members of the government.

### **Tharwa bridge**

**MR PRATT:** Mr Speaker, my question is to the Minister for Territory and Municipal Services. Minister, in October 2006 you told the Tharwa community that it was not possible to repair the Tharwa bridge. You also told that community that you had decided to embark on a two-year, \$10 million project to build a new concrete bridge.

Minister, there has been a significant amount of expert technical advice generated recently about the Tharwa bridge. In particular, a number of engineers from the New South Wales RTA have prepared a report that concludes that the Tharwa bridge is not "beyond economic repair" and that it can be repaired to at least light traffic load within a much, much shorter period of time that it would take to build your new concrete bridge.

Minister, what analysis has your department undertaken of the New South Wales RTA report about the future of the Tharwa bridge? What was the outcome of that analysis? Will you table this report by close of business tomorrow?

**MR HARGREAVES:** Thank you very much, Mr Speaker. I thank Mr Pratt for giving the Minister for Health some relief from the scandalous attacks that they have been doing on her.

**Mr Pratt:** I am a humanitarian, minister.

**MR HARGREAVES:** I appreciate your concern for the welfare of the Minister for Health. Mr Speaker, Mr Pratt is very good at misquoting, or not remembering too well. The reason why he does not remember that well is because he was not there when I was talking to the people at Tharwa. When I was talking to the people at Tharwa, I talked about the state that the old bridge was in and put before them a number of options. We discussed those options.

We also discussed how the old bridge had deteriorated and what we needed to do to try and rescue it. But there was one overwhelming sentiment expressed at those meetings—and there were a number of them—and that was that the people at Tharwa

needed a bridge across that river because that crossing was going to, and did, affect the viability of the village. I make no apologies for moving ahead as quickly as is absolutely possible in getting a bridge across that river.

I will get a bridge across that river, and I am not going to stop the process—quite apart from the fact that it is not within anybody’s authority anyway—just because Mr Pratt wants to grandstand and just because he is trying to rescue his mate, the soon to be former Senator Gary Humphries, who goes down to a picnic underneath a particularly unsafe bridge—and I will explain to you why in a sec or two—and promises the good people of Tharwa that he will fix their old bridge. But he also said, “I cannot promise you any money to do it.”

He can promise them money to fix Tharwa Drive—something we have already put \$1 million into. But it is Mr Pratt who is saying—

**Mr Pratt:** I raise a point of order as to relevance, Mr Speaker. The question is not about Senator Humphries’s promises. The question is about the New South Wales RTA report and what the minister has done about that report.

**MR SPEAKER:** Well—

**MR HARGREAVES:** Okay, Mr Speaker.

**MR SPEAKER:** Let me deal with the point of order. Do you want to speak on the point of order?

**MR HARGREAVES:** No. I am going to talk about—

**MR SPEAKER:** I have to deal with it. A point of order has been raised. The question was about the Tharwa bridge. The minister is entitled to touch on political aspects of the bridge.

**Mrs Dunne:** On the point of order, Mr Speaker—

**MR HARGREAVES:** Give me a chance to answer it, then.

**Mrs Dunne:** On the point of order, the question, yes, was about the Tharwa bridge, but related specifically to a specific report about it. We are most of the way into Mr Hargreaves answering and he has not touched on that report.

**Mr Pratt:** There are three parts to the question.

**MR SPEAKER:** He has a minute and 43 seconds to do something.

**MR HARGREAVES:** Thank you very much, Mr Speaker. Do you want to have another interjection and we can wind the clock down some more? It is your call.

**Mr Pratt:** I just want an answer.

**MR HARGREAVES:** Mr Speaker, Senator Humphries can say, “We can fix the bridge just like that.” But no money is advanced. He can promise \$10 million for Tharwa Drive, he can scatter money all over the place like confetti, but he cannot promise to put any money into the Tharwa bridge. The reason for it is that nobody is particularly sure how much this is going to cost.

The reports that Mr Pratt refers to are not from bridge experts at the RTA in New South Wales. They are from former and retired people from the RTA of New South Wales. They also say that they can fix that bridge in six weeks at half the cost—six weeks at half the cost.

We had a look at fixing that bridge and, yes, they are right. But they forgot to take into account how much money it takes to take the Bailey bridges out. They have allowed no money in their thinking for the removal of the Bailey bridges, nor have they taken into consideration that right now, if they take those Bailey bridges away, the whole lot is going to fall in the river. It is that that we have as a concern.

At the moment reports given to me are that that bridge is 75 millimetres out of alignment on a twist. You can see through it. But you cannot see it from the picnic grounds that Mr Pratt goes to because it is on the other side. Has Mr Pratt bothered to have a look at that particular line? No, he has not.

**Mr Pratt:** They can repair that bridge for a lot cheaper than that, and you know it.

**MR SPEAKER:** Mr Pratt, do you have a supplementary question?

**MR PRATT:** Minister, why have you failed for more than 18 months to acknowledge that the Tharwa bridge can be restored—and a damn sight cheaper, by the way, than the concrete bridge project—and that the disadvantages being experienced by the Tharwa community can be resolved far more quickly than what they are going to be by your current plan?

**MR HARGREAVES:** Mr Speaker, before I transferred responsibility for heritage matters to the Chief Minister, I did actually query how much would it cost to do this? How much would it cost to actually restore the old bridge? Of course, the costs came in at around about \$10 million, or thereabouts, with \$100,000 a year for maintenance, and the bridge would be guaranteed for a period of 20 years. A concrete and steel bridge across that river is guaranteed for 100 years. Twenty years later, we would be back doing it again.

The other thing, Mr Speaker, is out of what would you make it. The villagers at Tharwa said they did not want a concrete and steel look-alike bridge; the Heritage Council said they did not want a concrete and steel look-alike bridge; they wanted it made out of timber. Now, the timber, the actual original timber, is not available; full stop.

**Mr Pratt:** There is timber available.

**MR HARGREAVES:** Mr Speaker, the timber that is the closest we can get to it—

**Mr Pratt:** There is replacement timber available.

**MR SPEAKER:** Order, Mr Pratt!

**MR HARGREAVES:** The closest we can get to the timber is still growing.

**Mr Pratt:** It is not.

**MR HARGREAVES:** It is in the form of a tree. A tree is one of those big brown things with all that really green stuff hanging off it, Mr Pratt, for your information. You are barking up the wrong one, Mr Pratt. Mr Speaker, you would have to cut this tree down, and you would have to let it lie there for 12 months to cure before you could nail it on to a nice piece of beam. We could not start anything to build that new bridge inside 12 months.

**Mr Pratt:** Experts contradict that.

**MR HARGREAVES:** It would take another 18 months or so to construct it. That, of course, is not allowing for the removal of the Bailey bridge. Until recently, the Bailey bridge was holding up part of the bridge in sections. The deterioration of the bridge was so bad that it actually fell and is now resting on the Bailey bridge.

**Mr Pratt:** That's right.

**MR HARGREAVES:** It is resting on it. Now, those Bailey bridge segments are owned by the RTA, and they want them back in the middle of next year. You cannot buy them; they are out-of-date technology, and the RTA of New South Wales needs them for their own purposes. We investigated buying the next best thing, and the closest thing we could get was in the UK, and it was going to cost us just over \$1 million to bring it into the country and put it down at Tharwa. This is not included in Mr Pratt's considerations of the cost of doing the bridge again, neither the time it would take to bring the materials in—

**Mr Pratt:** This is all red herrings, John.

**MR HARGREAVES:** Not the time for dismantling and not the time for bringing in the segments in to fix it up. No, they are not in their consideration at all.

**Mr Pratt:** These are all red herrings, John.

**MR HARGREAVES:** To do the bridge again, with the dismantling and the reconstruction, it would cost about \$10 million, and it would take at least three years to do it.

**Mr Pratt:** That's rubbish.

**MR HARGREAVES:** Mr Speaker, this is the information I have. In terms of whether I am going to table something for Mr Pratt's benefit, no. If Mr Pratt wants to give me

copies of these RTA reports from New South Wales, I am happy to look at them, but he has not got them. He has got reports from retired and former members of the RTA who do not even live in the ACT. He has also got the “expert” advice from those people who live down at Tharwa who know only too well that you can put a low-level crossing across that river. They do not accept that you have to take away a gradient of something like 30 to 40 degrees off the bank, completely wreck the environmental flow and completely wreck the vista from Tharwa into the Lanyon Homestead and back again. The fact that they have built it on a sand base with three metres of concrete going into the river, no, they do not consider that.

**Mr Pratt:** John, these are red herrings.

**MR HARGREAVES:** They do not consider that it would cost \$900,000 to do it.

**Mr Pratt:** These are red herrings, John.

**MR SPEAKER:** Order! Mr Pratt, I warn you.

**MR HARGREAVES:** Mr Speaker, for what reason? We are getting on and building a bridge. I think the tender process has closed and we are in the evaluation of the tender to award the contract. At this stage, Mr Speaker, the government has yet to consider a recommendation of what to do with the old bridge. Mr Pratt can carp and prattle away as long as he likes, it will make no difference.

**MR SPEAKER:** Come back to the subject matter of the question.

**MR HARGREAVES:** We will consider the reports when they are brought forward and brought to cabinet for decision. That will be in the fairly near future.

### **Crime—sexual assault**

**MR GENTLEMAN:** My question is to the Minister for Police and Emergency Services. Minister, can you inform the Assembly about the recent government announcement on new funds for a sexual assault program?

**MR CORBELL:** I thank Mr Gentleman for the question. Last week I was very pleased to launch new funding of around \$4 million for urgent reforms to assist the victims of sexual assault in our community. This follows on from the very serious concerns raised by victims of sexual assault about all too often the bad experience they face when they go through the justice system. I note that this is one of those initiatives that Mr Stefaniak has welcomed and has given his endorsement to. I welcome his endorsement. Perhaps he needs to tell Mr Mulcahy that this is a program that the Liberal Party supports.

This new funding shows that the government is determined to improve the experience of victims of sexual assault if they choose to go through the criminal justice system and, in particular, indicates that we want to make it easier for them to report an incident, we want to make it easier for them to give evidence and we want to make it easier for them to assist with the prosecution of alleged offenders.

The sexual assault reform program is a major interagency initiative which involves victim agencies, the Canberra Rape Crisis Centre, children's advocates, the police, prosecution authorities, the courts and the broader legal profession. It follows on from my request earlier this year that my department convene a reference group to consider the recommendations of the report initiated by the government and provided to the government by ACT Policing and the Director of Public Prosecutions called *Responding to sexual assault: the challenge of change*. It identified the range of issues that need to be tackled to improve the support provided to victims of sexual assault in our community. That reference group comprised representatives from all key stakeholders. It agreed that a number of objectives needed to be pursued by the government. These included improving the processes and support for adult and child victims of sexual assault, reducing attrition in sexual assault matters within the criminal justice system and improving coordination and collaboration between agencies.

As a result of this, the government has provided \$4 million in funding. It provides funding for three new positions to improve victim support and coordination—one each for the rape crisis centre, the Office of the Director of Public Prosecutions and the Victims of Crime Coordinator's Office, amounting to \$1.2 million over four years. It also provides for a multimedia information package for victims that provides them with a one-stop point of reference around the investigation, prosecution and court processes and where they can obtain sources of support.

It provides for the establishment of an off-site remote witness facility, including the fit-out of two court rooms with state-of-the-art technology to enable victims and witnesses to give their best possible evidence without fear and intimidation. That is a very important reform; we have not had an off-site remote witness facility before; this will assist witness and their families and supporters considerably.

We will also be expanding resources for our police and prosecution, with additional staffing, with a total value of \$1 million. And, importantly, the government is resourcing specialist capacity to develop a comprehensive law reform package to deal with legislative reform to improve the operation of the law and the procedures in the courts. Over \$200,000 is dedicated to this law reform specialist capacity. Finally, there will be the development of accredited interagency training and the evaluation of this reform initiative to the value of over half a million dollars.

This is really the first stage of a long-term government commitment to improve support for victims of sexual assault. Sexual crimes in our communities are the most difficult to prosecute and they are the crimes least often reported and pursued through the courts. We want to change that situation. We want to send the clear message that sexual assault and sexual crime are unacceptable in our community. We will facilitate and resource our justice system, our police and our victims of crime coordinators to assist victims, to pursue the perpetrators and to achieve effective outcomes in the court. That is what this new funding will enable us to achieve a major advance on.

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

## **Supplementary answer to question without notice Legislative Assembly library**

**MR HARGREAVES:** Mr Speaker, I wish to expand on an answer that you gave to the Leader of the Opposition with relation to library services, and at the same time express my disappointment in the Leader of the Opposition for being so impetuous and precipitate. The letter that was sent to me, Mr Speaker—

*Members interjecting—*

**Mrs Dunne:** I raise a point of order, Mr Speaker. I seek your direction: under what standing order or what form of the house is Mr Hargreaves doing this? If he wants to seek leave to make a statement, we would consider leave.

*Members interjecting—*

**MR SPEAKER:** Seek leave to make the statement, Mr Hargreaves.

**Mr Hargreaves:** I seek leave, Mr Speaker.

Leave not granted.

## **Standing orders—suspension**

**MR HARGREAVES** (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (3.26): I move:

That so much of the standing orders be suspended as would prevent Mr Hargreaves from making a statement concerning the Legislative Assembly Library.

**MR SPEAKER:** The question is that the standing orders be suspended. Those of that opinion say aye, to the contrary no.

**Mrs Dunne:** Mr Speaker, I want to speak on—

**MR SPEAKER:** Order! I put the question—that the standing orders be suspended—and nobody rose.

**Mrs Dunne:** Mr Hargreaves was already on his feet. I thought he was going to speak, Mr Speaker.

**MR HARGREAVES:** I was, but it is too late.

**MR SPEAKER:** He didn't rise.

**MR HARGREAVES:** I was already up. I couldn't rise any higher, Mr Speaker; I'm only 180 centimetres tall.

**MR SPEAKER:** Nobody seemed to want to make a contribution. If you want to start again—

**Mrs Dunne:** I do. I do wish to make a contribution, Mr Speaker.

**MR SPEAKER:** Then the question is that the standing orders be suspended.

**MR HARGREAVES:** I think this is just a little bit of tit for tat on the part of the opposition; they are trying to prevent this Assembly from receiving information which would enable a complete picture to an answer that you have provided to the Leader of the Opposition. I really think this is just being really silly in the extreme and ought to be dealt with with the silliness that it deserves.

*Members interjecting—*

**MRS DUNNE** (Ginninderra) (3.27): Mr Speaker, there is no need to suspend the standing orders. Mr Stefaniak asked a question of the appropriate person responsible for the operation of the Legislative Assembly and in both—

**Mr Hargreaves:** I raise a point of order, Mr Speaker. Mrs Dunne is debating the question and not the substantive motion.

**MR SPEAKER:** No.

**MRS DUNNE:** The reason why Mr Hargreaves would like to suspend standing orders is that he would like to have his four pennorth worth.

**MR SPEAKER:** She is debating the question but that is what she is entitled to do.

**MRS DUNNE:** There are ways and means of doing this and this is not one of them. He just cannot because he is a minister at the table stand up here after question time and babble on about anything that he likes. There are times when he is allowed to babble on about anything that he likes, but this is not one of them. The occasion was not a question to Mr Hargreaves. There was a question asked and, as far as you were concerned and as far as the opposition was concerned, it was fully answered. If Mr Hargreaves would like to make another contribution, there are other forms of doing it. He could, for instance, write to the members of the Legislative Assembly about the operation of the Assembly library.

Question put:

That **Mr Hargreaves's** motion be agreed to.

The Assembly voted—

Ayes 9		Noes 6	
Mr Barr	Mr Gentleman	Mrs Burke	Mr Stefaniak
Mr Berry	Mr Hargreaves	Mrs Dunne	
Mr Corbell	Ms MacDonald	Mr Mulcahy	
Dr Foskey	Mr Stanhope	Mr Pratt	
Ms Gallagher		Mr Seselja	



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

## **Legislative Assembly library**

### **Statement by minister**

**MR HARGREAVES:** Mr Speaker, these are some facts that the Assembly might wish to be aware of, given that Mr Stefaniak raised with you the question of the Assembly's library. Firstly, it needs to be said that the letter from your office to my office raising the issue was received in my office today. It had not processed its way from my reception desk to my own desk. That letter was passed to me in the course of question time, which was the first time I had a chance to read it.

With respect to the issue that Mr Stefaniak raised with you, he talked about the position in the Assembly library. Let me put this in a picture for you. The Assembly library has a certain establishment. The particular officer to which the letter refers was not part of the Assembly library establishment. That officer was part of the senior officer group of the ACT library service and spent an enormous amount of her time in the Assembly library of recent days. That particular officer has taken a package and is leaving the service and that position will not be refilled. That position is not part of the Assembly library establishment and has never been.

Secondly, I undertook that no substantive changes were to occur in that library—or in fact no changes other than the smooth running of the library—without discussions between the Speaker and me. For the benefit of members of the Assembly, the Speaker and I have not had a discussion at this point, and it would not be so that we would have a discussion at this point because the normal process is that there are discussions at officer level. It is important, Mr Speaker—and, through you, to the Leader of the Opposition—that the Clerk be involved in the process of those considerations.

The Clerk is the permanent head of the Speaker's department, and Mr Stefaniak well knows that. When we talk about the resources that would travel if it were a transfer to the Assembly, for example, it would be of interest to the Clerk. At officer level my understanding is that it is the Clerk, it is my office and it is the Speaker's office. Those discussions have not concluded. It is not appropriate yet that the Speaker and I have that discussion. But I can tell you right now, emphatically, that there has been no change to the establishment within the Assembly library; nor will there be unless and until the Speaker and I have concluded those discussions which have not started yet.

## **Supplementary answers to questions without notice**

### **Health—oral and maxillofacial surgery**

**MS GALLAGHER:** Earlier today in question time Mr Mulcahy asked me a question around the recruitment and the advertising process for oral and maxillofacial surgeons. I can advise the Assembly that advertising closed on Friday and there have been numerous applications from qualified surgeons. We do not routinely comment on recruitment and personnel matters and, because of the nature of the interest in this, I do not intend to make any further statements about it.

**Infrastructure and services**

**MR STANHOPE:** Mr Speaker, I would like to add to an answer to a question I was asked. For the interest of members I would like to provide some additional information. In question time I was asked for examples of the ACT government's approach to the provision of services, and one of the examples I would have liked to have dwelt on was the provision of maternity leave, paid maternity leave—

**Mrs Dunne:** I raise a point of order, Mr Speaker. This is not additional information; this is the Chief Minister attempting to use the forms of the house to extend the time he has to answer questions.

**MR SPEAKER:** There is a longstanding custom here where ministers provide additional information, Mrs Dunne; it has been going on ever since I have been here.

**MR STANHOPE:** Thank you, Mr Speaker. I use this as a final example—

**MR SPEAKER:** But I do not want to see an abuse of—

**MR STANHOPE:** No, it is not. It is an example—

**MR SPEAKER:** customs either.

**MR STANHOPE:** It is not an abuse, Mr Speaker. Mr Speaker, you will recall that indeed Mrs Dunne stood and took a point of order on the fact that I was halfway through an answer—my final example, which was relating to paternity leave, as the sort of service that my government supports through appropriations, particularly in relation to paid maternity leave. It was the final example I was giving. My time ran out as a result of points of order that Mrs Dunne took and I think it appropriate, for the information of members, that I conclude the answer. I am seeking to do that now for the sake of completeness and for the record.

**Mrs Dunne:** Point of order, Mr Speaker: the record will show that I actually took a point of order after the Chief Minister sat down, about his failure to sit down when his time has expired. I did not take a point of order during his answer. This, Mr Speaker, is coming very close to abuse of the forms of the house.

**MR SPEAKER:** And ministers have time limits imposed on them for the answer of questions and I do not want to see the forms of the house brutalised by manipulating them in a way that will ruin the application of these customs which have occurred over some time. So confine yourself to the minimum response, Chief Minister.

**MR STANHOPE:** Thank you, Mr Speaker, and I think the *Hansard* will show that indeed Mrs Dunne did, contrary to the assertions she just made in her point of order, stand during my answer and did take a point of order, just as I—

**MR SPEAKER:** Never mind the point of order; that has already been dealt with. Just come to the substance of the issue.

**MR STANHOPE:** Right, but we will look at the *Hansard* with interest. I was making the point, as members will recall, that one of the issues that we as a government pursued as a policy and as an example of the policies that we would pursue was around maternity leave. Indeed it is a fact that the ACT government grants 14 weeks paid parental leave to working parents, along with a raft of other family-friendly working conditions. This is something of which we are enormously proud—that in our negotiations we have provided those services—and, of course, they are rights and expectations that we believe all women in the employ of the ACT should rightfully enjoy, including ministers, and—

**MR SPEAKER:** Wind up, please. I don't—

**MR STANHOPE:** I will. The point I was concluding on was that, in contradistinction, the Liberal Party in this place today have indicated that that is not an approach that they—

**Mrs Dunne:** Point of order, Mr Speaker.

**MR SPEAKER:** No. Order!

**MR STANHOPE:** that they—

**MR SPEAKER:** No, I am not going to tolerate this. I think the forms of the house are being interfered with here and I just do not think we should proceed down that path any further.

### **Personal explanation**

**MR PRATT** (Brindabella): Mr Speaker, under standing order 46 I want to make a personal explanation, a clarification in relation to a matter misrepresented by Mr Hargreaves in answer to—

**MR SPEAKER:** You have been misrepresented, Mr Pratt?

**MR PRATT:** Indeed, sir, in relation to the question today. In response to my question Mr Hargreaves said, in relation to Tharwa bridge, that I was in possession of an engineering report prepared by retired RTA engineers. That is a misrepresentation. I am not in possession of any such report. In clarification, Mr Speaker, I am aware that such reports do exist. I am also aware that there is a report prepared by the New South Wales RTA now and my question revolved around that report.

### **Financial Management Act—annual financial report 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 25—Consolidated Annual Financial Report, including audit opinion—2006-2007 Financial Year.

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

Leave granted.

**MR STANHOPE:** I am pleased to present to the Assembly the 2006-07 consolidated annual financial report for the territory. This report has been prepared under the Australian accounting standards in line with the requirements of the Financial Management Act 1996. The consolidated statements have been audited and were unqualified. By any financial measure the territory's performance in 2006-07 was strong. It is with pleasure that I announce that the government has achieved its financial objectives against its strategic measures in 2006-07.

The general government sector recorded a surplus, no matter which measure we choose to use. The government has achieved a GFS net operating surplus of \$89 million two years ahead of schedule. This is the government's headline budget measure: a net operating surplus measured on a pure GFS basis of \$34 million, an Australian accounting standard operating surplus of \$332 million, a surplus two years ahead of schedule, the fifth consecutive AAS operating surplus of my government and the largest surplus in the history of the ACT.

Strong operating cash surpluses were achieved—net GFS cash from operating activities of almost half a billion dollars in 2006-07, a strong total GFS cash surplus of \$269 million one year ahead of schedule. Total cash and cash equivalents and investments grew by \$445 million to \$3.2 billion. A strong balance sheet was maintained and, in fact, increased. The territory's AAA credit rating has been maintained. Net assets grew by almost \$1.8 billion to \$11.2 billion. Net debt is strongly negative.

The government's strategy of fully funding the territory's superannuation liability is on track. A contribution of \$107 million was made in 2006-07 towards the territory's unfunded superannuation liability. At the end of the 2007 financial year 72 per cent of the superannuation liability was funded. A record expenditure on the capital works program of \$218 million was achieved, helping to meet the infrastructure requirements of a growing city.

All key fiscal aggregates also improved on the 2005-06 outcome, and this was not by luck but a result of the difficult decisions and actions taken by my government in the 2006-07 budget—actions which have had longer term financial stability firmly in mind, including measures to improve efficiency and reduce the cost of administration.

The budget surplus reflects sound fiscal management. The government has recognised that the ACT has been living beyond its means and it undertook the necessary actions to put the territory's finances on a sustainable footing. The result clearly demonstrates this government's ability to effectively manage its expenses and its revenue, ensuring

sustainability of high-quality services to the community and meeting the existing and emerging infrastructure requirements of the territory.

The net operating surplus reflects the territory's strong economic performance during 2006-07. The economy remains strong and growing. We have virtually full employment, and business confidence remains high. State final demand was a solid 5.5 per cent. Strong growth in non-dwelling construction activity greatly contributed to private investment activity, employment in the ACT grew at a rate of 3.8 per cent and investment in the ACT housing market by both owner-occupiers and investors grew strongly during 2006-07. The continued strength of and confidence in the ACT's economy is a reflection of the government's prudent financial management. I commend the papers to the Assembly.

### **Financial Management Act—consolidated financial report 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 26—Consolidated Financial Report for the financial quarter and year-to-date ending 30 September 2007

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

Leave granted.

**MR STANHOPE:** I present to the Assembly the September quarter financial report for the territory. This report is required under section 26 of the Financial Management Act. At the end of September 2007 the net operating balance for the general government sector was a surplus of \$169 million. The outcome for the September quarter year to date was \$54 million higher than the budgeted surplus of \$114 million. The result was mostly due to higher levels of conveyance revenue and stamp duty on shares and marketable securities and the receipt of higher levels of general rates during the September quarter.

The strong year-to-date general government performance reflects in part the ACT's continuing strong economic performance, the territory's full employment and continuing business confidence, the strong growth of 5.5 per cent in state final demand, the continuing strong growth in non-dwelling construction activity contributing to private investment activity, and the continued strength of the ACT housing market.

The September year-to-date result also clearly demonstrates the government's ability to effectively manage its expenses while providing high-quality services to the community. The September quarter surplus has been achieved without reliance on land revenues and stock market movements. The achievement of surpluses ensures that the government has capacity to provide high-quality sustainability of services in

priority areas and to invest in the territory's physical and social infrastructure. Surpluses also maintain a buffer against fiscal shocks and provide capacity to deal with unforeseen circumstances. In conjunction with a strong balance sheet they also help maintain our AAA credit rating.

The general government sector balance sheet remains strong at \$11.4 billion as at 30 September 2007. Net debt, excluding superannuation investments—a longer-term measure of financial stability—improved by \$23 million from 30 June 2007 to minus \$563 million. Negative net debt indicates that cash reserves and investments continue to be greater than gross debt liabilities. The September 2007 result demonstrates that our fiscal strategy implemented over the past two budgets is paying off. It also highlights that the territory's economy remains strong and healthy. I commend the report to the Assembly.

## **Australian Railway Historical Society**

**MR GENTLEMAN** (Brindabella) (3.46): I move:

That this Assembly:

- (1) recognises the importance of rail heritage in the ACT;
- (2) acknowledges the significant contribution the Australian Railway Historical Society provides for Canberra; and
- (3) calls on the ACT Government to:
  - (a) investigate ways to ensure the future of the Australian Railway Historical Society and investigate the provision of financial assistance in any possible relocation; and
  - (b) ensure the provision of suitable land, catering for all of the Society's needs, should it be necessary for the Society to be relocated.

The ACT is recognised nationwide as a hub for education and information. Our museums and galleries provide us with interactive exhibits and displays that are available for all of Australia to enjoy. Whether or not it is the Australian War Memorial, Old Parliament House or the National Museum of Australia, there is always a surprising amount of material that will help us all achieve a better understanding of the Australian way of life. The ACT is fortunate enough to house these collections that represent our history.

Another lesser-known, active museum is run by the Australian Railway Historical Society. The museum, located in Kingston, offers an important glimpse into the history of railways in Australia. The society over the last 40 years has gathered a large amount of railway related items. Today the society owns or has custody of more than 100 items of rolling stock. These include seven steam locomotives, five diesel locomotives, four diesel rail motors and an extensive fleet of vintage timber-bodied and modern steel sitting, sleeping and dining cars.

The ARHS had its beginnings in 1966 when about 15 local enthusiasts met to consider the formation of a branch of the society in the ACT. The branch was formally inaugurated in May 1967 and received early success in organising a number of well-patronised rail tours prior to the withdrawal of steam locomotives from the southern districts of New South Wales in 1971.

Canberra was built using the railways. Important landmarks such as the Hotel Canberra and Old Parliament House had their materials brought in by rail on temporarily placed lines which ran alongside the buildings throughout the duration of their construction. Indeed, bricks used in the construction of Old Parliament House were run by rail line from the Yarralumla brickworks to Old Parliament House.

On 25 May 1914 the first revenue-earning train was hauled into Canberra. This was a coal train that serviced the main electricity generation station for Canberra. The locomotive that hauled this train became a significant piece of Canberra's history, and today this locomotive has been preserved, avoiding the scrap heap, and can now be found at the ARHS railway museum. The locomotive returned to service in 1988 after the society received funding for restoration from the federal bicentennial grant. The locomotive, numbered 1210 at 129 years old, is the oldest operating standard-gauge steam locomotive in Australia. This is the society's flagship engine and central to railway history in Canberra and Australia.

The Railway Historical Society offers an important insight into the past for all Australians. The railways helped change the world. They allowed great distances to be covered at speeds previously unknown and they were for many years the only form of long-distance travel. They allowed for the growth of inland settlements such as the ACT that in turn connected us with the rest of Australia.

The ARHS provides for Canberra a tourist railway that operates out of the Kingston railway station and an interactive railway museum. The museum, also located in Kingston, has on display numerous exhibits that represent the lifespan of the New South Wales government railways. There is also a unique exhibit of the Australian seat of government railway carriage, which was particularly manufactured for members of parliament travelling to the ACT. Can you imagine some of the conversations that would have occurred on that carriage?

Some 100 or so members are actively involved as volunteers in the day-to-day operations of the society. Today the society is trustee of the Canberra Railway Museum Trust and as such is dedicated to the study, preservation and operation of significant items of Australian rail history. As a non-profit organisation the society finances the preservation and restoration of engines and carriages by running heritage rail trips, local and long-distance train tours, operating the Canberra railway museum, the Michelago tourist railway and a CountryLink ticketing agency at the Queanbeyan railway station. The society's theatre trains, to stage shows around Australia, use the operational carriages and showcase the high standards of hospitality and catering skills provided by the members. The society also operates the Railroad Restaurant dinner trains and dinner-dance trains and picnic trains.

Annually, the museum opens its doors to the fire brigade, the SES and the federal police. These agencies utilise the museum and the workshop areas within the grounds for security exercises and training. Many times we have seen mock disaster zones be established, with the society providing free access for these occasions. This generosity is just one aspect of the society's contribution to the Canberra region.

I have the pleasure of being in constant contact with numerous dedicated volunteers from the Railway Historical Society. Dedicated members Rainer Schulz and our own Lainie Loewe have supplied me with coalface information about the daily running of the museum. I have seen personally a visitors log of all who have passed through the museum. In this journal there is a clear diversity of people who have visited the museum. The museum regularly plays host to local and interstate visitors, as well as international guests from time to time. Stephen Elleman of Rhode Island, USA, visited the museum earlier this month and said what a great experience he had. Alan Winfield from Cambridge in the UK described the museum as "excellent". Local visitor to the museum Ali Rangwalla commented positively about how informative her visit was to the museum. So, as you can see, it appears that all who visit the museum are thrilled with their experience.

Looking to the future, there is an ACTPLA-initiated railway master plan study underway and the consultants have had discussions with the society. A plan is underway to see the retention of the railway goods shed, hopefully integrating a new combined Canberra railway station and railway museum at the goods shed location. This would be a significant boost for the society as it is one of only two accredited rail operators in Canberra.

The ARHS has over the last 40 years contributed greatly not only to the preservation of important vintage pieces of our history but also to the Canberra community. I recognise and encourage others to realise the importance of this organisation and the benefit to the community it brings. With the necessary upgrade of the Kingston foreshore area and the upgrade to the railway grounds at Kingston, it may be necessary for the Railway Historical Society to relocate its workshop and museum facilities. I have held discussions with members of the historical society's council.

A big concern for the society is their survival if they were required to relocate. The society are concerned that, should they be required to relocate, the financial burden on their volunteer society would cripple their operations and force the closure of the group. This would be a travesty. The dreams and efforts of all these hardworking Canberra volunteers would be lost. So in this motion I call on the ACT government to commit to assisting the ACT division of the Railway Historical Society by investigating the provision of financial assistance if a relocation of their premises is required. As a hardworking, committed volunteer organisation, they are unable to support themselves with extra funds should a required relocation go ahead. I also call on the ACT government to ensure the provision of land that would cater for all of the society's needs should it be necessary for the society to be relocated.

The Railway Historical Society is one of those hardworking and committed groups of people who strive to achieve a high level of professional service that directly benefits



the ACT community. These volunteers generously donate their time and money in order to provide a working railway operation for all of the community to enjoy. Be it a heritage steam train run, an overnight Showtime express tour to another capital city or just a relaxing dinner-train overlooking the Tuggeranong valley, there is something for every family to enjoy.

I have had the personal experience of travelling with the society on one of their runs to Bungendore, for luncheon and return, and had the pleasure of travelling on the Australian seat of government carriage and I enjoyed it very well.

Government cannot let the Australian Railway Historical Society crumble under the pressure of financial burden. It is in the best interests of the ACT community to ensure the survival of this organisation that deserves far more recognition within the community than it currently receives. Often it is only after we lose something that we realise the benefit it brought to our lives. So I urge all members of the Assembly to support this motion, which will set up a stable base that the society can thrive off and ensure the longevity of our heritage railway well into the future.

**DR FOSKEY** (Molonglo) (3.56): I am certainly happy to support Mr Gentleman's motion but I would like to take it further. I have an amendment which I believe is being circulated at the moment. It seems to me from Mr Gentleman's argument that he did not take the full journey and arrive at where, logically, having regard to his concern, he should end up; that is, it makes a lot of sense to leave the railway museum where it is.

Like Mr Gentleman, I have developed a real admiration for the people who keep that incredible complex at the site in Kingston going. Let us face it: none of the people who work there are paid to do it. They are part of a group which, fortunately, is still strong. Despite the demise in investment in public rail transport, there are still people who are passionate about trains. A former Leader of the National Party of Australia, Mr Tim Fischer, is one of these people. They must be encouraged and rewarded for their work. If we actually costed the work they do, we would be looking at millions of dollars. I also want to acknowledge the dedication of Lainie Loewe to the society and as an advocate for the society.

Rail heritage is important because it is part of our history and of the evolution of our society. However, I do not want railways to remain part of our history. People may be aware that the Greens' national platform actually calls for significant investment in rail infrastructure, not just to get a lot of transport off our roads but in order to increase its role as a human transport carrier.

It is true that trains are becoming almost a part of history—almost a novelty. I do not like the idea that soon we might only see them in museums. At the moment, we have two trains a day to Sydney and the majority of the community probably does not consider it to be a viable option. Two trains a day to Sydney is pathetic. I know that is out of the control of the ACT government; it is the New South Wales government that makes that decision. Most of the track is in New South Wales. We know that it is not up to scratch. I used to be a train traveller. Along with most other Centrelink recipients, we got our concession voucher every year. If you travel on the trains

today—and I bet there are not too many people here who have travelled to Sydney by train recently—you will note that you are surrounded by elderly people or age pensioners and young, probably sole parents and disability pensioners. Of course, trains are a child-friendly way of travelling, but for some people it is a cost-effective way of travelling.

To combat climate change, we must improve public transport. Rail is an efficient form of transport that can carry high loads of people. We should be not only expanding it as light rail within the ACT but also lobbying the government in every way we can to connect us with Melbourne directly by rail and to improve the services to Sydney.

The Australian Railway Historical Society already provides a variety of services to the Canberra community. These include educating visiting school students, from both the ACT and interstate, and entertaining people, including disabled and frail members of the community. Mr Gentleman made reference to a trip that he has taken. If I had time, I would also love to do one of their weekend trips to parts of the Blue Mountains and elsewhere, where one is wined and dined and generally has the experience of a train journey, which is a unique experience. It is not like being on a bus, where you are stuck in the same seat for the whole trip. You can move around; you can go to the dining car. We find that it is an incredibly popular option, and that is all done gratis for us by the Australian Railway Historical Society.

We do not perhaps realise the tourism potential of the Australian Railway Historical Society museum. That is something we could start spruiking a lot more, by including it in publicity campaigns to come to Canberra. A lot of people do not have access to trains, especially regional people, and I think there are children and families who would really enjoy that. But I wonder if they know about it when they are just coming cold to Canberra.

The society carries 5,000 to 6,000 passengers a year on their weekend trains and they are already fully booked until the end of the year. They train people free of charge for local emergency services and federal agencies. They employ two full-time fitters, as well as two office staff—one full time and one part time. That is the small contingent of paid workers, but of course there is a much larger contingent of voluntary workers. They have also trained many apprentices. They are actually part of our apprenticeship program in the ACT and, if it were not for them, we would not have those places for fitters and other apprenticeships that are very much related to rail.

The railway society has been part of the ACT for 26 years and since 1981 has grown and developed with the community to become a vibrant and engaging part of Canberra life. Steam locomotive 1210, a steam train, hauled Canberra's first revenue-earning train, and it is one of the society's prize possessions. It is a major part of Canberra's history; it should be conserved, and the society is doing that.

However, ever since I have been in the Assembly the society has had concerns about its future at that site. It has been seeking an assurance for some time. At the moment there is the potential for a 10-year lease on its current site, but that lease can be pulled away at any time, at the will of the government. In a way, that does not give a sense of security when you have the amount of machinery that the society has. We have already heard the figure of \$40 million for relocation.

The ACT government has not yet come up with any proposals to give the society any sense of security. That is why I propose to move an amendment to the motion. I am sure it would be acceptable to the society to be moved to another location, but there are issues about the size of that location. It does need to be as big as their current location—that is, at least 4½ acres, because one train is 400 metres long. They also need a huge shed. It should be remembered that the shed and the other assets on that site have been built using the voluntary labour of members of the society. It does not seem to be very practical or efficient to pull those down, move them all and re-erect them when they already exist. Certainly, it would not be sensible to replace them.

However, with respect to the East Lake development—which has been on the cards for some years, and is the main reason why the society has felt insecure—the site is right in the middle of it. We are being told that the community and heritage significance of the society and its site will be considered as part of the railway master plan. However, we do not know what that is going to look like. It is incomplete, and we do not know what to expect in the future. Twenty-six years on a site, developing and working on it, represents a huge cost when it comes to relocation.

As I said, the society is not opposed to moving but it really wonders how it is going to find \$40 million to do that. And \$40 million is a very large amount for this government to put forward. I would like the government to consider the cost effectiveness of leaving the museum, as it has become—it is a working museum—where it is and to consider making it a feature of East Lake, which is meant to be state of the art when it comes to sustainability. How unsustainable would it be to have a railway there? The government should look at ways in which it can add value to East Lake. It may not turn out to be the right solution, but I would like to know that it has been seriously considered. You have only to go to the museum to get an understanding of the magnitude of the task involved in moving everything.

Along with needing to be on the defined interstate rail network, the site needs to be large enough to accommodate the society's needs. The site at Newcastle Street that has been proposed is only half the size needed and the slope is significant. It would need to be flattened, which is another cost. It is not suitable for a railway. The exhibitions are active. To retain and expand the services that the society provide, they need access to tracks and room to move.

While I support the intent of the motion and pretty much everything in Mr Gentleman's speech, I do feel he fell short of what is really the logical conclusion to the concerns he raised. That is why I move the following amendment to Mr Gentleman's motion:

Omit paragraphs 3 (a) and 3 (b), substitute: "ensure that the Australian Railway Historical Society remains at its current site."

I commend my amendment to the Assembly.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (4.08): I thank Mr Gentleman for moving the motion today. It provides us with

an opportunity, as previous speakers have done, to acknowledge the very good, fine work that has been done by members of the Australian Railway Historical Society over a long time—over at least four decades. It also provides an opportunity to acknowledge the contribution that members of the society have made to preserving a very significant piece of cultural heritage for all Canberrans to enjoy.

The government recognises the importance of rail heritage in the ACT in providing a valuable link with our industrial past. Through the work of Heritage ACT, the government has demonstrated its commitment to preserving and promoting Canberra's history and conserving the ACT's heritage assets for present and future generations. As Mr Gentleman has rightly pointed out, the railway has made an important contribution to the construction of some of Canberra's key landmarks. It is through the ongoing work of organisations such as the Australian Railway Historical Society that we are able to readily access that history.

The ACT division of the Australian Railway Historical Society makes an important contribution to Canberra and the region through its efforts to preserve heritage in support of rail services and its active promotion of rail tourism. That is highlighted by its significant work on restoring historic locomotives, carriages and rail items—particularly locomotive 1210, the first revenue-earning train for Canberra, an item recognised on the ACT heritage register; its support for rail services through the maintenance of the Michelago tourist railway and other rail infrastructure in the region; its operation of the CountryLink ticketing agency from the Queanbeyan station; its operation of the Canberra Railway Museum and heritage rail trips in the ACT region and around Australia; and its maintenance of a significant library archive collection.

In relation to the society's present location in East Lake, which is the subject of an amendment by Dr Foskey, Mr Gentleman alluded to the fact that there are currently a number of planning processes underway in relation to the site in East Lake. The East Lake urban renewal precinct is identified in the Canberra spatial plan as an area of urban intensification, and this includes for consideration the existing railway yards at Kingston. The ACT Planning and Land Authority is undertaking a number of projects that will shape the future of the precinct. The East Lake draft planning report has been released and is open for public consultation until 23 November 2007. There is the preparation of an ACT railway master plan study, and the government is also working with the CSIRO on a joint project in East Lake to showcase sustainable urban design.

The East Lake draft planning report notes that planning for East Lake should consider the long-term future and needs of rail operations in the ACT, particularly in relation to land requirements, patronage, operations and the quality of heavy rail services. It also indicates that the key planning consideration for East Lake is to rationalise this infrastructure into an integrated precinct that provides for the most efficient use of land by retaining the operational requirements for a railway in the ACT.

The railway master plan will consider the existing arrangements and future needs of historic passenger and freight rail services, facilities and infrastructure within the ACT. The key objective of the work is to make recommendations to government on how best to deliver rail services that meet the current and future needs of the

community and reflect broader transport and regional objectives. Preparation of the master plan has specifically included a range of discussions with representatives and members of the Australian Railway Historical Society to ensure that their input is considered in the planning for rail services and to ensure that all possible options are identified for its long-term operation.

In the interim, the government has committed to providing the society with a 10-year lease over its existing site to ensure immediate tenure, while retaining sufficient flexibility for the territory to progress with further planning and development of the area. During this time, the government will continue its investigation of possible options for longer-term operations through the railway master plan process. When the results of those studies and projects are available, we will have a clearer picture of how the development of East Lake will progress, along with how we can best meet the operational needs of the rail services and the Railway Historical Society.

The motion which Mr Gentleman has moved today serves the very useful purpose of reinforcing the government's commitment to ensuring that the long-term needs, viability and sustainability of the Railway Historical Society are being met. It is uppermost in the government's mind and thinking. I was very pleased that the motion was moved by Mr Gentleman, in that it has an appropriate purpose in reinforcing the position that the government has adopted in relation to East Lake—the planning for that area, which I believe to be reasonable and responsible, and the development of a master plan that takes into account the possible future use of the railway in that precinct, without, at this stage, pre-empting the ultimate outcome of that master plan and the work that ACTPLA is doing, which has embraced the historical society and its needs. I believe it is appropriate that Mr Gentleman, in his motion, calls on the ACT government—and the government is more than happy to respond to this call—to investigate ways to ensure the future of the Australian Railway Historical Society and to investigate the provision of financial assistance regarding any possible relocation.

It is appropriate and reasonable that the historical society have that quite explicit understanding of a potential outcome of the master plan study that is being undertaken at East Lake and which involves the rail line, the rail station and, indeed, the Australian Railway Historical Society, to give them a level of comfort. I cannot, at this stage, foreshadow what the master planning process might throw up, but one of the outcomes of that exercise may very well be a proposal to move Kingston railway station, as has been mooted, to, say, Fyshwick, a couple of kilometres down the line. In the context of rail in the ACT, and what we imagine the future of rail and its dispersal throughout the ACT might be, which is very limited indeed, that is, at face value, a potentially reasonable outcome of the master planning study, which would, of course, impact on the historical society. I am pleased that, through this motion, the ACT government has an opportunity to reiterate that it would, subject to those scenarios perhaps coming to fruition or being played out, certainly look at the level of support which the historical society would require, were its tenure at Kingston to be affected.

That is the point of paragraph (3) (a) of Mr Gentleman's motion, which Dr Foskey in her amendment proposed should be removed, just as she proposed the removal of paragraph (3) (b), which provides that the ACT government be called upon to ensure

the provision of suitable land catering for all of the society's needs, should it be necessary for the society to be relocated. Once again, the government is pleased to respond to that suggestion by Mr Gentleman. It is appropriate, in the Assembly, for the government to respond publicly and very openly about this. In the event that the Railway Historical Society's tenure at Kingston is terminated or that it is determined as a result of other decisions the government may take—I repeat, may take—because of the master planning that is currently being undertaken, this imposes an obligation on the government to ensure that the historical society is appropriately housed elsewhere.

On that basis, the government would not be supportive of the proposed amendment—namely, that those two paragraphs be removed and replaced by a bald requirement on the government to ensure that the Australian Railway Historical Society remains at its current site. The ACT government is currently engaged in an extensive master planning exercise for the precinct. That is underway. It is reasonable, appropriate and responsible that the ACT government investigate future options for this site. For the government, through the parliament, essentially to be asked to terminate that quite reasonable planning process would be quite unreasonable.

The government will not support Dr Foskey's proposal that we simply shelve any consideration of a future better or higher priority use of this very significant precinct. Let us at least have the investigation. Let us not turn our backs on it and say that the tenure and purpose of the Australian Railway Historical Society are so important that the government should not even give consideration to alternative uses for a significant area of land in the heart of the city. The government is not minded simply to abandon the master plan or the planning work that is currently underway, and we will not support the amendment.

**MR MULCAHY** (Molonglo) (4.18): I am very happy to speak to Mr Gentleman's motion today. In particular, I am pleased to have the opportunity to speak to the first two points made in the motion and to discuss some of the fine work that is undertaken by the Australian Railway Historical Society in the ACT.

Railways have a great deal of heritage and historical significance in Canberra, and the historical society is to be commended for their work in preserving this history. The historical society, as I think members know, is staffed entirely by volunteers. The array of tasks that these volunteers perform is quite extraordinary and they are to be commended for their fine work.

I have conducted some research in preparation for this motion today, in my capacity as shadow minister for heritage. I understand that the society maintains some 25 carriages, 15 display vehicles, two rail motors and six locomotives, and that is an impressive collection by any measure. Some of their engines deserve special mention. The 1210 locomotive, for example, is 129 years old. At just 64½ tonnes, I am reliably informed that the 1210 is a baby of a locomotive. Having made its first run into Canberra in 1914, it is a link with the formation of our city and there is increased significance as we move towards the centenary celebrations. The 60/29 Garret locomotive, in contrast, is a monster, weighing some 265 tonnes. Built in 1953, the locomotive in Canberra is one of just a few in the entire country.

It is also worth noting that the society maintains the historic Canberra to Michelago rail line—a line that sustained extensive damage during the devastating storms earlier this year. I understand that volunteers at the society are working hard to make necessary repairs. In addition to preserving the historical and heritage value of rail in Canberra, the society contributes substantially to tourism in the territory. A lot of people are keen to travel to see trains. I remember an uncle, who is no longer with us, who had a fascination with them, as did a number of his friends. A very distinct body of people in our community are keen enthusiasts when it comes to historic rail. It is significant that in the order of 10,000 people travel on historical society operated trains each year.

I have spoken to individuals involved in the historical society, and I understand that the services are utilised by school groups, Probus, other senior organisations, and even by TAFE students, amongst others. I understand that the society will take groups anywhere they want to go, as long as there is a standard gauge track for the locomotives and carriages.

The society represent the ACT on their frequent trips interstate and have in the past impressed people from other larger jurisdictions with the size of the touring parties that they put together. Clearly, the work of the Australian Railway Historical Society in the ACT is invaluable. I take this opportunity to congratulate them on all that they do. I hope to be able to get out and tour their facility in the near future. It is something I have had on the agenda for three years and it will happen. I am determined to do it because I do have a love for trains, although I do not profess to have the level of detailed understanding and knowledge of different models that I know some of those present today do.

I also want to talk about the third point made in Mr Gentleman's motion. I must confess that I was not fully across the complexity of this issue, and I suspect it is partly because I do not believe the government is quite clear on what it is planning. Mr Gentleman's motion is a little vague in this area; it uses terms like "possible relocation" and "should it be necessary for the society to be relocated". I understand that the society have not been formally approached by the government to confirm a move and that at the moment they are operating on rumours that the government wants them off their current site. The current yards, as was pointed out, are 4½ hectares in size, which they need to be, in light of the amount of work that is carried out and which I outlined earlier.

In preparing my remarks today, I also consulted the Hon Tim Fischer, who, in addition to being a former Deputy Prime Minister of Australia, is, as most people probably already know, a very keen rail enthusiast. He told me that, world-wide, heritage rail is being interfaced with modern urban development with quite positive results. He pointed out the example of the United Kingdom, where there are 100 separate rail heritage units, compared to 12 in Australia. These units run effectively and show that it is possible to run heritage rail sites, including working trains and museums, at a profit.

It is important to preserve our links with our past. It is important to protect places and things with heritage and historical significance. We do not have a lot of very old

things in the territory, and I am anxious to see that we preserve what we do have to the maximum extent possible. It is possible for this to be achieved in conjunction with the development and growth of the city.

The society does hold concerns about whether there is a suitable alternative site if it is forced to move by the government. I agree with the sentiment contained in Mr Gentleman's motion that the Australian Railway Historical Society needs to be protected. It does vital work and has probably not received the recognition that it deserves. Its work should not be sacrificed because of a folly of government.

It is difficult to comment very specifically on any possible relocation of the society because more detail is needed. I am sure the society would like to know a little more about what is intended. Suffice to say that I will be monitoring the situation closely. I urge the government not to act rashly and to consult widely before acting on this matter. The threat to the continuation of the vital work of the society is too great. As the Hon Tim Fischer pointed out to me, Australia has only 12 rail heritage units and we cannot afford to sabotage one of these, especially when it is based in the national capital.

If relocation is unavoidable—and I would need to see convincing evidence that this is the case—financial assistance might be appropriate. The society would need help to ensure that their work continues. As I have indicated, there are many opportunities to cite overseas experience. One such site is Didcot—the end point of a train that travelled from London and through Bristol and was completed in 1841. Its preservation of old locomotives began in the sixties and, since moving into an abandoned engine shed, the centre has grown and has expanded significantly into what is a 23-hectare site. Mr Fischer pointed this out to me and gave it as a very good example. We have looked at the website for this centre, and it shows that this is not just something for those who have a nostalgic link with the past; there are opportunities to develop such arrangements to the point where they can become a significant tourist attraction.

The opposition concurs with the Chief Minister in relation to Dr Foskey's amendment. Whilst I am hesitant to see any arrangement that would move the society from where it is presently located, I also think that one has to maintain an open mind. The paramount consideration is to ensure it is fully consulted on any requirement to move and that the facilities and space made available are adequate for its future needs.

It may well be necessary for additional funds to be made available. Given that this government is of a mind to spend on all manner of things at the moment, if there is a passion to support the society then maybe it can find something in the budget allocations. I can imagine it would be a very substantial undertaking to move this facility, and it should not be done lightly. But I also understand that there is a process of consultation and planning in that area which may necessitate moving the rail facilities from Kingston or shortening the track in that area. I do not think we can rule that out as a possibility and an option by embracing Dr Foskey's amendment.

Dr Foskey somewhat contradicted herself. She moved the amendment and then proceeded to talk about other scenarios whereby they could move. Let us monitor this



closely but let us keep an open mind and ensure that the society are not disadvantaged. But let us not rule out that there may be other ways that can be looked at. Maybe more accommodation can be created for the society, which I think is doing very good work and is a very nice feature of Canberra. This relatively modern city has too little in the heritage area to show to visitors to the city. I would like to see more promotion through Australian Capital Tourism of the work of the society. When you get that many volunteers doing such good work for the city and not being paid for it, we owe them a great debt of gratitude. I am pleased to support Mr Gentleman's motion. The opposition will be pleased to back it.

**MR GENTLEMAN** (Brindabella) (4.28): I am pleased that all members have been impressed by the society's work. As I expressed in my speech, it is important to recognise that work and the heritage in a public way. I have a little bit more information about the society. TransACT won an international film award for their show about locomotive 1210, which I referred to earlier. That particular engine hauled the first train, a mixed goods train, into Canberra on 25 May 1914.

Other things that occur and which I did not talk about are the school holiday trains to Bungendore. They are booked solid and are very popular. Also, the society carries somewhere near 10,000 passengers each year, and the number is increasing, especially on the local tours. So I am very pleased that we have made the debate about the society more public. Hopefully, that will encourage more visitors to the museum and more patronage of their trains.

In regard to Dr Foskey's amendment to the motion, my idea was to ensure the future of the society. The motion also reinforces government support for the society. Dr Foskey's amendment, whilst well meaning, removes those references to support and financial assistance contained in my motion. So I will not be supporting Dr Foskey's amendment.

In regard to some of the comments that the Chief Minister made, he said there would be a lot of consultation on the future of the Railway Historical Society and the Kingston foreshore area, especially looking at the railway master plan and future planning for that area, and that all possible options are being considered. I am very pleased that he said a 10-year lease would be in operation for the society. That will give them some surety for the near future.

I hope this debate brings more recognition to the society and its work. Personally, I am looking forward to many more rail trips to and from Canberra with the society and their volunteers. I would like to thank members for their contributions and I commend the motion to the Assembly.

Amendment negatived.

Motion agreed to.

### **Standing orders—suspension**

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

That so much of the standing orders be suspended as would prevent Notice No 4, Private Members' business, relating to City and urban scapes, being postponed until the next sitting and Order of the day No 16, Private Members' business, relating to the Utilities (Network Facilities Tax) Repeal Bill 2007, being called on forthwith.

## **Utilities (Network Facilities Tax) Repeal Bill 2007**

Debate resumed from 17 October 2007, on motion by **Mr Mulcahy**:

That this bill be agreed to in principle.

*(Quorum formed.)*

**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) (4.34): Mr Speaker, I apologise for my short absence from the chamber.

The Utilities (Network Facilities Tax) Repeal Bill seeks to repeal the Utilities (Network Facilities Tax) Act 2006—the utilities act. The utilities act commenced on 21 December 2006 and introduced the utilities network facilities tax as a charge on the ownership of network infrastructure on ACT land. The act was implemented as a revenue initiative included in the 2006-07 budget and was neither a replacement nor a supplement for any pre-existing charge.

The government is not supporting this bill. The introduction of the utilities tax formed part of a structural reform package in the 2006-07 budget that aimed to align ACT expenditure and revenue. The reform was necessary as there has been, as we all know, a mismatch in the territory's revenue and expenditures since self-government—something that successive governments have been aware of and have sought to deal with in their own ways. The ACT, simply put, was not earning enough to sustain its expenditure. The budget position has improved following the government's structural reform, in particular, its focus on efficiencies. The continued strength of the territory's economy has also supported the improved budget position. The continued confidence in the territory's economy is also attributable to the government's prudent financial management.

Mr Speaker, it would be imprudent to undo the reform that has supported the improved budget position. Cutting taxes, which the Liberal Party proposes today through this particular bill, is, of course, an option if there is capacity in the budget. The government has not adopted such an option and, instead, has made a decision to use its additional budget capacity to make strategic investments in the future of the community. Significant investment in our community made by the government would not have been possible without the government's prudent financial management and its focus on structural reform and efficiency. This tax is an integral part of that reform.

The utilities tax raised \$8.6 million in its first six months of operation. It is estimated to raise \$69.2 million over the current year and the forward years. Revenue raised

from the tax, of course, contributes to the provision of important services to the community, and these services can only be maintained if financial resources permit. Perhaps those opposite would like—and I hope they do—during the course of this debate to take the opportunity to indicate just which services they would remove or reduce as a result of this loss of revenue. For example, a loss as proposed by Mr Mulcahy and the Liberal Party today of \$17 million a year in revenue equates to a reduction of 3,500 patients that could be treated in our hospitals. There is a simple equation.

The Liberal Party today proposes to remove a revenue measure which brings to the territory in revenue just on \$17 million a year, which equates to 3,500 inpatient services in our public hospitals. The Liberal Party are expressing today quite firmly their philosophical approach to service delivery in suggesting that they believe that the people of Canberra are prepared today to give up the capacity to provide 3,500 occasions of inpatient service in our hospitals.

The other aspect of this debate, of course—and we will hear much about this, I have no doubt, from the opposition—is the opposition's claims that we are overtaxed and that we are a high-taxing jurisdiction. That is simply not the case; that is simply not the fact. There is no set of statistics or information the Liberal Party can bring to this debate today which illustrates or shows or demonstrates that we are a high-taxing jurisdiction. In fact, the first of the challenges I lay down to the Liberal Party today in the context of this debate or this proposal by them to cut \$16.9 million from our annual revenues is to show us the basis in terms of national comparisons.

Show us the national comparisons, the information that you have available to you, that demonstrates that our taxation regime, the level of rates and charges levied within the ACT, is out of step with the nation, particularly having regard to average levels of income within the territory. The ACT has a prosperous, well-off community with average disposable incomes miles higher than the national average and a taxation regime that is, essentially, reflective of the median position within Australia.

Our taxation effort of state and local government, when we combine the two because of the combined levels of government here within the territory, are essentially the same as New South Wales, Victoria and Western Australia. Our levels of taxation are, in fact, less than in South Australia and the Northern Territory, despite the fact that our average disposable income is far higher than in any of those jurisdictions. We tax and charge at the same rate as the large jurisdictions, and we tax less than the smaller jurisdictions.

The Australian Bureau of Statistics shows that combined state and local taxation in the ACT per capita is eight per cent lower than the per capita average of all the states and territories. If the Liberal Party has got information that is contrary to that, then it would be appropriate if they presented it today. But the advice available to me and the advice produced to me by treasury on the basis of information that has been obtained from the Australian Bureau of Statistics is that combined state and local taxation in the ACT per capita is eight per cent lower than the per capita average of all the states and territories. That is in a circumstance where average disposal incomes in the ACT probably exceed the national average by about the same amount.

Over the coming years, as we all know, as a part of an intergovernment agreement preceding the GST, several business taxes will be abolished and not available to future governments. At the same time, serious pressures are making themselves felt. Just like the rest of the country, we are ageing. As a community, the ACT is ageing at a rate unequalled by any other city. Recently, reports have shown that ACT residents have overwhelmingly expressed a preference for improved services over tax cuts. The utilities tax will help us to achieve this goal and continue to deliver higher than average services in the ACT.

The tax revenue may be modelled in comparison to collections for other taxes, but it is sourced from a relatively stable base that is not prone to sudden or unpredictable market trends and, as such, the utilities tax is a reliable and predictable source of revenue. As far as taxes go, the utilities tax requires very little in the way of compliance by taxpayers, and, to the extent that the utility network owners are able to pass the tax on, it is spread over a broad base of utility consumers.

In terms of the taxation base, it is well recognised that the territory has limited capacity to raise own-source revenue, and the utilities tax is, indeed, one of the very few ACT taxes that generate revenue from a source other than property. We are very aware, of course, of the views of the Property Council in relation to property taxes. It is quite ironic, of course, that the Liberal Party in this place, which regards itself as one of the great champions of the Property Council, is attacking one of the few taxes, because of our narrow base, that is not based on property—namely, the utilities tax. I am not quite sure what the Property Council thinks of this foray by the Liberal Party today, but the tax that they are attacking is one of the remarkably few that actually are not imposed on property.

The Liberal Party have given indications, of course, that they have in their sights a range of other revenue measures. The fact that they have chosen one of the few that is not based on property, of course, puts enormous extra pressure to retain in place and, perhaps under Liberal regime, even to increase those property taxes they now they say they will remove. That will, of course, cause angst and heartburn.

We see already that there was something of a contest between Mr Mulcahy and Mr Pratt in relation to whether or not the first tax to be abolished should be the utilities tax or, Mr Pratt's preference, the fire levy. Of course, Mr Mulcahy won out, and we see today that the Liberal Party has signalled that the first tax that it will abolish in government is the utilities tax. Mr Pratt's preference was that the first tax to be abolished should be the fire levy, and he gave very explicit promises to that effect, which he has now been required by his leadership within the Liberal Party to resile from.

**Mr Pratt:** In your dreams, Jon.

**MR STANHOPE:** By interjection, Mr Pratt gives some indication that he has not given up.

**Mr Pratt:** I said, "In your dreams, Jon".

**MR STANHOPE:** He has not given up.

**Mr Pratt:** You are just making all this up.

**MR SPEAKER:** Order!

**MR STANHOPE:** He has not given up his intention of abolishing the fire levy. So there we have it. It reinforces the point I make that the Liberal Party has started today in this decision to seek to repeal the utilities tax to remove \$17 million from the ACT coffers—

**Mr Pratt:** Well, you would mislead, wouldn't you?

**MR SPEAKER:** Order! Withdraw that, Mr Pratt.

**MR STANHOPE:** To actually then perhaps proceed on the rest of the tick list—

**MR SPEAKER:** Order! Resume your seat, Chief Minister. Withdraw that, Mr Pratt, and no more interjections, please.

**Mr Pratt:** I withdraw.

**MR SPEAKER:** Chief Minister.

**MR STANHOPE:** Thank you, Mr Speaker. The point is, in the context of the bill we are debating today, that the Liberal Party today signals it will actually give effect to the philosophical position presented on behalf of the Liberal Party by Mr Mulcahy this morning. It was not just idle chatter. When asked by Ross Solly whether he believed in tax cuts ahead of service delivery, Mr Mulcahy said yes. He said he believes that the first and most important responsibility of government, and it is a position that the Liberty Party in power would adopt, is cut taxes, cut your revenue, and, then, if you have got any money left over, then, you could perhaps deal with pressing priorities.

This conversation, of course, was not so much in the context of the proposal to abolish the utilities tax; it was in the context of yesterday's appropriation bill. Mr Mulcahy today has given a very blunt assessment of the Liberal Party's approach to yesterday's appropriation bill—in other words, he does not support the range of initiatives contained in that bill amounting to \$22 million. The sums are roughly similar, and I think we need to dwell on this. Yesterday, the government introduced a bill which provides for the appropriation of \$22 million for services in relation to schools, new welfare officers, new support for victims of sexual assault, support to allow seniors to travel for less on buses, provision of Indigenous-specific drug and alcohol rehabilitation, directed support for educational services, and support for indigenous children who do not meet national benchmarks, support for those who rely on public transport to the tune of \$75 million over the term, and additional support for the sufferers of cancer and the ophthalmology department for Canberra Hospital.

That is \$22 million in toto, just \$5 million above the \$17 million that the Liberal Party would rip out of the coffers of the ACT today. There is the equation, and when put to Mr Mulcahy by Mr Solly this morning, “Well, what would you prefer? Would you prefer to proceed with your utilities tax and take this money out of the ACT coffers?”—

**Mrs Dunne:** It is not a valid either/or question.

**Mr Pratt:** No, it isn't.

**MR STANHOPE:** It is. It is an equation.

**Mrs Dunne:** No, it isn't. No, it isn't.

**MR STANHOPE:** You cannot cut taxes without addressing, with some intellectual honesty, what services you would proceed not to deliver. This is something Mr Mulcahy avoided this morning. When asked directly by Mr Solly, he said, “Oh, look, I'm not going to get into that”. Mr Solly asked which of these \$22 million worth of services would Mr Mulcahy cut? Is it the indigenous drug rehabilitation facility? Is it support for indigenous children at school? Is it for women affected by sexual violence or violence? Is it welfare officers for our public schools? Is it for more services for sufferers of cancer at the Canberra Hospital? Which of these would Mr Mulcahy not have proceeded with? In response to those questions, Mr Mulcahy said, “I'm not going to get into that. I'm just going to cut taxes because I believe the people of Canberra are telling me that they want tax cuts.”

Mr Mulcahy believes Canberrans do not want more services. He believes the responsibility and duty of government is to deal first with tax cuts and then the priorities should be that, if there are any services that need to be delivered after cuts, subject to the state of the budget, of course, they will be looked at then. He just wants to get those few extra dollars in the pocket. The opposition is not worrying about meeting emerging needs. It is worrying about just seeing if it can buy its way into government. It wants to buy its way into government in this particular community with the promise of a tax cut.

Never forget in any debate about this the huffing and the puffing. You only have to go back to the last budget debate around the position put by every member of the Liberal Party of what true service was. The humbug is now revealed when Mr Mulcahy says, “Well, it's not true service. It is not pure GFS, you can't count it”. A Liberal Party in government will not adjust the budget to take into account the 7.5 per cent, or the long-term average, return on investments. A Liberal government will not do that. It would use pure GFS. Go back and look at Mr Stefaniak's comments in the budget debate around the true nature of the surplus.

Look at the comments over a year from Mr Mulcahy, “We won't do that. This is dishonest. It's not a real surplus. It's not real money. You can't spend it.” All of a sudden, we get the promise, a month ago, “A hundred extra hospital beds in the next two years.” That will \$56 million a year. “Let's abolish the utilities tax.” That is \$17 million a year. There is your \$70 million.

**Mr Mulcahy:** It's not \$70 million.

**MR STANHOPE:** It is \$70 million. Some \$56 million for 100 acute care beds and \$17 million for abolishing the utility tax—more than \$70 million in two initiatives. I have got the list of all your other promises here. It adds up to well in excess of \$150 million. You have promised explicitly as a party to reduce expenditures by over \$150 million, and here you are cutting revenue. Here you are insisting, ad nauseam, that because we do not budget on a pure GFS basis it is not a pure surplus.

We see a bit of quiet walking away from this ideological purity around a pure GFS accounting standard. All of a sudden, that is abandoned. You will not hear any member of the Liberal Party today, as they seek to rip \$17 million out of the territory's coffers, mention ever again that the Liberal Party looks with disdain at the current method of determining a surplus within the ACT, a surplus which takes into account long-term average investment returns and takes into account some aspect of return for PLBA.

Mr Mulcahy will not admit publicly, because I do not think he has got the steel to do it, that he was wrong. He has abandoned this pure position in relation to pure GFS. It highlights the hypocrisy of the position that is being put today—the cheap politics of “We will offer you a little tax cut.” What are they offering in the abolition of the utilities tax? What is it per household per year? A few dollars. It is not even a pocket full of dollars. He would put to us the position that the people of Canberra would prefer to forgo the few dollars a week that this abolition would deliver rather than have the 3,500 inpatient services that \$17 million provides in our hospitals. Mr Mulcahy would prefer to see us not invest more money in disability services, in mental health, in cancer support, in welfare officers in our schools, in climate change, in Indigenous drug and alcohol rehabilitation, in supporting the victims of sexual assault.

You cannot have it both ways. You cannot stand up today and say we are a high-taxing regime and we have got to cut taxes and the cost of that must be represented in service delivery and then not say which services you would cut. You cannot do it with any intellectual honesty or integrity. You cannot avoid the fact that your overarching philosophy is not the capacity for all of us to expect to receive services that would allow us to contribute to society, to reach our potential and to participate as full members of this society. Your philosophy is represented in the statements that your shadow treasurer made today, that tax cuts come before services. It is only after you have got rid of the tax cuts that you look to see—

**Mr Pratt:** You're just jealous because you can't deliver tax cuts.

**MR STANHOPE:** It is there in black and white. It was the most revealing interview that Mr Mulcahy has ever done, and it reflects the essential funding policy of the Liberal Party, if they ever achieve government. It also goes to their philosophy around the capacity to ensure that we are a genuinely inclusive, egalitarian society with a determination to give a fair go. It is reflected very much in the remarks made today by Mrs Burke:

Unfortunately, very sadly—and Mr Mulcahy alluded to this yesterday—we have a part-time health minister. She is not fully committed to the job; she is unable to be fully committed to the job. I make that quite clear.

She made that point quite clear, as Mr Mulcahy did. The difficulty is, of course, that Mr Mulcahy and Mrs Burke do not believe that a Minister for Health who has been on maternity leave to support her baby can be regarded as a full-time minister and that she does not really want the job. As Mrs Burke sees it, the current health minister is not coping with her role; she does not really want to be here; she was not entitled to take maternity leave; she is not entitled as a woman who has had a baby to participate in the life of this society or this community or this Assembly. That is the disgraceful state of the policy and the philosophy of the Liberal Party in this place. You should be ashamed of yourselves. (*Time expired.*)

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (4.54): At times I wonder whether the Chief Minister is listening to the same things I am listening to. Talk about verballing. Talk about taking that much of a statement and making it that big. Talk about taking something someone says over here as a line down there and then building it into something completely different. It is absolute lunacy.

**Mr Stanhope:** Bill, just apologise.

**MR STEFANIAK:** Absolute lunacy. You have gone off on a complete tangent again, Jon. Get your facts right. I think you might have said that the government's financial position has improved. That is certainly the case, and that enables you to do what you are doing in terms of this second appropriation bill. You repeated verbatim—probably about 50 times—the statement “what services are you going to reduce to make up for the loss of this tax?” You just kept repeating it—that mantra. You missed the basic, fundamental point. It is not a question of asking what services we are going to cut to make up for the loss of a tax. We are not going to do the things that you do in the same way you do. You are assuming that in all these portfolio areas we would do exactly the same thing that you are doing and you have done. If that were a correct assumption, yes, it would be valid to ask: “What services are you going to cut?”

But we would not do the same as you are doing. We would do it differently. For starters, we would run the place a lot better. We would run the services a lot better, a lot more efficiently. We would be more efficient. We would do things differently, which would enable us to take different steps—different from what you were doing. Don't judge us by your own standards and by what you will do. It would be very, very different indeed. I remind you that both Mr Smyth and I have been in governments before. We have actually run departments, quite efficiently, with a hell of a lot less money than you people have available to you. Just be aware of that fact.

**Mr Stanhope:** I am aware of the 140 beds you closed.

**MR STEFANIAK:** I would like you to check *Hansard* there; I think you might find that we got them all back—plus about six, I think, going back to a *Hansard* I read from about November or December 2000, if I reflect correctly.



Your fundamental premise is quite wrong. And there is another premise that I think you fail to appreciate: in Canberra about 60 per cent of people who are employed are employed by business—and a lot of that small business. And there is another fundamental premise too: sometimes, if you do not overtax, and sometimes, if you might vary a tax, reduce a tax or even cut a tax, you are going to generate a hell of a lot more business activity. Ultimately that brings in a lot more money to government.

That is something that I have seen work in this place during times which were a lot worse than they are now—when our governments had deficits, when the federal public service had been cut by Hawke and Keating and, in 1996, by John Howard. We had to address that fact. Some very effective, very cheap, targeted programs were undertaken in relation to businesses, which greatly assisted this territory in a very difficult time financially. There are a number of things you can do rather than asking the absolutely simplistic question: what services are you going to cut to make up for abolishing a tax?

**Mr Stanhope:** Well, tell us. Just tell us.

**MR STEFANIAK:** You miss the point entirely. We would do things differently. We would do probably things so significantly differently as to make an absolute nonsense of that particular question. That is something that you seem to fail to appreciate.

Let us look at the utilities tax. Mr Mulcahy has introduced his bill. There are a number of facets to this which I think are relevant to this debate. It is simple. There is a utilities network facilities tax, simply known as the utilities tax. As the Chief Minister indicated, it was introduced in the 2006-07 budget. It has been in effect since January this year. It is imposed on any network facility on land in the ACT; this includes utility networks for transmitting and distributing electricity, gas, sewerage, water and telecommunications—all those things a modern city needs. Let me give some examples of the network facilities affected by the tax. They include our powerlines, all pipes over and under land, and telecommunications cabling.

The amount of the tax is calculated by multiplying the linear route of the actual network by the rate of the utilities tax. According to the June quarter report—the most recent figures, I understand—the government derived \$8.665 million in revenue from the tax in 2006-07. That is revenue for half a year. According to the budget this year—again, figures which I understand are relevant for today, 14 November—the tax is expected to generate \$16.525 million. It is expected to generate \$17.13 million in 2008-09, \$17.77 million in 2009-10, and a similar figure in 2010-11.

What does the tax cost our households? In answer to a question on notice on 31 May 2006, the Treasurer conceded that the introduction of the utilities network facilities tax would increase the cost of a range of services to ACT households. These include increases to the cost of water, sewerage, gas, electricity and, of course, telecommunications services. According to the Treasurer's own figures, this increase in costs will have amounted to an additional \$131 in utility bills for the average ACT household over the period from the introduction of the tax to the end of the 2007-08 financial year. That is composed of average increases of \$23 in water bills, \$18 in

sewerage bills, \$38 in gas bills, \$16 in electricity bills and \$36 in telecommunications bills.

One of the things that we have not looked at so far in this debate is the cost on businesses. I hark back to the point I made a few minutes ago: sometimes, if you reduce costs for businesses, you can generate a lot more business as a result. Often you can generate a huge amount of business for very small amounts of money. That boosts productivity in the territory and it brings in money from other sources that you simply do not have otherwise. So it is very relevant to know just how much business would save from this.

As with residential households, the utilities tax increases costs for businesses—the costs of water, sewerage, gas, electricity and telecommunications services. But because of their larger size and larger utility use compared with residential households, the increase in the costs of utilities to businesses would be more than the \$131 increase to households in many instances. That creates an impost on almost all of the core inputs of ACT businesses.

Businesses use substantially more water than households; hence they should expect to pay substantially more than the \$23 paid by households due to the tax. Businesses such as car washes, hairdressers, swimming pool businesses and various industrial businesses often use substantial amounts of water compared with residential households. They have to pay for this, and the utilities tax on that exponentially increases the costs to those businesses.

Many businesses—businesses with a lot of people—produce more sewage than households and hence should expect to pay substantially more than the \$18 paid by households due to the tax. Businesses that use gas in many cases substantially use a lot more than households; they should expect to pay substantially more than the \$38 paid by households due to the tax. Businesses such as restaurants will be the most severely affected by the tax because they use substantial amounts of gas compared to residential households.

Let me digress. Yesterday Mr Hargreaves came in here and at least made one little statement which assisted a bit for those businesses—many of the restaurants that have outside dining areas. There was another indication, however, that there was—

**Mr Mulcahy:** It was a stuff-up.

**MR STEFANIAK:** It was an absolute stuff-up, Mr Mulcahy. What was it—\$32.10 in 2005 for the cost of an outdoor area in the premium area, which was meant to go up by 100 per cent, which would make it \$64.20, except that it went up to \$79?

**Mr Mulcahy:** They can't add up.

**MR STEFANIAK:** They can't add up. That minister cannot add up. In October he maintained until he was blue in the face that that was all right. He came in here sheepishly yesterday to say, "Well, oops; we got it wrong." I think I heard him say—

**Mrs Dunne:** At least he corrected the record.

**MR STEFANIAK:** At least he corrected the record. And I think I heard him say that he is actually giving some of that money back to businesses. That means a lot to business. That will be a very substantial improvement for a lot of businesses—the fact that they do not have to pay 139 per cent; they have to pay only 100 per cent. That is a huge impost in itself, but there we go. At least the government is now abiding by that particular policy. But it does not give you much confidence in this lot, obviously. That is just one little example of how the government treats businesses and how some of the taxes affect them.

As I said, businesses that use gas will pay a lot more than the \$38. Restaurants will be most severely affected, of course, because they use substantial amounts of gas compared to residential households—probably compared to a number of other businesses. It is going to be considerably more than \$38 for restaurants. It will probably eat away a lot of the benefits that some of them with outdoor dining might have got as a result of the recantation by Mr Hargreaves yesterday.

Businesses use more electricity than households, of course; they should expect to pay substantially more than the basic \$16 paid by households due to the tax. And businesses that use telecommunications services will have their telecommunications bills increased by the utilities tax. Businesses make substantially more calls than households and will be expected to pay substantially more than the \$36 paid by households due to the tax.

The government have made a number of arguments. They have argued that the increased charges passed on to consumers as a result of this tax will better reflect the true cost of delivering services. That is a meaningless argument. It is absurd for the government to talk about the true cost of services as they add a layer of taxation on top of the existing cost. It is a nonsense to talk about the true cost of services in those circumstances.

This government has increased taxes in a number of areas—about seven areas, with two new taxes. That adds additional layers. Yes, that then becomes a true cost of services. And if in the next budget the government increases a few more taxes, that will become a true cost of services. The true cost of services will be affected by whatever the government does. If it increases taxes further, the true cost of services will be an additional layer, an additional impost on businesses, making the cost of some services so prohibitive that they might have an effect on the viability of certain businesses. By getting rid of this tax, the true cost of services will drop for businesses. That might ensure not only that businesses survive, but maybe also that some businesses grow, prosper and expand. That leads to considerably more revenue coming into government coffers than would otherwise be the case.

I turn to economic growth. There are some economic inefficiency arguments. Imposing this tax on the provision of particular services rather than spreading the tax over a wider base creates more economic inefficiency than alternative taxation schemes, by changing the relative costs of services. For individual customers, consumers, this change in relative prices creates what economists call a substitution effect, in addition to the income effect of higher costs. This means that consumers

change their behaviour in ways that are less preferable to them, on the basis of the government's distortion of the market. The economic literature shows that it increases the distortionary cost or deadweight loss that results from such a tax, even when compared to a broader tax that generates the same amount of revenue. Those arguments indicate the economic inefficiency of taxes such as these.

There was a time when there were some questions as to whether the utilities tax was legal. Those questions seem to have been answered in the affirmative: while it was a bit dodgy, it was something that could be held to be legal. There are a number of cases on that. I note that that avenue has not been pursued—unlike the water abstraction charge, which could lead to a very interesting scenario if it is deemed to be illegal by the Federal Court, where it seems to be going—or is it the High Court? It will cause a number of problems for the government down the track should that tax be deemed to be illegal. This tax is certainly what you would class as a dodgy tax. The legality of it may no longer be in question, but there is still a lingering question which I do not think has been fully answered.

All in all, when one looks at this new tax, one sees that the minuses of it far outweigh the positives. I am amazed at this government—this government that cried poor, that made all these draconian changes as a result of the functional review which seems to have hit government some time after about 13 April 2006 and affected its decisions so greatly. This tax was introduced as a knee-jerk reaction, it would seem, along with some other quite strange draconian measures in that budget.

That includes things that still rankle greatly in our community and that are ongoing—like the closure of 23 government schools, which is still causing great angst in our community. Only recently, I received an email from a constituent saying, “Now that the government has all this extra money, why do they need to close Cook primary school?” Why indeed? It cost only \$200,000.

The Chief Minister throws out arguments saying, “What would you cut if you got rid of this tax?” I could equally say, “Chief Minister, now you've got this extra money why haven't you done X, Y and Z? Why, particularly, haven't you revised your decision to close some of these school communities that quite clearly want to stay open and that cost very little in real terms to government?” It cuts both ways. Mr Mulcahy's bill is worthy of support. (*Time expired.*)

**MR PRATT** (Brindabella) (5.09): Mr Mulcahy's bill seeks to repeal an invasive tax. What better time to table this proposal, when we seem to have a generous windfall in the ACT? The Liberal Party is a party of lower taxes. We are a critical of the myriad unnecessary taxes which bedevil the ACT. We can only live in hope to see other invasive taxes which this government has been forced to introduce on the back of government mismanagement and waste lifted as well. We can only hope—and so does the community.

Unfortunately, when this government should be taking the opportunity to cut taxes as a consequence of stronger economic activity, and revenues flowing into the coffers, they are using the excuse of neglected programs to direct all funding into those government-neglected areas. In one sense, the opposition can hardly deny the need to

direct funding to neglected programs. That is the reality. However, we will be critical. The government has squandered the opportunity to provide tax breaks, because it is forced to play catch-up and plug the gaps that it has created through the last five years of economic and governance neglect.

The opposition refuses to be put off seeking to cut back on taxation. That is why Mr Mulcahy has introduced this repeal bill here today. We believe that we can deliver tax cuts and concurrently maintain responsible government program expenditure. That is the difference between Liberal and Labor in this place. That is the fundamental point of difference between the opposition and the government. We will always seek to put money back in people's pockets. Why? Because it empowers people to be that much more independent. We can also spend on sensible government services responsibly and cut taxes—versus the government's dismal failure to govern. The government waste their expenditure, run down services and never deliver tax cuts. Unlike the Chief Minister, we can walk and chew gum at the same time. Why can't Jon Stanhope walk and chew gum at the same time? Because he is continually cleaning up the mess left behind by his ministers.

Look at the litany of failures that do not allow Mr Stanhope to deliver tax cuts. Look at the litany: Gungahlin Drive extension; closed schools; FireLink; the trunk radio network; other communications programs in emergency services; the Fairbairn relocation debacle; Tharwa Bridge; Pialligo Avenue; the Albert Hall; Griffith Library; Red Hill shops; the Grassby statue; graffiti on the CityScape depot and everywhere else through Braddon; and the busway failed experiment. And then there are those little programs dear to Mr Stanhope's heart—his own examples of wastage and monuments to himself: the arboretum and the GDE artworks.

Let me point out why the Chief Minister cannot deliver tax cuts—as we would if we were in his shoes. Let me point out a couple of activities that he has had to fund in the second appropriation. It is the Stanhope government that has systematically destroyed fundamental services in the ACT. It is this government that pared back our public transport services to an almost unworkable position.

The government's failure to maintain fundamental services such as the public transport system is the reason we do not see any tax relief for overtaxed ACT residents. It would be the right thing to do to return some of this windfall to taxpayers—who have endured the necessary pain, you would think. If you believe Mr Stanhope's spin, you would believe it; you would see it. Taxpayers have endured the pain of the slash-and-burn budget of 2006 and the accompanying rationalisation which saw a cut in services. This could happen with the support of the utilities repeal bill.

The Stanhope government is forever playing catch-up. The extra taxes imposed during the reign of this government have facilitated this latest round of catch-up. What about the government's announcements yesterday? The second appropriation listed a bunch of programs which were not considered important three months ago. The TWU has even considered that the \$75 million directed to ACTION is the government fixing up its own stuff-up. That is in today's *Canberra Times*. The ACT was left with the skeletal remains of the 2006 ACTION bus timetable as a result of the

horror budget of 2006. Intertown routes were slashed and suburban routes were obliterated, leaving bus drivers and passengers exasperated.

Let's not get too precious, Chief Minister, when you complain loud and hard that the opposition does not support your new capital initiatives. Of course, we have to support most of those. In addition to proposing tax cuts, we give high priority to government programs. We do give high priority to government programs, but we are highly critical that your so-called \$75 million for the public transport system is simply playing catch-up with neglected programs or repairing damage to programs inflicted by your government and your reckless ministers two years ago.

Let me give another example of that: CCTV. Yesterday another \$207,000-odd was announced for CCTV initiatives in bus interchanges. That is only on the back of systemic neglect. In May 2007, Mr Hargreaves made all the right noises about making our buses and our interchanges safer. He even promised action by July 2007. He was genuinely concerned about the insecurity in our bus interchanges in May. He said, "Oh, look, Mr Pratt, I am going to move on this by July. We will start getting CCTVs into those interchanges and we will upgrade our staffing levels to make our staff in those places safer after last light." That was all talk and bluster, wasn't it? We had an announcement yesterday that maybe there will be a CCTV program. When will we see that? With the way this government moves, at a snail's pace, even on the most critical duty of care issues, it will be some time.

That is the difference between us and this government. Where we talk about tabling a repeal bill to give some money back to people, the government cannot. Why? Because they are stuck with their albatrosses and they are listed from here to eternity.

Another example of government neglect which will rob their opportunity to hand back taxes is the fleet replacement—this well heralded announcement yesterday: 100 buses over four years, 25 buses a year. The problem with that is that we are simply catching up. The bus replacement program has been about 20 per cent behind for four years. The announcement of the new CNG buses is simply catch-up. The windfall that we have seen in the last quarter or more is now being squandered to play catch-up, to plug gaps. The bus replacement program is another example. This announcement yesterday was not value adding. There might be a 10 per cent capacity uptake, but you would hope—

**Mr Mulcahy:** Maybe.

**MR PRATT:** Yes, I think you are right, Mr Mulcahy: maybe. In your dreams, Chief Minister—in your dreams. You said that this would increase our fleet by about 10 per cent. You will not be, because you have so much neglect to address. No wonder you cannot return taxes to the people; you are forever playing catch-up.

The fact is that the government is playing catch-up and there is no excuse for writing off any initiatives for cutting tax. That is why we have this repeal bill here today. We will at least demonstrate that we know how to deliver tax cuts back to people but sensibly maintain government programs. We will never dig the hole that this government has dug itself into in the last six years. You have let services run down.

The 20 per cent gap in replacing the bus fleet is just one small example of that. The failure to maintain the bus timetables—to let that run into ruin—is another example. If this government continues to exist in this place, it will forever be playing catch-up and squandering all the good opportunities to return taxes or to return other initiatives to the people.

Let me turn to good business practice. Chief Minister, the ACT government is fundamentally a business. Good business practice would have seen it planning for and factoring in the appropriate fleet replacement strategies and the upgrades of bus interchanges, leaving some operational reserve there so that you could move quickly to address security issues and be able to ensure that your services were kept up to scratch. Government is a business. Business means that you plan, you have contingencies in place and you ensure that your fundamental services are never allowed to run down.

That is not what we see here. This government is not the government of good business practice. When the opportunity does arise to take an opportunity with a windfall in good times and with strong economic performance—to return to the people something which might give people the ability to be a little bit more independent in their own daily lives—it cannot do it.

With a well-managed government, it is possible for ACT residents to have it all—lower taxes and better services. You can chew gum and walk at the same time, Chief Minister. If you have your services and if you have these lackadaisical ministers on their toes—not running riot and wrecking the place—you can have it all. You can deliver tax cuts; you can maintain good services. It is possible.

That is why the opposition—the party of good management—can stand here today and promise to deliver tax cuts. That is why Mr Mulcahy is introducing this repeal bill. It should be done, and this is just the time to do it. But, of course, we see across the chamber a failure to be able to match the opposition in this sort of good service delivery and looking after people's interests. I commend Mr Mulcahy's repeal bill to the chamber.

**DR FOSKEY** (Molonglo) (5.22): It might surprise the opposition to find that I am actually supporting this bill but, of course, the reasons for doing so are different to the ones that have been put forward by the opposition speakers so far. I can always hope, of course. When this act was originally debated, I agreed with the government over the need for raising revenue and broadening the revenue base, but I opposed the bill's passage because I did not think the government had adequately dealt with the increased burden that the utilities tax would put on disadvantaged households. The impact falls unfairly on private renters and other people, such as pensioners who own their own homes, whose circumstances and financial hardships are not covered under the responsibilities of the Essential Services Consumer Council.

While that did not determine my opposition to the original bill, it did strike me at the time that I was witnessing yet another wasted opportunity to develop truly progressive revenue measures with positive social and environmental effects. Carbon taxes, for instance, can have this effect—taxes whose quantum is determined by such measures

as carbon equivalent emissions, fuel efficiency, embedded energy, trans fats, and other unhealthy food content, et cetera. There are plenty of examples out there, and their salutary effects are known. There is no excuse for this government to be so far behind the game.

Recently, the minister for the environment accused me of waiting for a Johnny-come-lately to climate action to introduce a national emissions trading scheme. It took me a while to work out who he was talking about, because I have not actually been waiting for Johnny Howard to get serious about climate change; I have been waiting for the ACT government to do so. While I am glad the appropriation bill put some flesh on the bones of its latest commitment to a greenhouse strategy, Nicholas Stern's report makes it clear that targets as low as those embodied in the current GGAS scheme do not go far enough by a long shot if we are serious about reducing the impact of global warming.

This government should be careful of casting its stones too wildly—people know that its greenhouse record is made of glass. One test of its real commitment will be if Mr Gentleman's solar rebate proposal gets through the bureaucracy and the cabinet processes without being undermined and rendered ineffectual. Again, I find myself waiting for another welcome but overdue climate change initiative. I have not grandstanded on this point, but a solar rebate proposal was part of my budget response speech last year. So were a range of other initiatives, and I am happy for government members to take them up. I am very glad that Mr Gentleman has taken up the solar rebate baton; I wish him every success and will support him all the way.

The utilities tax impacts adversely, however, on the cost of green power. One effect of the utilities tax is to push up the price of green power. The take-up of green power is appallingly low in the ACT, despite our high incomes which make it entirely feasible for many of us to pay the higher tariff. Surely it is not beyond the imagination and power of the government to instruct Actew to exclude the utilities tax impost from the price of green power.

Leaving aside the poor design and retrograde impact of the utilities act, I am pleased to see that the Stanhope government has joined the Australian Greens as the true economic conservatives in Australian politics. At a time when the Reserve Bank is saying that public spending and household consumption are key drivers of inflation that could lead to further interest rate hikes, we have the very depressing spectacle of both major parties falling over each other with electoral bribes which will inevitably fuel the problem.

In his initial criticism of the utilities tax act, Mr Mulcahy said:

We are staring down the barrel of an economic slowdown as high rates and charges eat up discretionary spending.

It would seem that Mr Mulcahy still holds to that opinion, given this attempt to repeal the entire act rather than to alter it to make it more socially and environmentally responsible. Squandering surpluses for short-term political gains which will, in the end, lead to higher costs, higher interest rates and higher rates of inflation is not what I would call fiscal responsibility.



I am supporting Mr Mulcahy's bill, but I want to see it replaced by another revenue-raising bill. I do not want to see any tax cut revenue merely transferred from the ACT government to the federal government through the GST to be doled out in doses as the federal government chooses. Of course, it is very interesting that all the focus is on income tax cuts without anyone going the next step and seeing where those cuts are going. They will be spent on goods and services, which attract the GST. The community may be being misled about the fact they are getting tax cuts at all. They are just merely the displaced tax cuts, ones that they are less likely to notice.

Before the introduction of the utilities tax, utility network owners were not charged for the network infrastructure that they operated on unleased ACT land. It makes sense to charge them to help compensate for the direct costs of maintaining those easements and utility corridors and for the opportunity costs of not being able to sell or otherwise use that land. As I said at the time, the Greens' opposition to the utilities act, and the reasoning behind my support today of Mr Mulcahy's bill, is supported by three key recommendations from the February 2004 public accounts committee report on revenue-raising issues in the ACT.

Recommendation 6 of that report encouraged the government to consider more progressive taxes. Recommendation 11 called on the government to establish a comprehensive concessions policy, and recommendation 15 requested that the government consider the feasibility of incorporating environmental concerns into revenue-raising measures.

Adverting and adapting to climate change will require actions across the government, and the revenue-raising system has an important role to play. It can be fashioned to be simultaneously a carrot and a stick, and it is one of the government's most powerful tools to effect positive social and environmental outcomes. The fact that the utilities act makes no attempt to address environmental or social concerns is perhaps not surprising considering that the previous head of treasury expressed the view in a public hearing that the market, left to its own devices, would address all ethical and, presumably, environmental problems.

Many cities are providing or considering providing free wireless access to the internet in their CBDs. If this happens in the ACT, it will undermine the utilities tax, based as it is on infrastructure length. It will also take away one of the prime rationales for the form of the utilities tax provisions, as it will remove most of the revenue gained from telecommunications utilities.

The desire to extract revenue from Telstra was an important factor in determining the nature of the utilities act after the High Court case proscribing tax discrimination against telcos. As this factor becomes less important, perhaps the government could revisit the utilities tax and fashion its replacement with more of an eye to broader future benefits apart from mere revenue raising. If telcos were excluded from the utilities tax provisions, the government would be able to apply different tax rates to different categories and sub-categories of utilities. For instance, it would be able to impose a tax rate which was proportionate to the amount of green energy travelling through the system.

At the time of debate on the original bill, I noted that the regulatory impact statement was compiled by treasury without consulting DHCS, which is in charge of the concession program, and TAMS, which conducted a review of the utilities act and was at that time developing a climate change strategy. Treasury also did not see fit to consult with the Community Inclusion Board, which I would have thought would be an obvious stakeholder, especially given that it had recently completed a household debt project.

At the time of debate on the original bill, Mr Mulcahy said:

When you add up the increases of eight per cent in average unimproved values for residential properties and 19 per cent for commercial properties, significant increases in average land rates and the exorbitant costs incurred from the fire and emergency services levy, you can see how these new charges will impact Canberra property owners.

I note that Mr Mulcahy made no mention of skyrocketing property prices, which have added tens of thousands or hundreds of thousands of dollars to the capital holdings of Canberra property owners, but I also note that he went on to recognise that there would be adverse impacts on renters as well.

The Greens have a national policy of using mandatory disclosure of building energy efficiency ratings to encourage the uptake of efficiency opportunities. Mandatory disclosure policies overseas have been successful in identifying efficiency opportunities and ensuring that there is a clear incentive to act on them. I commend the Greens policy to the government and the opposition next time they look to drafting new revenue-raising measures.

I will end my speech by echoing the Chief Minister's sentiments in saying that the opposition does not seem to get it—most Canberrans do not want tax cuts when the alternative is increased spending on social infrastructure, climate change initiatives, education, transport and health. I acknowledge some of Mr Stefaniak's points about the adverse effects of different types of taxes, so I look forward to seeing the social and environmental tax mix that the Liberals will presumably take to the next election.

**MRS DUNNE** (Ginninderra) (5.34): Mr Speaker, today we saw a new defence in the Treasurer's preposterous defence of maintaining a tax in such prosperous times. We are a prosperous, well-off community, and the premise of the Stanhope government's new taxing regime is that we should tax people at the rate of their disposable income. We heard this in the speech here today, and we heard it again in question time. This is a new maxim, and it means that Jon Stanhope has his hand in every voter's pocket.

It is the mindset of the left that money in the economy should be given to the government. We saw it here today with Dr Foskey. I was taken aback a little to find that Dr Foskey is going to support this bill today, but my surprise was short lived when I realised that she really wants to substitute a more regressive taxation regime in its place, one that fails all the basic tests of taxation at the first hurdle—that is, simplicity. What Dr Foskey just explained to us would be an extraordinarily complex taxation system, which would be hard to measure and hard to administer.

What we have here today is Jon Stanhope saying to the taxpayers, the voters in the ACT, “You’ve got money in your pocket and I want it.” He wants it because of all the reasons that Mr Pratt, in particular, has pointed out—the complete mismanagement and the wrong priorities of this government. We have seen for six years, time after time, that when there is criticism of government services—and there has been criticism of government services here today—the first recourse of the Stanhope government is to say, “You can’t criticise us. Look how much money we have put into it.” This is a government that measures its performance on the amount of money it puts in and not the outcomes it gets out of the system.

We, on the other side of the Assembly, do not believe that we should have our hands in the pockets of taxpayers, the voters, all the time taking away every small bit of change. We do not believe, like the Greens, that we should have a range of regressive and complicated taxes that actually batter about the single-income earner, the people on fixed incomes, the people on low incomes, the average working family—Mr Howard’s battlers or the people that Mr Rudd would like to reach out to and say are now his heartland.

What we are talking about here is, if we go down the path that the Chief Minister wants, people will have to abdicate their autonomy and have someone like the Chief Minister, someone like Mr Gentleman, someone like Dr Foskey, making decisions about where they should spend their money. Heaven help us that the people who earned the money should have the right to work out how to spend it for themselves! What we have seen here today—we see it again and again, with the words that come out of the government—is an overwhelming desire for increased services over tax cuts. I have heard the Chief Minister say it a number of times in the last few days. I heard Mr Gentleman say something similar this morning in relation to his draft exposure of the feed-in tariff bill.

Mr Speaker, there is research that shows that often, when people are asked these things—a top-of-mind issue—they answer, “Yes, I wouldn’t mind paying more taxes for better hospital services, better schooling or more renewable energy.” However, when you actually put them to the test, they do not want to pay the taxes, and this is exemplified, for instance, by the take-up of Greenchoice power. If people actually believed what Mr Gentleman and Mr Stanhope said they believed, we would see a better uptake of Greenchoice power. There is a cognitive dissidence between what people say and what they do.

Mr Pratt has exemplified a range of things where the government has got it wrong. The classic one, the one that really rankles in the community, is how wrong they got it over schools. You have been to the meetings, Mr Speaker; you know how angry people in the community are, how disillusioned traditional Labor supporters are with this government who, at the last election said, “We will not close schools.”

**Mr Seselja:** Who was the minister who said that?

**MRS DUNNE:** The then minister herself did not say it, Mr Seselja; it was her senior staff. That minister never again said what the senior staff member said. But Minister

Gallagher allowed it to go on the record, “We will not close schools.” Then there was Ginninderra district high and then there was *Towards 2020*. We now have the princely number of 23 schools closed in the ACT when a government lied to the people.

I would just like to draw a contrast: you and I, Mr Speaker, probably drive up and down the bit of Gungahlin Drive that is now operational from time to time and we see the artwork—\$750,000-odd worth of artworks. I am not opposed to artworks; I am not a philistine, but I know that my electors in Cook, who could keep their school open next year for the princely sum of \$150,000, object to the fact that there is a bogong moth, an indescribable steel structure and a couple of pear-shaped rocks on sticks that cost \$750,000. They are not opposed to art, but, first and foremost, they would like to see their kids producing art in their classrooms that they love and that they built up.

Remember, Mr Speaker, that Cook primary school was described by the Minister for Education as a fantastic school, but he is still going to close it. My constituents are asking me why, when yesterday Jon Stanhope came in here and announced over \$100,000 million of expenditure in capital and recurrent terms over the next four years, they could not somewhere find the \$800,000 of savings that they would make by closing Cook primary school and keep Cook primary school open. I know Mr Pratt has had the same experience with people from Village Creek and Kambah high. They know that they have been jibbed by the Stanhope government, and it was rubbed in their faces yesterday. They were lied to, and that lie was underlined in big black text yesterday when Mr Stanhope came in here and put the lie to everything that was said last year.

Last year he said we are in tough times; we cannot afford to do this; we have to make all these decisions. What has happened? Within less than a year after the final announcements are made to close these schools he has come in here and committed \$100 million in expenditure. All they want is \$800,000 at Cook to keep the school open.

Government members come in here and say, “We can’t afford a tax cut.” The minister says we cannot have a tax cut because we have to have quality education; we have to have an education system that people in Canberra will be proud to come to. They measure that by how much money they spend. The measurement that the people of Canberra put on it is about the quality of education that they get out of the system. The measure that I put on it is how many people are abandoning the government school system. I do not want to see people abandon the government school system, but they are lining up in droves to leave.

More people would leave if there were more spaces in non-government schools, and all this government can do is say, “We will spend more money.” They will say, “We have spent \$300 million, and that’s fantastic,” but it does not address the fact that people are prepared to forgo a free service and pay for an expensive service. They want quality out of the ACT government education system, and they are not getting it. They are going elsewhere, and this minister and this government is presiding over a rapid and disastrous decline in the education of ACT children.

What we are seeing here today is a government with the wrong priorities. We will not play Mr Stanhope’s game and say which of his initiatives we would pass up and

which of his initiatives we would not implement. If we had stuffed things up as badly as he did, at least it would be our stuff up. But what he is saying is, "Here, I've made a mess of it. My colleagues and my predecessor before me have made a mess. We can't control our spending," then, suddenly, they want us to pick and choose between a few of their little cherries at the end of the process. We will not do that, because under a Liberal government you would have a better regime.

I am proud to say that I worked for a Liberal government; I worked for a Liberal treasurer who imposed taxes which he did not want to impose because the financial circumstances were such that at the time they had to be done. But as soon as we got to good times, we saw those taxes disappear. We saw the fire and emergency services levy introduced, and when it had raised the amount of revenue that the government sought, it took it away. It also reduced registration on vehicles, and there were tax cuts when there was a capacity to do it. Yesterday, we saw \$100 million worth of expenditure. What we are saying here today is give some of that back to the people who provided that money in the first place.

**MR MULCAHY** (Molonglo) (5.45), in reply: I thank my colleagues for their support of this initiative. Whilst I have found the rationale and the ultimate wish a little curious, I do appreciate that Dr Foskey is supporting this bill, although I suspect our ultimate interests differ somewhat.

I have been forced to introduce this bill to the Assembly because our appeals to the government on this issue have fallen on deaf ears. It has, therefore, fallen to the opposition to take action on the increasing levels of taxation in the ACT, and at least force the ACT government to confront this matter.

I was absolutely bewildered—and I refrained from interjecting, Mr Speaker, because I think I am on a warning—at the nonsense that the Chief Minister trotted out to justify why we cannot consider tax reductions. He sits there, and every time someone says to cut spending or to exercise a modicum of restraint or to lower taxes, he always says how many fewer patients will receive services as a result. He has compared the \$17 million that this reform would deliver to providing services for 3,500 patients. I ask Mr Stanhope this: how many patients does the arboretum, the ill-conceived bus way from his friend, Mr Corbell, the percent for art scheme or the scrapping of FireLink cost? How much are those ill-conceived ideas costing us in terms of essential services and core delivery?

This is about priorities and efficient management of government. Yes, I do not retreat from the position that tax reform and tax reductions have to form an essential and key part of any budget process. But it does not mean that you abandon all services in government. What we are about in the ACT opposition is delivering more competent and more efficient management. What we would be seeking to do here is to contain the level of taxation in buoyant times to ensure that we can maintain good services but let the people of Canberra share in the prosperity that is available in our community.

We hear this nonsense saying, "Well, what does it matter? People have got money in their pockets. The average incomes are high." I still have in my mind a very clear broadcast I heard in the previous school holidays. I was driving my kids up to

Mt Selwyn and it was Chief Minister's talkback on the radio, and I heard a pensioner get on the phone and say, "How am I meant to pay these extra costs, Mr Stanhope, because my pension is not going up?" The Chief Minister waffled and he waxed and waned about WPI and CPI, and it made for interesting listening, because he really could not explain it to these people.

I am not talking about the fat cats here getting some great tax concession, as was implied in that fairly offensive and silly release put out today saying Mr Mulcahy wants a tax reduction. It is not me that I am concerned about; it is the people in Canberra—Dr Foskey, I agree with you—who are living from hand to mouth, people who are on fixed incomes, families that have broken up where you have got one breadwinner trying to raise kids. They are the people that these amounts of \$130 actually mean a lot to, not people sitting in this place on six-figure incomes. When you lose touch with the ordinary people and what they want, then you ought to give the game away.

Mr Stanhope goes on about how we are a very low-taxing jurisdiction here. On 29 August, I pointed out in a question on notice that a budget table comparing the ACT to New South Wales failed to include the water abstraction charge; it failed to include the fire and emergency services levy; it failed to include the WPI increases or the utilities tax, and what did Mr Stanhope do? He said, "I'll take that on notice." Do you reckon I have heard anything back? Not a word; not a sausage. The government puts out these budget tables saying how wonderful things are here, but then it just selectively leaves out a whole raft of charges so that it can actually create a better spin on the situation.

Mr Stanhope pointed to the higher incomes and level of disposable income in the ACT. As Mrs Dunne has pointed out, that is a typical Labor left attitude, a typical socialist perspective. If somebody does well, punish them. They deserve to be taxed heavily because they can afford it. But the problem is that this mindset is one that fails to recognise that you are hurting a lot of ordinary and smaller people. I speak to many older people in Canberra; I go out every week and talk to groups of senior people, and I make an effort to talk to them and ask them about their circumstances. Time and time and time again the message I hear from these people is that, in many cases, they are asset rich and cash poor.

If you have bought a house or your husband or wife has passed away and you are still living in it, it may well be that it has increased substantially in value. I am sure when these people sell up, there will be a beneficiary or beneficiaries in their estates who will realise some of the benefit of capital gains over the years. But most people that I know who fit into this category want to pay their bills; they do not want to leave debts behind, but they do not have the income flow to support a high-spending, high-taxing government. What they would like to see is, in fact, some of these things handed back to the people

We are not asking that all taxation go out the door. It is arrant nonsense from Mr Stanhope when he keeps saying, "What? The Liberal party wants no services?" No, we do not say we want no services, but we certainly question some of the things. We have seen this swag of press releases pumped out in the last 24 hours—\$205,000

for improving the city, \$200,000 for new car park signage. I just simply ask the question that maybe this government ought to focus on priorities. Yes, we do want to see cancer patients treated; we do want to see these sorts of things done. But there is a lot of expenditure in this territory that is questionable. Look at this nonsense, Mr Speaker: \$75,000 for a family and community fun day—\$75,000. How is that an essential delivery for the people of Canberra?

**Mr Corbell:** Party pooper.

**MR MULCAHY:** Mr Corbell says, “Party pooper.” We should be able to blow the territory’s money on parties and propaganda exercises, but do not worry about people who are elderly. Do not worry about broken families.

**Mr Corbell:** Scrooge Mulcahy! Let’s cancel all the Christmas celebrations too!

**MR SPEAKER:** Order!

**MR MULCAHY:** Do not worry about the people on fixed incomes.

**Mr Corbell:** Scrooge Mulcahy! Let’s cancel the Christmas celebrations while you’re at it!

**MR SPEAKER:** Order! Mr Corbell.

**MR MULCAHY:** Do not worry about them, those people have got plenty of money in their pockets, because Mr Stanhope looks at the average. But when you are sitting there on your—

**Mr Pratt:** It is not the Labor Party; it’s the party party.

**MR SPEAKER:** Order! Mr Pratt.

**MR MULCAHY:** When you are sitting there on your \$200,000 a year, I suppose life looks like it is pretty good. It is the most any of them opposite have ever made in their life but—

*Members interjecting—*

**MR SPEAKER:** Mr Mulcahy, just resume your seat.

**MR MULCAHY:** Yes.

**MR SPEAKER:** When I call for order, I expect to get order. Mr Mulcahy.

**MR MULCAHY:** Thanks, Mr Speaker. This is the sort of thing that we see when you go through the sort of outlays that we are told are life and death essential expenditures. I think the Beijing torch relay is going to be a great idea. It will be good media for Canberra; it will get a bit of television coverage; it is in the same time zone virtually. But I do not know why it costs \$1 million to have the torch run through Canberra. That seems an extraordinary amount of money for this event.

Of course, we have got more money going out on the percent for art scheme. How can Mr Stanhope stand here and convince me that this \$1 million icon on Northbourne Avenue is vital for the people of Canberra and far more important than giving them tax relief? Go and tell that to the lady who called him on that talkback show and the others that talk to me when I go to Woden. Go and say, "Listen here. You shouldn't get tax relief; you're rolling in cash." When they say, "But my pension is not going up much or at all, and the CPI has been fairly static," Mr Stanhope's view is to say, "Well, you're rolling in cash. We have got to take an average view; we have got to add in all the \$300,000 departmental heads, the well-paid politicians and the like; so tough luck. You are not getting tax relief. We are going to keep increasing taxes."

It is staggering that the Chief Minister gets up here today and dismisses this proposal, this initiative—probably because the opposition is the one, in fact, who has brought it forward—and, in the same afternoon, he is dumping on the table here September quarterly reports showing another \$92 million in revenue—another \$92.5 million in revenue today declared as part of the September quarter. Taxation revenue is increasing by \$46 million, and we still cannot afford relief for the people of Canberra.

How long does this go on? Do we go on with hundreds and hundreds of millions of dollars and still say we cannot give people relief? What is the point we reach when you say that all of this pain and suffering that people had to go through in the previous budget with the fire and emergency services levy, the utilities tax, the water abstraction charge, the ambulance levy going up, general rates going up is over? When is enough enough?

**Mrs Dunne:** It's never enough when Stanhope can get your spare change.

**MR MULCAHY:** It seems to be the case that it is never enough. Mr Stanhope just says, "Well, we're not going to consider these things. We just want to keep spending." We have now got this other swag of cash, and I know it is the first quarter and there will be adjustments, because some items fall earlier in the year and others fall later. But, I think, out of the figures presented today to the Assembly that, when you see an additional \$92.5 million and you see that the variances are so substantial over the forward projections, there must be a point when this territory can start offering a little relief back to the people.

We are hearing from their federal Labor colleagues about the impact of fuel on family budgets; we are hearing about the impact of groceries from increases in supermarkets; we are hearing about the impact on vegetable sales—

**Mr Corbell:** What's John Howard doing about it?

**MR MULCAHY:** I will answer that, Mr Corbell, in just one second. We are hearing about the impact on the price of vegetables because of the drought, and even Labor federally is starting to emulate the tax reforms that have been announced by the Howard government, and, I might say, an ongoing program of tax reform and forward-projected tax reductions. Even Kevin Rudd has not got the gall to get up and say, "No matter how much the government of Australia makes, we are not going to give it back to you, the people who are paying for it."



I am not necessarily one who would quote Rupert Murdoch too often, but I took some comfort in what he said last night about big spending political parties and governments. He said this is just continuing to make people increasingly dependent on the state. There must be a point when the state concentrates on core issues, rather than saying, “We’ve got a swag of cash, let’s go on a spending spree,” but the one element of the spending that is not on the table is handing it back to the people who earn it.

This bill is put forward and provides an opportunity for members opposite—and I am pleased to be supported by the Greens movement—to show a modicum of integrity in terms of what they put forward to this Assembly a year ago. They voted on the basis of tax increases being imposed, because they said there was a pressing need to, in fact, fund the services of the territory. We were told we were living beyond our means. The fact of the matter is that the way this government approaches public management and the way it approaches expenditure of taxes is along the line of spending everything coming in the door. It is like walking out to Westfield Woden and just getting the credit card out at one door and going through until they start declining the card. This is what this government is all about. More money in, let us splash it around.

As Mr Pratt pointed out very clearly, if these things were as vital and essential as we have heard Mr Stanhope say today in question time and this afternoon, why were they not part of his budget that he presented to this place in June and was voted on only three months ago? Why were they so unimportant then, but are suddenly so important today? The fact of the matter is, Mr Speaker, that there is, in fact, an opportunity here for the government to splash the cash, to try and shore up its ailing reputation with the people of Canberra. But I do not believe that it is going to serve as a substitution for the level of poor management that we have seen in this territory.

Mr Stanhope took the opportunity to make wild and silly statements in relation to superannuation. The position on superannuation, as Mr Stefaniak pointed out previously and as I have said in subsequent debate following the budget debate, is that superannuation has to be recognised as something that is not available for the day-to-day operations of expenditures of government. I am conscious of the time, Mr Speaker. I will conclude my remarks, and I hope members will consider supporting this bill.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 6

Mrs Burke  
Mrs Dunne  
Dr Foskey  
Mr Mulcahy

Mr Pratt  
Mr Seselja

Noes 7

Mr Barr  
Mr Berry  
Mr Corbell  
Ms Gallagher

Mr Gentleman  
Mr Hargreaves  
Ms MacDonald

Question so resolved in the negative.

*It being after 6.00 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put.*

## **Adjournment**

### **State Emergency Service volunteers**

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services) (6.03): I am very pleased to rise in the adjournment debate this evening to acknowledge and congratulate the Belconnen SES volunteer unit on their excellent result at the recent national championships of Australian state emergency services. Today is Wear Orange to Work Day as part of National SES Week and I am very pleased to be making my contribution today to acknowledge the work of our SES volunteers.

In May this year the ACT State Emergency Service held its own local competitions to determine the best SES unit in the ACT. Volunteers from the Belconnen SES were judged the best overall team and were chosen as the ACT's representatives to attend the National Disaster Rescue Competition which was held in Bunbury, Western Australia on 3 and 4 November this year.

For only the fourth time in the history of the competition each state and territory had a team competing. Teams comprised six members as well as a team manager. Throughout the competition they are judged on their rescue and technical skills, first aid, navigation, teamwork and team leadership. Teams are required to complete a series of activities over the two days of the competition, with points from each stand aggregated to the team in the final placings. When the final positions were announced, the ACT State Emergency Service team was ranked sixth overall—a great result given that the ACT has the smallest SES of any jurisdiction.

It was particularly pleasing, too, that the team leader of the ACT team, Mrs Fiona Levings, was ranked the second-best performing team leader throughout the competition—a great result for her—and my congratulations go to her on achieving this level of recognition for her skills.

This really does highlight the very high quality of our volunteer services. The fact that the ACT can hold its own in a national competition against services that have tens of thousands or thousands of members compared to the several hundred we have here in the ACT SES is great credit to the ACT SES, to all of our volunteers and in particular to the volunteers of the Belconnen SES unit and their team leader. My congratulations to them all.

### **Ms K Gallagher—performance**

**MRS DUNNE** (Ginninderra) (6.05): Mr Speaker, I think it is a little unfortunate that throughout the day's debates and discussions there has been this undertone coming from the government where the colleagues of the Deputy Chief Minister, and the Deputy Chief Minister herself, have been out playing the woman card all day. There has been a range of allegations that the opposition is picking on Ms Gallagher because she has been off having a baby. There has been talk about maternity leave.

First, I would like to put on the record that members of the Legislative Assembly do not have any sort of leave; they turn up or they do not turn up at their own peril. But we work and are paid for essentially seven days a week, 52 weeks a year. That is what we are paid to do and we do not have a right or an entitlement to leave. There is no EBA in this place.

But we are not actually talking about Ms Gallagher and the fact that she has been off to have a baby. What we are talking about is Ms Gallagher's incapacity to run a portfolio; Ms Gallagher's very, very poor performance which is now becoming legend across a range of portfolios over the time that she has been in this place. It is a bit disappointing that as soon as somebody comes under pressure in this day and age in 2007 we have to play the women's card: "You're being mean to me because I am a woman."

Let us put on the record some of the things that have gone wrong in departments under Ms Gallagher's tutelage. We have to look at the breaches of law under the Children and Young People's Act that went on for many years under her tutelage, but also under the tutelage of her predecessor, Mr Corbell. There is a bit of a pattern here: Mr Corbell moves on and leaves the mess for somebody else to clean up, and Ms Gallagher moves on and leaves a mess for somebody else to clean up. There were significant breaches of law brought to her attention and brought to the attention of her predecessor and nothing was done about it for a very long time.

Then there was the biggest election lie of 2004, the one that Ms Gallagher presided over and that has been alluded to earlier this day where the people of the ACT were told by a senior staffer in Ms Gallagher's office that no school would close in this term of the Stanhope government. Ms Gallagher never corrected that record, but we know, with Ginninderra district high school and 23 other schools later, that Ms Gallagher's word is not worth very much.

Then we have to look at health. First of all, here is a minister who is paid a substantial sum of money but who cannot even run a car park. In this day and age we keep being told just how dependent we are on the car—and we cannot even run a car park for fun and profit. After a very short period of time we had to abandon the car parking proposals, and what that meant was that there was a huge cost to the ACT taxpayers by the mismanagement of this minister over a car park.

The mismanagement goes to almost every sector of the health system. We have seen the Australian Institute of Health and Welfare reports about our poor performance in waiting times for elective surgery and for attention at accident and emergency. I will just recount one incident, one little vignette, that I experienced recently. I had visited somebody in the hospital, was leaving the hospital at the end of visiting hours and happened to walk down the corridor adjacent to the accident and emergency. On this particular day the accident and emergency waiting room was absolutely filled to capacity and people were propping themselves up against the hallway, the walls, in the corridor—there were so many people there.

One person looked at me—I do not know who he was—and said, "Mrs Dunne, really something has to be done about this. This is dreadful." And this is what is being said

by people just by happenchance on this minister's watch. The administration and the operation of the accident and emergency system have substantial problems which are not being addressed by this minister, and those substantial problems culminated in a serious illness besetting somebody in the waiting room, which resulted in their death while they were left unattended for a number of hours. It is a great shame for all of us in this territory that people die in waiting rooms. It is of great shame for us that people sit or lie on trolleys in corridors; that they are sitting in wheelchairs. (*Time expired.*)

### **Federal election Trade union movement**

**MS MacDONALD** (Brindabella) (6.11): With the federal election coming up in 10 days time, there has been much ado about any association on the part of members of the federal Labor team with the trade union movement. This evening I want to put on the record my proud association with the trade union movement. Of course those on the other side might say: "Why would you want to do something like that? Why on earth would you want to say that you are proud to be associated with the trade union movement? After all, aren't they full of thugs?" According to the ads that is what you would believe, and according to those on the opposite side you would believe that the trade union movement was full of thugs.

As you know, Mr Speaker, and as I know, that just is not true. I have a belief, and I know it to be true, that the trade union movement in this country has a long and proud history of looking after the interests of all Australians—not just a few but all Australians. Here are just a few things that I would like to mention that the trade union movement has been involved with—with some of the reasons why I am proud to be involved with the trade union movement.

**Mr Seselja:** What about the BLF? Do you want to tell us about some of their activities?

**MR SPEAKER:** Order!

**MS MacDONALD:** Without the trade union movement in the first place, superannuation as a standard for Australians in this country would not be in place. It was the trade union movement, the ACTU and the Hawke and Keating governments that made the decision to enter into superannuation and thus ensure protection in retirement for all Australians, not just the wealthy.

The trade union movement once again has a long history of being involved in many areas in ensuring that trainees and apprentices get adequate training and that hardworking men and women get decent pay rates. Of course there are those who would say, "Well, we should let the market decide." I am sure that is what those on the other side would suggest—that there is no need for trade unions to be involved in this because the market will determine whether or not people get paid adequate pay rates. But of course that just is not the case.

The trade union movement also provided representation in the Australian Industrial Relations Commission, the industrial relations court, when it existed, and in other courts. This is for people who would otherwise go unrepresented and may not be able

to take a case forward, but of course a lot of that has been wrecked under Work Choices.

The trade union movement was also involved in green bans to protect heritage buildings in Sydney in the 1970s. Yes, the BLF; I know the BLF does not have a proud record on a lot of things, but they certainly made sure that buildings with a great history were left standing. Without the trade union movement, those buildings would not be there.

The fight against discrimination in the workplace is another reason that I am proud to be a member of a trade union and to have had a long association with them—because they fought to ensure that discrimination in the workplace—

*Members interjecting—*

**MS MacDONALD:** The heckling of the peanut gallery over there is not going to distract me from this because I am and will remain a proud member of the trade union movement and will continue to say that there is no shame in being involved with the trade union movement.

There are a few other things that the trade union movement have done for the men and women of this country—holiday leave; occupational health and safety so that we try to reduce the number of deaths and injuries in the workplace; sick leave, ensuring that when you are sick you can have time off from work, are not sacked for taking time off from work or, if you are, that you can do something about it. I had a number of experiences working for a couple of different trade unions and I recommend the membership.

## **Arts**

**DR FOSKEY (Molonglo) (6.16):** I applaud the diversity of topics we cover in the adjournment debate. It is a strange sort of disjointed conversation but it allows me at least to stand up here and talk about theatre, because that is what I want to talk about tonight.

Last night I went to see a play called *Give and Take* at the Street Theatre and I commend the play to everybody. It only runs until Saturday night, so you had better get in quick. Just fortuitously it was one of those nights where the actors, the director and the set designer come out onstage afterwards and talk to the audience. The director of the Street Theatre is Caroline Stacey. She was also the director of the play and she suggested an idea which I want to develop here tonight and commend to the government as one to take up.

The ACT is a city where a huge number of actors live, in comparison, and a number of directors and a number of people with the capacity to perform in and produce plays. However, there is not one single permanent theatre company in the ACT that is funded. That is the issue. We have the Canberra Repertory Theatre, which relies on volunteer actors and directors, and we have a number of project-based productions where people get together. *Give and Take* was one of these, and the actors were really happy because they were being paid. Do you know that probably three per cent of the

actors in Australia are able to earn a living by doing what they are trained for and what they love to do and what they do best?

So what can we do here in the ACT? I am not suggesting we set up a permanent local theatre company at this point, though I think that is the ideal and we should work towards it. The Chief Minister, who is also Minister for the Arts, loves giving prizes—poetry prizes, and you cannot say anything but that the selection of a particular sculpture is a kind of prize. I will have more to say about that particular way of commissioning artworks later because that is something the arts community has commented on and I do not know whether Mr Stanhope has heard it.

But why not offer a prize—annually but certainly for the centenary—for the best script that is based on a Canberra story? We know Canberra stories are diverse. Not only are we people like everywhere else but we are the seat of national government. I just remind people of a novel by Sara Dowse that was produced in the eighties called *West Block*, which probably epitomised the sort of Canberra essence plus human personalities and interactions. Choose the script for the award of a prize and then give that scriptwriter a grant of money to develop that script to production stage—not only paying the scriptwriter to do that but also paying the director and the actors. That would be great. We could use the Street Theatre.

I might add, by the way, that Canberra Theatre is not known for putting on local works. But why not then tour this work to local regional towns such as Cooma, Goulburn—towns that have a reasonable centre? I can tell you that they do not get much live theatre outside Canberra. We are actually quite blessed, but I think we could share it. And then why not tour it to Melbourne and Sydney to inform them about Canberra? Remember that Canberra stories would be the theme.

We would have to set up some terms of reference so that the judges could choose a play that was not only excellent quality dramatically, but told a story about Canberra that we want to tell to the world, because Canberra does not get a very good press out there—not just in the region but in other capital cities. That is not our fault. But I think it is time we showed the ordinariness of Canberra people through our art—and we are blessed with fabulous musicians, actors, directors, dancers and all the other arts; I have no intention of leaving anybody out of this. So this is an idea. I am prepared to hand it on to the Chief Minister and I would like to hear what he has to say about it.

Furthermore, on the development of competition entries for sculpture prizes, the arts community reminds people that artists are some of the poorest people in Australia. They have to spend money developing those entries. Many people did not do so because they could not afford it—and this is something to remember when we decide to select our art the cheap way by creating a competition.

### **Federal election Tharwa bridge**

**MR PRATT** (Brindabella) (6.21): By the way, in response to that stirring rendition from Ms MacDonald about the union movement and how proud she is, I would like to

mention, or at least place on the record, that the ALP national campaign launch today—a party that receives \$30 million apparently from the trade unions for this campaign, that demands that MPs be union members and 70 per cent of whose front bench are anti-business union officials—did not even mention the trade union movement. By the way, the ALP’s campaign launch was 30 minutes late in starting and one wonders how the hell, if they cannot run a launch, they are going to be able to run a \$1.1 trillion economy. Anyway, put that aside.

I want to talk today about Tharwa bridge. I am going to read into *Hansard* a newsletter from the Friends of Tharwa Bridge website. Of course they remind us that the bridge has now been 421 days closed, and their website states:

There is no engineering argument to stop the historical Tharwa Bridge which has been closed for more than a year from being restored and returned to use, engineers say.

The ACT Government closed the 112-year-old bridge about a year ago, citing safety concerns and adding 30km to the journey from Canberra to the village.

It is beginning work on a new \$10 million single lane concrete bridge with a bike and pedestrian lane over the Murrumbidgee ...

Locals have been strongly opposed to the move, arguing that the old bridge is of historical and visual significance and is an integral part of the village.

Now NSW-based civil engineers Brian Pearson and Ray Wedgwood have joined in the debate, saying in a letter to *The Canberra Times* that they support restoration of the wooden bridge.

“We are extremely concerned with the condition of the Tharwa Bridge and the fact that it has been closed to traffic and pedestrians for an astonishing 12 months, with no alternative crossing...

“In addition, there are apparently no plans for restoration of the bridge.”

At least nothing that has been publicised. I think the fundamental comment made by the Friends of Tharwa Bridge is:

“The engineers conceded that the bridge was deemed to be unsafe due to a “100-year frequency flood”... but say it is still “standing proud” despite being 112 years old. They said the 100-year-frequency flood could occur at “any time, or may not occur in 500 years”.

They said building a concrete bridge close to the original one would create an eyesore.

“We believe there is no engineering argument which might prevent the restoration of this historic bridge,” the engineers said.

“We also believe that the aesthetic effect of a new concrete bridge in close proximity to a non-functional timber truss bridge would be disastrous and would destroy the beauty of this pristine area of the Tharwa landscape.

The engineers go on to say that they support the endeavours of the community to have the Tharwa bridge restored.

On Sunday the Friends of Tharwa Bridge ran a picnic—and it was quite a crowd. It was quite a stirring event. There is a lot of support from across the valley. I remind you that we recently tabled, by this Assembly's standards, quite a hefty petition signed by a lot of people right across southern ACT, not just Tharwa village but people in the Tuggeranong valley and the Woden valley who know enough about the bridge and the Tharwa environment to very much respect its value to the ACT.

The feeling is growing now that the community—not just the Tharwa community but the broader ACT community—has been duded by this government in its analysis of the future of that bridge and what can be done with it. There is no doubt that there is engineering evidence available which says that that bridge can be restored much cheaper than the building of the concrete bridge and in much quicker time.

Question resolved in the affirmative.

**The Assembly adjourned at 6.26 pm.**