Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

SIXTH ASSEMBLY

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Thursday, 15 November 2007

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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.

Mrs Burke: Mr Speaker, I would like to point out that yesterday, in a speech—

MR SPEAKER: You will need leave, Mrs Burke.

Mrs Burke: I seek leave to make a personal statement. Yesterday, in a speech I gave to—

MR SPEAKER: Is it under standing order 46?

Mrs Burke: That is quite correct. In a speech on 14 November, I said that Mr Mulcahy had alluded to the fact that we have a part-time health minister. In fact, what Mr Mulcahy had said was that—

MR SPEAKER: Order! That is not a personal explanation; that is a discussion about what Mr Mulcahy said.

Mrs Burke: I seek leave to make a statement, Mr Speaker.

MR SPEAKER: Pursuant to standing order 46, for me to grant leave, it has to be a personal matter. If you wish to make a broader statement, you will need the leave of the Assembly. Do you want to seek leave?

Mrs Burke: Yes, please.

MR SPEAKER: Is leave granted?

Leave not granted.

Victims of Crime Amendment Bill 2007

Mr Corbell, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (10.32): I move:

> That this bill be agreed to in principle.

This bill reflects the government's ongoing commitment to improve services for victims of crime in our community. The bill assists in fulfilling this commitment by introducing a scheme that makes a certain section of the community—those who break the law—liable to make a contribution in providing better services to victims of crime in the ACT. The scheme was part of the government's 2007-08 budget announcements.

The bill will amend the Victims of Crime Act 1994 to introduce a $10 levy on all offences in which a court imposes a fine. This levy will be administered by the courts. Funding for victims' services will also be boosted by the introduction of a $10 infringement penalty payment to all traffic infringement notices. The Road Traffic Authority in the Department of Territory and Municipal Services will administer the scheme. Neither amount will apply to parking offences.

The revenue from these new measures will be used specifically to fund enhanced services for victims of crime—for example, through the expansion of free counselling services already available to victims, through providing a better coordinated service to victims advising about criminal justice processes, and through appropriate referrals to provide practical and speedy assistance to victims. The revenue will be managed by the Victims of Crime Coordinator as part of her overall responsibility to enhance the response of the criminal justice system to victims of crime in the ACT.

Similar schemes whereby law-breakers are liable to contribute to victims' recovery have been implemented in several Australian jurisdictions and overseas. While the models may vary, the common objective of these schemes is that the offenders should be made responsible for the harm, or the potential harm, caused to victims. Nonetheless, if offenders have difficulty in paying the amounts, there are mechanisms in place to alleviate these hardship circumstances.

Unlike schemes in other Australian jurisdictions, young people aged between 12 and 17 are not liable to pay the levy under this ACT model. The levy will apply in the Magistrates Court and the Supreme Court, but it will not apply in the Children's Court.

The ACT model has been developed to suit local conditions. For the ACT, a single flat rate is considered the most effective cost option for a small jurisdiction like ourselves. Some of the other jurisdictions have a graduated scheme, which sees a different levy amount applied for different offences. The additional administrative work that would be required to introduce a graduated scheme in the ACT would far exceed any substantial funding that would be derived from adopting such a model. A flat $10 levy is also considered an affordable amount, comparable to the cost of a meal out, a takeaway meal, or indeed going to the movies.

It is this government's high priority to enhance the services provided to victims of crime. It is this government's policy not to target the community at large, but to specifically target those who break the law. It is this section of the community that should be contributing to victims' services in order to assist in their recovery. The government wants to make it easier for victims of crime to access services, information and support. This funding boost is another positive step taken by this government to improve services to victims of crime.

Building on this initiative, the government also recently announced a suite of reforms to improve the criminal justice response to investigating and prosecuting sexual offences, including improved police and court support for child and adult victims, and reducing the re-traumatisation experienced by victims in the justice system. Additionally, separate funding of just under $1 million has been provided in this financial year to implement these sexual assault reforms.

This government is committed to meeting the needs of victims of crime. We need to focus more on support for victims to help them overcome the trauma and distress that they suffer. The government is committed to achieving measures for victims that best lend themselves to reducing victimisation and supporting victims and witnesses through their ordeal. I commend the bill to the Assembly.

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

Working Families in the Australian Capital Territory—Select Committee
Report

Debate resumed from 16 October 2007, on motion by **Mr Gentleman**:

> That the report be noted.

Mr Mulcahy: Mr Speaker, I seek leave to speak again on this matter.

Leave not granted.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (10.38): I thank Mr Gentleman and the committee for their work on this important topic. It has become even more topical with the outburst from the Deputy Leader of the Opposition yesterday in relation to the health minister.

In the context of a debate on the effect of Work Choices on working families, it is important to look back at some of the research that has been undertaken over the duration of Work Choices since its implementation in 2006, and perhaps to look at what some organisations were saying in advance of the implementation of this legislation. We should also look at the broader context, particularly given the work of the Skills Commission. I would like to touch on a couple of those issues.

First of all, Mr Speaker, it is worth noting the statements that were made in advance of the introduction of Work Choices. When you look back, you will see they were quite accurate. I would like to quote from the report of the National Council of Women of Australia, which stated that the Work Choices reforms were likely to produce less favourable outcomes in wages, conditions and employment rights for women. The report stated that the reforms would worsen the position of women in the workplace and would have long-term repercussions for women, their families and communities, as well as the future prosperity of this country.

Having a workplace that allows its workers to achieve a work-life balance is crucial not only to optimise job satisfaction for employees, but also to achieve higher levels of productivity that come with this satisfaction. It is worth noting that such a workplace minimises the level of social disruption in our community. It is clear that, in order to achieve this, employers, and particularly governments, need to be very mindful of a worker's responsibility outside the workplace. Whilst not perfect, past industrial relations systems have at least reflected these responsibilities. Work Choices, of course, does not. I am very pleased that, through the work of the committee, these issues have been able to be highlighted.

The position and investigations of this committee present an interesting contrast when compared to the statements of the Liberal Party, and particularly those of the deputy leader in her comments yesterday. I think they highlight what the true Liberal position is in relation to work-life balance and to those who seek to re-enter the workforce. I quote from the report of our own Skills Commission:

> Many workers want to have and raise families. That is an investment in the future. An extension to paid maternity leave will discourage some new mothers from cutting ties with employers and should be seen as an important part of retention policy. Female participation rates in the labour force have fallen over the last 12 months in the ACT. This decrease may be related to a rise in fertility rates … The extension of paid maternity leave in the ACT Public Service could encourage women with children and those intending to have children to remain with the ACTPS.
>
> Accessing child care for very young babies is often difficult and extended paid maternity leave could alleviate some pressure in this area of child care. As the Access Economics Report points out, there is likely to be an increase in demand for child care in the ACT (possibly as many as 7,600 places above the present level of 30,400), with an increased reliance on more formal channels of child care.

So there we have it: a key recommendation, and an issue discussed by our own Skills Commission, is the importance of considering the extension of paid maternity leave within the ACT public service from 14 to 26 weeks. And what do we have from the Deputy Leader of the Opposition in her statement yesterday? A suggestion that anyone who is employed in the Assembly or involved in the business of public policy and who happens to have a young family is, by definition, part time. That is an appalling statement and a very poor reflection of where the Liberal Party is at in 2007.

Perhaps it was a slip of the tongue; perhaps it was just a matter of shooting off at the mouth in the chamber in the middle of a heated debate. But to then appear on television and in the electronic media and repeat those allegations puts paid to any suggestion that it was just a slip of the tongue in a heated debate in the Assembly. It was a very deliberate statement and one that has been repeated. The cheer squad made up of her colleagues has come out to back up that position. Let me make it very clear that those on this side of the chamber reject the notion that, if you have a young family and you are still committed to your job, somehow you are part time and you do not give your full commitment to your work. That allegation deserves to be treated with contempt. I think the disappointing thing is that the deputy leader—

Mr Pratt: What, like your criticism of Mr Seselja?

MR SPEAKER: Order! Mr Pratt, cease interjecting.

MR BARR: Perhaps the most disappointing thing is that the Deputy Leader of the Opposition continues to stand by that statement and continues to peddle it in the media. It is an unfortunate reflection both on her and on her party that that is the contemporary view of the Liberal Party in 2007. As I say, it stands in marked contrast to the very clear direction that the Skills Commission has outlined in terms of where we need to be as an employer and where employers overall need to be in looking to encourage more family-friendly workplaces, and that is very disappointing. Returning to other aspects of the committee's work, a report came across my desk this morning entitled *'Lowering the standards': from awards to work choices in retail and hospitality collective agreements*.

Mr Mulcahy: Who wrote that?

MR BARR: This report was undertaken by the Workplace Research Centre based at the University of Sydney, so it is not exactly a hotbed of Trotskyite researchers, Mr Mulcahy. It undertook a detailed study of 339 Work Choices agreements in the hospitality and retail industries lodged in the first nine months following the commencement of the legislation, and compared these to the relevant pre Work Choices agreements or awards. The report found that wages in the retail sector had dropped by approximately 18 per cent, with between 61 per cent and 81 per cent of agreements reducing earnings. The biggest losers were those employed on a permanent part-time basis in retail liquor outlets, with earnings losses of up to 31.1 per cent. The report found that wages in the hospitality sector have dropped by approximately 12 per cent, with between 75 per cent and 85 per cent of agreements resulting in reduced earnings. The biggest losers there were part-time and casual workers employed in the fast food industry, with earnings losses of up to 21.3 per cent.

The protected award matters that were predominantly being excluded in these new agreements were annual leave loading in 80 per cent of agreements, laundry allowance in 79 per cent of agreements, Saturday penalty rates lost in 76 per cent of agreements, Sunday penalty rates lost in 71 per cent of agreements, overtime rates gone in 68 per cent of agreements, public holiday loadings gone in 60 per cent of agreements, and paid rest breaks gone in 55 per cent of agreements.

Significantly, whilst Work Choices has been promoted by the Howard government as providing an opportunity for employers and employees to negotiate working conditions on an individual basis, the report found that 49 per cent of agreements were based on templates provided by consultants, lawyers and employer associations. Additionally, one-quarter of the 49 per cent were based on one template provided by a single business consultancy. This led the report's author to note that employers do not have to go to AWAs if they want to lower standards; they simply use collective agreements off the template taken from business and industry associations.

The report highlights that reductions in pay and conditions were not down to a few rogue employers, as the Howard government would have us believe, but reflect

mainstream agreement making, indicating employers were determined to take advantage of the legislation. The report concludes that, given the reduction in pay and conditions that has occurred during what you would have to argue has been a period of relatively good macroeconomic conditions across the entire economy, future industrial relations policy development must be evidence based, with the aim of tracking what could happen in an economic downturn. So if this can occur during a period of economic growth, what would happen if we went into a recession?

DR FOSKEY (Molonglo) (10.49): I have not participated in a debate such as this for some time. Last time I spoke on this matter, I was concerned about a select committee being set up to investigate what is primarily a federal issue. I note that we are now talking about the committee's report 10 days before the federal election, and I suppose that is no accident, either.

There is no doubt that Work Choices is going to be a significant factor in deciding how people cast their vote in this election. All the polls and all the evidence indicate it is one of the main concerns and definitely still a point of differentiation between the two major parties. However, I think what is happening with Work Choices is similar to what has been happening in other areas in the run-up to this election. We have seen a compromise in the Labor Party position on Work Choices, but at the same time we also see the coalition government clawing back some of the most severe aspects—or perhaps I should say appearing to claw back some of the most concerning aspects—of its legislation. Of course, this is in recognition of the fact that Work Choices will play a significant part in the decisions of many voters about how they will vote.

Let us think about this. Until recently, we all felt that the government had made it fairly clear that Work Choices was something to be ratcheted up. What is happening now? For instance, in a policy release by Joe Hockey today, 15 November, it looks as though the government is going to provide more entitlements for workers, including more access to unpaid parental leave, including for grandparents. It is very good that Mr Hockey recognises that many families are patching together childcare in any way they can and that, where they can find a cheaper option that is still high quality, they will go for that. The cost of childcare is ballooning out, while we know the wages of childcare workers are not exactly ballooning out. The key thing here is that we are talking about unpaid leave. There is still a huge issue in terms of access to parental leave. To me, it seems to be something that the federal government does not want to grapple with.

The one-off payment—I think it comes in instalments now—of a few thousand dollars per child is not in any way a replacement for paid parental leave. In fact, you might just call that another injection into the economy and another way of giving people more disposable income. I would love to know whether the federal government ever evaluates these kinds of decisions and policies, rather than reacting to polls. Does it ever look at the impact of the $6,000 grant per child on the welfare of those children, on the care given to those children, on the ability of parents to care for those children adequately? So let us consider that matter.

The federal government wants people to have more children, it wants women to be at work and it leaves the problem of grappling with that, of keeping those balls in the air, totally up to the family involved. It is an extremely difficult thing to do. Perhaps the

federal government, going by Mr Hockey's example, is realising it has to look as though it is doing something.

However, with the two parties meeting in the middle—there is still a gap but I think the two major federal party offerings are coming closer together—the Greens are now the only party that has, as a policy, as an end desire, the abolition of Work Choices. Before we hear from Mr Seselja and others that this is an irresponsible policy and a good reason for not having the Greens holding the balance of power in the Senate, let me remind people that Senator Brown has also announced that the Greens would use their position, if they have the balance of power in the Senate, to try and persuade the federal government, whichever party is in government, to work towards fairer outcomes. That does not mean blocking supply or taking irresponsible action.

If the Greens win the balance of power in the Senate, it would be a very visible action and it would be an excellent opportunity to show that the Greens have the welfare of the country at heart and are there to keep governments accountable, to make sure people feel they have a policy that works. That is something they have not felt for a while, since the coalition has had the balance of power in the Senate as well as in the House of Representatives.

I think more people are realising that. They are realising that the kind of Labor government that is being offered by Mr Rudd is more like the "coalition-lite" and that people who want a Labor Party that remembers its roots in social justice and workers' rights will be thinking when they cast their vote that the Greens are probably the best bet. Given the make-up of the Labor Party, its factionalism and its rules, the Greens are probably the best bet for achieving that.

Members interjecting–

MR SPEAKER: Order! Dr Foskey has the floor.

DR FOSKEY: We appear to have descended into a sort of rabble-like Assembly today. Maybe things will pick up later on. I thank the Assembly for raising this issue today. I think it will be the key point of difference which voters will take to the federal election. It probably is important to be discussing it today. It is clearly a point of dissension here. Being a federal issue, it is not one which normally comes up on our agenda, but, given our preoccupations, I thank the Assembly for the chance to discuss it.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (10.57): In joining this debate, let me say that this was a very interesting inquiry. I am not going to comment much in relation to that. A lot has been said in relation to the need for it and the way it seemed to meander along for so many months—indeed, years. I think reference has been made to the fact that only 14 people actually appeared before the committee and to difficulties in even finding people to appear. That makes you think that people in Canberra are pretty happy with the full employment we have and the fact that we are the richest state or territory in terms of per capita income.

I have lived here all my life apart from about three years. I have not seen the territory going so well before—as a result of a series of very good federal government policies.

I am not even going to speculate on the result of this federal election, but even among the people who are saying that Rudd is going to win and Howard is going to lose no-one seems to be criticising Howard for not doing a very good job. It is rather that some people are saying, "Give someone else a go." That is probably one of the most stupid reasons you can give for changing an effective government. But even the people who are saying that they want to—

Mr Barr: It is going to be your campaign next year, isn't it?

MR STEFANIAK: The difference is, Mr Barr, that you are not an effective government, as we saw yesterday when we were talking about the need for an inquiry into the health system, a health system that has now seen three ministers and that quite clearly has a litany of problems which an inquiry would fix—or might well fix; certainly it would do a lot more than anything you have suggested.

Mr Mulcahy: You're next, Andrew. Don't take it; it is a poisoned chalice.

MR STEFANIAK: You might be next, Andrew. That would be fascinating. I will make one suggestion to you: if you are, have an inquiry; have an inquiry under the Inquiries Act and then do something with the result. It worked with the Gallop inquiry.

Mr Mulcahy: He may not like the answers, Bill.

MR STEFANIAK: You might not like the answers, but at least if it is full and frank there will be something you will be able to do. There are some significant problems there, just to mention one area of government. There are also still a lot of people who are not terribly happy about all those school closures, I might point out to you. It is very much your government.

But let me get back to the crux of the matter here. It is about a piece of commonwealth industrial relations legislation. Clearly people are very comfortable with the fact that the economy is going well because of steps put in place by a very competent federal government. I just point out the fact that unemployment here is only three per cent. Youth unemployment, which used to be a very big issue, is not an issue any more. We are doing exceptionally well in terms of our national economy, and that has flowed through to the states and territories, despite some significant bungles by state and territory administrations.

In thinking about this budget, let me go back to 1992-93. We had a federal election campaign then. Unfortunately, you lot won it because of the scare campaign against the GST—which had been Paul Keating's option C back in 1985. One thing that I recall from that campaign in terms of this issue was the significant unemployment levels. I was then a candidate for Canberra. For young people in the ACT, unemployment levels fluctuated, but in about a 12-month period they were never lower than 27 per cent and they went up to 50 or 55 per cent. That is rather scary.

One of the issues was the ability of people coming into the workforce to get a job—because of a whole swag of inefficient ways in which the federal Labor government was running the economy. Included in those problems were unrealistic industrial relations laws. Funnily enough, even the federal Labor Party seem to be backtracking

a bit on this, and I will come to that later. It is interesting to see what Mr Rudd and several of his colleagues have been saying in relation to it. It is a case of "watch this space". But quite clearly there was an appalling amount of youth unemployment then—and unemployment generally. Unemployment has not been at the low levels we have now since the 1960s.

Mr Barr: Since the Whitlam government.

MR STEFANIAK: No. Even in the Whitlam government there were boosts. I am glad you interjected there, Mr Barr. I was at university then and I remember big problems sometimes. In, I think, 1993 there was a bit of a shock about it being very hard to get jobs. I managed to get one for the holidays at uni; I needed one. We had a few scares there. Even in 1971 and 1972 there was a bit of a scare. I am going back to the 1960s, when you would simply walk out and get any job you liked. That went by the board in the 1980s and early 1990s. There were some significant, huge problems there which we are simply not seeing now.

My other point is this: I wonder what Labor will do. Peter Garrett is fairly new to politics, and probably fairly open and honest. He has let the cat out of the bag a bit. He has said, "Look, these are agreed; we are going through an election. We will do something different in government." We will have core promises, half-core promises—non-promises, perhaps, to use another quote in relation to our current Prime Minister from about 10 years ago.

Mr Garrett has hit the nail on the head. Even Mr Rudd, who has basically adopted most of the policies of the current administration, in a brilliant exhibition of "me-too-ism", is stating that these things will not be wound back—they will not be wound back for five years. At the end of the day, if Mr Rudd happens to get in and sees how effectively the economy is working, I wonder whether we are going to see a further backtrack there. That five years might get extended to 10. You lot might be barking up the wrong tree in terms of this piece of commonwealth industrial relations legislation.

In a debate yesterday or the day before, we heard some figures stating that the average household income in the territory is about $200 a week more than in other parts of Australia. We are doing very well in terms of full employment and in terms of the local national economy booming—through some very effective policies of the federal government which have been implemented over a sustained period of 11 years.

I do not think the working families in Western Australia would agree with this. In that state there seems to be great angst about Labor possibly winding back the workplace agreements there. I note that those agreements have benefited that state particularly well. Indeed, nationally there was the creation of an extra 430,000 jobs that we did not have beforehand.

If you gave a working family a choice of a workplace agreement or a much more restricted agreement—in a situation where there was some real doubt as to whether the jobs would be created and whether the jobs would be there for their kids or they would be restricted by some draconian union award that did not give much flexibility to them—I think I know what they would pick. You lot always go on the negatives,

but these agreements give workers an ability—it is particularly pertinent in the full employment situation now—to sit down and come up with conditions that suit them; conditions that suit what they want to do and suit their ambitions. That is a far more sensible way of working out how things should work in the workplace than having things arbitrarily handed to people from a union.

Funnily enough, even your own party seems, to a slight extent, to have realised that. I go back to a case—not Dollar Sweets; I always get the name wrong. There was a case in Victoria involving a factory. They had a choice in the late 1980s—probably in the recession we had to have; Mr Keating's recession we had to have. Either the factory was going to lose 10 per cent of its workforce, because it simply could not continue and it would go under if something was not done, or the workers would have to agree to a different type of arrangement. The case went to court.

Mr Barr: Ten per cent pay cut.

MR STEFANIAK: They did. They actually took a pay cut to keep their mates in employment. And guess what happened: the company survived. About one or two years down the track, the company started making some very good profits; the workers were rewarded accordingly and ended up with more money in their pockets than if nothing had happened. Everyone was very happy indeed. That was the start of some sensible reforms which occurred in labour law, and it has been well and truly enhanced over 11 years by a very competent federal government.

What would you lot prefer? You would prefer, for the sake of blind ideology, to have 10 per cent of workers actually lose their jobs than to have some adjustment made—maybe everyone taking a tiny pay cut while a company gets its act together, the situation improving and then the workers benefiting when the company survives. That is the true Australian spirit; that is true egalitarianism; that is looking after your mates. To accept a situation where 10 per cent of workers lose their jobs simply because of a restricted artificial industrial relations system—which is something that certainly did happen; it happened in the 1970s, in the 1980s—

Mr Barr: It is possibly the case that, if the chief executive had taken a five per cent pay cut, everyone would have been fine.

Mr Pratt: That's okay. Unemployed comrades are better than none at all.

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

MR STEFANIAK: That is totally unrealistic. I know what the average worker would think in relation to that. I make that comment in relation to this interesting report by the Assembly in terms of working families in the Australian Capital Territory.

MR GENTLEMAN (Brindabella) (11.07), in reply: I thank members for their contribution to this debate on the report of the Select Committee on Working Families in the Australian Capital Territory. I thank Dr Foskey for her comments.

It is clearly a point of difference between the federal Labor and Liberal parties in this up-and-coming election, and I do not think it matters what Mr Hockey has said today.

Mark my words: if the Liberals are returned, there will be an even bigger attack on workers and unions in Australia over their next term in government.

Mr Stefaniak started off by saying that only 14 people had appeared before the committee. Mr Stefaniak, just on one workplace visit we had more than 40 people at the Canberra Hospital. We did many of those. And, of course, the people that presented before the committee were representative of thousands of workers and families in the ACT.

Mr Mulcahy: Twenty thousand?

MR GENTLEMAN: I said "thousands". In dismissing the recommendations of the report, Mrs Burke clearly shows her ignorance of the plight of working families. The derogatory comments made by Mrs Burke and her colleagues in response to the tabling of the report of the select committee on working families are hardly surprising. We need only look at Mrs Burke's handling of the company Endoxos, which she was involved in a few years back. The history of what transpired in that company and how the decisions Mrs Burke made impacted on the employees are a disgrace.

Mr Mulcahy: Point of order, Mr Speaker: I think that Mr Gentleman is straying significantly from the committee's report on working families. I do not believe that Mrs Burke's affairs prior to entering parliament were the subject of any discussion or evidence before that committee.

MR GENTLEMAN: On the point of order, Mr Speaker, I think what I say in the debate will give background as to why Mrs Burke has dissented from the committee's report.

Mr Mulcahy: Mr Speaker, that is really drawing a long bow—attributing motive to a member's actions along those lines and then trying to tie it into a matter that was not in any way related to the performance of her parliamentary duties.

MR SPEAKER: Leaving aside what Mr Gentleman said, this is about a point of order that you have raised. This is about an issue of industrial relations; the mention of companies that have had particular industrial relations policies is relevant.

MR GENTLEMAN: Thank you, Mr Speaker. It can hardly be seen as an endorsement of a champion for workers' rights, Mrs Burke. It is not surprising that Mrs Burke has slammed the work of the select committee, given the effect her family company's decision had on the families of their employees.

Mrs Burke claims that the draft recommendations are no longer relevant and are in danger of being overtaken by events, with a federal election now imminent. Does this mean that she accepts that a Labor win at the 2007 federal election will result in a federal Labor government throwing out this dreadful legislation? Or will we see three more years of Liberal-led government that will ensure another round of workplace reform, shattering any remaining rights that workers have?

Let me go to a recent *Canberra Times* article about Paul and Kate, who have been Liberal voters and say that they have been pretty happy with the Liberals. They are now voting Labor, purely because of the WorkChoices legislation. Paul stated:

> I have voted for the Government in the past and if there was a way they could show me, in black and white, that my working conditions were not going to change for the worse, then I might consider going back to them. But at the moment I don't trust them.

Paul works as a nurse, and nights and weekends he works to top up his wages. Any threat to his penalty rates would have a huge impact on the family's finances. Yet the Liberals still keep repeating the mantra "Australian families have never been better off".

Mrs Burke's belief that the data collection on AWAs is satisfactory is laughable at best. Over 1,000 AWAs are lodged with the Workplace Authority each day. The acknowledgement of the fact that tens of thousands of AWAs are in review is well documented and the fact that 25,000 did not meet the basic requirements of the fairness test is an indictment of just how well some businesses have endorsed the legislation as a way of cutting costs—as Mrs Burke well knows, being an ex-director of one of those businesses herself.

The so-called fairness test is an insult to any working Australian. Only agreements lodged after 7 May this year are eligible for checking. What about the thousands of AWAs lodged before 7 May this year, the start date of the fairness test? The fact is that these employees have no recourse at all; they just have to live with the conditions stipulated in the AWA for the length of the contract. Where is the fairness in that?

Mrs Burke fails to understand that the recently released report *More work, less choice* is a national report; it is not just focused on the ACT. The workers interviewed in the ACT formed part of that report, not the whole report. The report was just one of many mentioned in the submissions, and as such formed only part of the committee's report.

Mrs Burke's comments in reference to the gathering of statistical information on AWAs and comments about the introduction of the so-called fairness test need to be viewed in the light of just how ineffective the Workplace Authority is and the fact that the authority is failing and cannot deal in any way with the workload it has now, let alone any more gathering of statistical information.

I am pleased that Mrs Burke sees the issue of youth underemployment and unemployment as a serious issue. Mrs Burke's comments about training for young people are simplistic at best. The ability for schools to comprehensively cover all the issues pertaining to industrial relations, workplace rights and OHS is limited, due to the demands on an already busy curriculum. The issue of workplace rights and responsibilities is a critical one. A resource centre where training, information, help and legal advice can be accessed is critical for all young people.

It is interesting, to say the least, to look at where Mrs Burke finds some of the information in her dissenting report. Again drawing a long bow in relation to the report *More work, less choice*, Mrs Burke claims that the recommendation referring to the procurement process has been taken from this report. In fact, it comes from one of the submissions presented to the committee and is a valid recommendation given that the race to the bottom has seen many workers on low pay forced onto ABNs in order

to obtain a contract for work. "We need to talk about value for the government's money as well." That is a subjective statement. Mrs Burke refers to that. Mrs Burke claims that the recommendation in the committee's report referring to the procurement process has been taken from that report.

When we are talking about ABNs and contract work, we should remember that during a public hearing Mrs Burke was so embarrassed over this subject that, as evidence was presented to the committee during the public hearing, regarding workers being forced on to ABNs and losing conditions of service, she left the room. That is right, Mr Speaker: during a public hearing, Mrs Burke just got up and left the room. That is how close to the bone this comes for those opposite. Of course, we know what Mrs Burke thinks about working mothers; we saw her comments yesterday. How atrocious, how offensive and how discriminatory it was to hear those yesterday.

Let me turn to WorkChoices. According to Sharan Burrow, from the Australian Council of Trade Unions:

> This is another clear sign that WorkChoices is taking Australia down the United States path of a small number of executives earning obscene amounts while large numbers of workers are stuck on low wages.
>
> Last week the head of the Howard government's wage setting body, Professor Ian Harper, confirmed that more than a million award workers have had a real pay cut of up to $800 a year under WorkChoices.

There was also some comment about unions in the report. Unions represent workers; they are not some remote organisation that appears in time of trouble and then disappears until the next time. Even those opposite, in spite of their entrenched dislike of the union movement and what it achieves, have benefited from hard-fought and hard-won improvements in working life over the past 100 years.

We do not and cannot ever have our own industrial relations system in the ACT, so our ability to change what has been inflicted on us by an uncaring and arrogant government is limited. We must set up mechanisms to track the incidents of erosion of conditions of service for working families. We have to do all we can at a government level to ensure that, as much as we can, we minimise the impact of this legislation on the families we are elected to protect. By educating, informing and having available for all workers, especially those at the margins of our society, facilities where they can seek both help and legal advice when needed, we will at least be able to assist in a positive way. I commend the report to the Assembly.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Statement by chair

DR FOSKEY (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to certain Auditor-General's reports referred to the committee.

On 21 February 2007, Auditor-General's report No 1 of 2007, *Credit card use, hospitality and sponsorship*, was referred to the Standing Committee on Public Accounts. The committee has resolved to make no further inquiries into the report but to consider its findings in its inquiry into the Auditor-General's report on Rhodium Asset Solutions Ltd, where relevant.

On 14 June 2007, Auditor-General's report No 2 of 2007, *Agency implementation of audit recommendations*, was referred to the Standing Committee on Public Accounts. The committee has resolved to make no further inquiries into the report but will be seeking further clarification from the government about its processes for responding to audit reports, as part of the committee's inquiry into the 2006-07 annual reports.

Executive business—precedence

MR SPEAKER: Mrs Burke, is it still your wish to make a statement pursuant to standing order 46?

Mrs Burke: Not at this time, Mr Speaker. I would like to leave it until after this.

MR SPEAKER: We have finished Assembly business, so it is an opportune time if you want to do it now.

Mr Hargreaves: Now is the best time.

Mrs Burke: After, if it could wait.

MR SPEAKER: We are moving to executive business.

Mr Hargreaves: Do it now. Let's not push it, Jacqui. If you don't do it now, we are not going to play silly buggers with you.

Ordered that executive business be called on.

Domestic Animals Amendment Bill 2007
Detail stage

Proposed new clause 9A.

Debate resumed from 13 November 2007.

MR SPEAKER: Mr Pratt?

Mr Hargreaves: That is an abuse of a bit of works. Jacqui, I went out on a limb for that.

Mrs Burke: Sorry?

Mr Pratt: Have we finished with that debate?

MR SPEAKER: Can we just end the confusion here?

Mrs Burke: My apologies, Mr Speaker; I was just trying to get advice.

MR SPEAKER: Order! We have already called on a bill; the discussion across the floor ignores the fact that a bill has been called on. I think we have to proceed with the bill.

Mr Hargreaves: Mr Speaker, can I move the suspension of so much of standing orders that would prevent Mrs Burke from making a statement?

MR SPEAKER: That adds further to the confusion. My understanding was that Mrs Burke was going to seek my leave to make a statement pursuant to standing order 46.

Mr Hargreaves: I have just taken that out of your hands.

MR SPEAKER: It is my practice to make sure that these statements are made in between business to ensure that they do not interfere with the business of the Assembly. Mrs Burke declined the opportunity to raise it at the time when I raised it.

Mr Hargreaves: All right; then there will be a penalty to pay.

MR SPEAKER: I then asked the Clerk to call on the bill. The bill has been called on. I think we have to proceed.

Mr Stefaniak: Excuse me, Mr Speaker. Just on your ruling: Mr Hargreaves was seeking to suspend standing orders. Certainly that would have our support. I think that is the proper procedure. There has been a bit of confusion.

MR SPEAKER: Mr Hargreaves is perfectly entitled to move to suspend standing orders if he wishes.

Mr Stefaniak: Yes.

Standing orders—suspension

Motion (by **Mr Hargreaves**) agreed to with the concurrence of an absolute majority.

> That so much of the standing orders be suspended as would prevent Mrs Burke from making a statement.

Personal explanation

MR SPEAKER: Mrs Burke, do you want to make a personal explanation?

MRS BURKE (Molonglo): I apologise to members for the confusion and I seek leave to make a statement.

MR SPEAKER: Pursuant to standing order 46?

MRS BURKE: I seek leave to make a statement.

Leave granted.

MRS BURKE: Thank you. In a speech I gave to this Assembly on 14 November 2007, I made an inadvertent comment that Mr Mulcahy had alluded to the fact that we had a part-time minister. Mr Mulcahy did not allude to this fact at all.

Domestic Animals Amendment Bill 2007
Detail stage

Proposed new clause 9A.

Debate resumed.

MR SPEAKER: The Clerk has called on the Domestic Animals Amendment Bill. Mr Pratt, you have the call.

MR PRATT (Brindabella) (11.23): When I finished off on Tuesday, I had given an example: if I, in my suburb, owned a crossbreed-dingo cross, why should I not, as a responsible citizen, be asked to take protective measures? Of course, that also applies to other situations. If, for example, I owned an american pit bull terrier, a pit bull terrier or perhaps a japanese tosa or fila brasileiro—which have been deemed by other authorities in this country to be dangerous breed dogs—why shouldn't the onus be put on me to secure my property so that the little children who live in my street are not endangered by that dog?

Sure, the dog does not necessarily have to be banned. People should be allowed to enjoy the ownership of that dog. Of course they should. That is what the opposition is saying. We are not about banning dogs. But we certainly are about identifying certain types of dogs which potentially create risk and which increase the risk in our neighbourhoods. If I want to be privileged enough to own such a dog in my neighbourhood, why shouldn't the ACT government be asking me to take appropriate measures to secure that dog so that dog does not get off my property to perhaps endanger little children in my street—there are many living in my street—or the wildlife that might live up on Isaacs Ridge, close to where I live.

It is with that in mind that I have sought to introduce three amendments here today to add value to the government's legislation. The government's legislation is pretty good legislation; we have already said that we are going to support it. But we believe that there is a need here to add value to that legislation in the interests of community safety—in the interests of a duty of care responsibility. Later I will talk more about the specific breed issues.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.25): The government will not be supporting Mr Pratt's amendment. We believe that the issue around dangerous dogs is dog specific, not breed specific. We accept the fact that some breeds are trained to be violent. We know that some breeds have the physicality

to be particularly dangerous. We know, for example, of the pit bulls, which have a lot of difficulty unclamping their jaws once they attach themselves to you. But we also know that a lot of the attacks on humans are not by dogs which some jurisdictions are declaring as dangerous. I am concerned about some of the dangerous dogs.

We have not canvassed what we define as being dangerous—whether we are just talking about danger to humans or whether we mean dangerous to other people's pets. I have rescued a kitten from the mouth of a great dane. It frightened the daylights out of me, I have to tell you, but I rescued a kitten from the mouth of a great dane. Great danes are not on the list of dangerous breeds. I also know that jack russell terriers are trained to go down rabbit warrens and bring out rabbit kittens; if they get under a fence and into somebody's yard, they are known to attack cats and small dogs in those yards. That breed is not on the list of breeds.

I believe, and the government believes, that dangerous dogs are dog specific. We are going to talk about the muzzling of greyhounds once they are retired—or lack of it. This shows us that training, affection and the environment of a particular dog have an enormous bearing on whether that dog is actually dangerous or not. It is also a case of whether the dog gets out. We know, for example, that labradors are very good dogs around the home, but they can attack somebody who is a stranger to that home as a reaction when they are being overprotective of the people who are in that home—particularly if they get attached to young children.

We know that blue heeler cattle dogs are great work dogs and are very affectionate pups. But I can tell you from personal experience, Mr Speaker, that as they get older they get crankier. If the environment of that dog is wrong or inappropriate, you have got yourself a very dangerous dog on your hands. And let me give another anecdote. I have scars on my own right hand because my father brought into our home an alsatian-kelpie cross that had been abused as a pup—absolutely abused: belted with sticks and cricket bat sized objects. It had been taken to the RSPCA. My father felt sympathy for this particular dog and brought it to our home. We treated it with an immense amount of affection. When it was sleeping at my feet, when I was a young person, I got up and nudged the dog with my foot, as you do. The dog reared up and bit me on my hand. It put its canines completely through my hand and I bear the scars to this day.

None of the breeds I have spoken about are on the list. In relation to all the incidents involving the breeds that I have discussed, I believe it was an individual dog in a very unfortunate circumstance that caused them.

Mr Mulcahy: Don't you think some are inherently dangerous, though?

MR HARGREAVES: Mr Mulcahy asked a very good question: are some inherently dangerous? The answer to that is yes, clearly. I would argue, for example, that a jack russell terrier is an inherently dangerous dog. I would argue that an alsatian is an inherently dangerous dog. I also know that spaniels are responsible for many of the dog attacks that take people to hospital; they are inherently a dangerous dog. But there are treatments and environments that can prevent that.

We will not be supporting the opposition's amendment at this particular time, although I do respect the position from which the opposition comes.

DR FOSKEY (Molonglo) (11.30): I have already spoken on Mr Pratt's amendments, and it is my intention this time to just speak briefly because I have covered all the main points. For all the reasons that I expressed on Tuesday, the difficulty is in defining one breed as more dangerous than another. What do you do when an animal is a cross-breed; which breed do you favour in making a decision?

I do not believe that setting up certain conditions for certain breeds will solve the problem of unpredictable dog attacks. So many of the attacks that we read about have been totally unpredictable and do not seem to be associated with breed. But I do want to put in a word for dingos and jack russells because there is a concern that this debate will become a debate about breeds. Mr Hargreaves has had a difficult time with a couple of jack russell dogs, apparently, and there is no doubt that jack russells can be very pugnacious. Being a small dog with the heart and mind of a large dog they often forget their place in society. But, while Mr Hargreaves has had some bad experience with jack russell dogs, I want to acknowledge that my own jack russell, called Grit, was probably about as gentle as you can possibly find.

Mr Pratt talked about dingos, and this is a very interesting one because, of course, dingos are not technically a dog and also they are, in their pure form, getting close to being an endangered species. We have wild dogs. We have dingos. Dingos of course are not necessarily the greatest love of farmers and that is one of the reasons why they are threatened. A number of people I know have had dingos as pets. I lived two houses away from one when I lived in Yarralumla and it was famous and much loved by the community. It used to lie out the front of the house and everyone gave it a pat as they walked past.

The point I want to make here is that the domestication of dingos may be one way of protecting the species. I also want to point out that people have recommended that the tiger quoll, which is another endangered native species—it is endangered because it has lost its habitat through clear felling of forest for timber harvesting—would make a good pet as well and that would be one way of protecting and keeping the species alive. So let us remember when we talk about these things that we might need to extend some of these laws to other breeds. I am sure that a tiger quoll—it is not a cat, it is not a feline animal, but it has many of the characteristics of a cat—could, no doubt, bite someone at some time too.

So I think we need to remember that generally these things lie in the bailiwick of the owners. It is like children: children require responsible care and a lot of love if they are to grow into responsible adults and good members of our society. Animals—dogs, cats and so on—are much the same. But we should always remember that children should always be taught how to deal with dogs, and dogs should be kept separate from children no matter whether they are gentle or not. That is a part of the responsibility of dog ownership.

I once shared a house with someone who had a very gentle border collie, yet that dog picked up my daughter by the back of the neck. Maybe it was just playing. The owner did not believe me when I told him that it did that—because it was such a gentle dog. What I am saying is that there is probably no such thing as a safe dog in regard to children and we should always be aware of that, rather than demonising certain breeds.

Question put:

That proposed new clause 9A be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

Proposed new clause 9A negatived.

Clauses 10 to 12, by leave, taken together and agreed to.

Proposed new clause 12A

MR PRATT (Brindabella) (11.39): I have agreed that my amendment No 2 is redundant given that I have just lost the previous one.

Proposed new clause 12A negatived.

Clause 13 agreed to.

Proposed new clause 13A.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (11.40): I move amendment No 2 circulated in my name *[see schedule 1 at page 3507]*.

The amendment seeks to insert a new clause 13A, and I table a supplementary explanatory statement to the amendment. This amendment aligns the territory with the same exemption as applies under Victorian and South Australian law and is in keeping with this government's overall commitment to promoting responsible dog and cat ownership. There is increasing recognition that ex-racing greyhounds are suitable to be kept as companion animals, provided they undergo suitable behavioural or socialisation training. Voluntary greyhound adoption programs, GAPs, operate in all six states and in the Northern Territory. These programs take ex-racing greyhounds and provide foster care and training of greyhounds for adoption as companion animals. The equivalent service in the ACT is provided by the Canberra Greyhound Adoption Service.

In Victoria, greyhounds that have undergone a temperament and GAP training program have been exempt from the muzzling requirement in a public place since December 1999. Similarly, since 2004 greyhounds in South Australia that have

undergone training approved by the dog and cat management board have been exempt from the muzzling requirement. In both states greyhounds which have not undergone a training program are still required by law to be muzzled in a public place. Similarly, the ACT's existing law requiring greyhounds which have not undergone such training to be muzzled in a public place will remain unchanged. I will repeat that because I know that is of some concern to some of the commentariat: the ACT's existing law requires that greyhounds which have not undergone such training must be muzzled in a public place. Those laws will remain unchanged.

The Canberra Greyhound Adoption Service wrote to me requesting that I relax the muzzling requirement for dogs which have undergone the CGAS's own foster care and training program. I undertook to review the greyhound muzzling requirement after taking advice on this matter from my department. Domestic Animal Services was consulted and advised that, provided a greyhound and its keeper have passed a suitable socialisation and training course, there would be no objection to allowing the muzzling requirement to be relaxed for these greyhounds. It is proposed that the greyhound training service provided by CGAS will be evaluated for its suitability as a socialisation training course, along with other similar courses available.

A keeper of a greyhound would apply to the registrar of Domestic Animal Services to gain exemption from the muzzling requirement. Successful applicants for the exemption would be issued with a certificate, and the exemption from muzzling would be recorded on the ACT's existing dog registration database. There are no other provisions in the act or the regulation which prevent greyhounds from being kept as companion animals in the same way as other dogs.

This amendment encourages greyhound owners to be responsible dog owners, so it is in keeping with the government's overall objectives. Sometimes when a greyhound has finished its racing career the owners of those greyhounds are faced with one of two choices: to continue to have that dog muzzled for the rest of its life or to put the animal down. I do not think either is an acceptable alternative. As long as these dogs have been through the correct socialisation program and training regime, they should be treated as any other dog in our society. I commend this amendment to the Assembly.

DR FOSKEY (Molonglo) (11.44): This is a commonsense amendment and thus the Greens will be supporting it.

MR PRATT (Brindabella) (11.44): We have no problem with this amendment.

New clause 13A agreed to.

Clauses 14 to 22, by leave, taken together and agreed to.

Clause 23.

DR FOSKEY (Molonglo) (11.45): I seek leave to move amendments Nos 2 and 3 circulated in my name together.

Leave granted.

DR FOSKEY: I move amendments Nos 2 and 3 circulated in my name together *[see schedule 2 at page 3507]*.

These amendments deal with the exception to the requirement to have a permit for a sexually entire dog. The concern arising from the current bill is the continuation of proposed section 74 (4) (b) which excludes dogs and cats born before 21 June 2001 from the requirement that they be desexed or that the owner have a permit to keep them entire.

But, unless the dog has a pedigree, which means there is paperwork, it is impossible to tell when it was born. Determining the age of a dog is far from an exact science, and there is simply no way of determining with any accuracy the age of an adult dog. There could quite reasonably be three years variation in any determination of a dog's or a cat's age. Just as an example, when my daughter and I got our dog from the pound last year we were told by the pound that they had the dog down as five years of age. It was not desexed, which is pretty amazing at that age, and when we took him to the vet the vet said, "We think this dog is three," and then other people have said they think it is two. They look at the teeth, and a dog's teeth vary according to how well it has been fed and cared for. So we have an issue with determining the age of a dog. This is a wonderful opportunity to tell all our dog stories.

Furthermore, a seven-year-old dog or cat is still sexually active and ought to be desexed for the same reason as for every other dog and cat. As I outlined in my previous speech, there are too many animals and not enough good homes. It is therefore reasonable to remove this section so that all dogs and cats over the prescribed age must be desexed unless it is against veterinary advice to perform the operation. Remember that if the owner does not want to get the dog or cat desexed they can simply get a permit to keep their pet entire. What it means, though, is that they have to make a decision and take some action. We cannot just let each period of being in season pass. Leaving the bill without the amendment will make it very difficult to enforce and will continue an artificial distinction that simply does not need to be there.

My amendment No 3 seeks to remove proposed section 74 (5) (b). There is no need to provide this exemption. Remember that dogs do not need to be desexed until they are six months of age and cats three months of age. Furthermore, anyone can have an animal for 28 days before they must get a permit or get the dog desexed. If someone does not comply with these requirements they can simply get a permit to keep the animal sexually entire. When the animal is sold the new owners will also need a permit or to desex the animal.

To leave the bill as it currently is defeats the purpose of the permit system. In fact section 76 of the current act provides that the registrar must issue a permit if the dog is used for breeding. These people should already have a permit. Again as I said in my first speech, we ought not to be allowing those that profit from any special exemption to do the wrong thing. We need to be sending a strong message to the community about what we need to do to be responsible pet owners, and the first step to that end must be to get our pets desexed.

To conclude, it is also important that the government continue to provide support to people on Centrelink payments or people providing evidence that they are on very low incomes, to assist them to cover the cost of a desexing operation because the cost can be a real barrier to some people, to sole parents, for instance, and, paradoxically, they may be the people who can benefit most from having a dog in the family. As I said in my first speech, it is good for children to grow up with pets where those pets are responsibly cared for. Also, as I know from my own experience, it takes the intensity out of a single-parent, one-child relationship to have a dog in the house. Believe it or not, it is easier than having another child.

MR HARGREAVES (Brindabella—Minister for Territory and Municipal Services, Minister for Housing, Minister for Multicultural Affairs) (11.50): I will speak to both of Dr Foskey's amendments.

The Greens' amendment to section 74 (4) (b) of the bill would remove the exemption that desexing should not be compulsory for dogs and cats older than seven years, that have not been desexed since the act commenced in 2001. The ACT's compulsory desexing laws, the first to be legislated in Australia, have been in place for seven years. Consequently, all dogs and cats less than seven years of age have been required to be desexed by law, unless they have been kept for breeding purposes, since that time. Owners of dogs and cats kept for breeding purposes must apply for a sexually entire animal permit under the act.

This exemption observes the broadly accepted principle that laws introduced should not be retrospective in their effect. This provision was not present in the existing act but it has been introduced at this time because the government supports the application of the principle. This exemption also supports the principle that compulsory desexing law should first apply and be enforced for younger animals in peak breeding condition. The government also recognises that compulsory desexing of older animals causes high levels of stress and is detrimental to their health and wellbeing. For these very good reasons the government will not be supporting the first amendment moved by Dr Foskey.

The Greens' amendment No 3 is to proposed section 74 (5) (b) of the bill. This section is an acknowledgement by the government that it is legitimate to keep a dog or cat for sale, including retail sale. The government is confident that it has the support of the local and Australian retail pet industry in this respect. The government is also acknowledging that keeping a dog or cat for the purpose of sale may constitute a defence against prosecution in the section. Observing this principle recognises that while such an animal is so kept it is not at large and so does not pose an uncontrolled breeding risk. This is in keeping with the government's intention and resolve to encourage good relations with the retail pet industry and to work with the industry to encourage responsible dog and cat ownership.

The government has already adopted this intention by including the provision worked out through consultation with the retail pet industry to amend the bill to allow undesexed cats and dogs to be sold, provided the name and address of the buyer is notified to the registrar of Domestic Animal Services. This amendment will assist rangers to make new dog and cat owners aware of their responsibilities under the act

to either desex their animal or apply for a sexually entire permit for breeding purposes and will be a step towards promoting responsible dog and cat ownership in the Canberra community. Again, for these very good reasons, the government does not support the amendment moved by Dr Foskey.

Finally, I would like to acknowledge the work of Ian Baird and Drew McLean from the Department of Territory and Municipal Services in providing me with all of these particular details. I think they have done a sterling job.

MR PRATT (Brindabella) (11.54): The opposition will not be supporting the Greens' amendments.

Amendments negatived.

Clause 23 agreed to.

Remainder of the bill, by leave, taken as a whole.

MR PRATT (Brindabella) (11.54): I just want to put a couple of points on the record before we finalise this. I have talked to the minister and I am pleased to hear that the minister might be prepared down the track to relook at the issue of the dangerous dog breeds. I want to place on the record the sorts of breeds that we are concerned about. The american pit bull terrier, the pit bull terrier, the japanese tosa and the fila brasileiro are the sorts of breeds that we would be concerned about and we would ask the government, perhaps down the track, to revisit issues around these breeds. For the record, I would like to table, if I may, documents that relate to the sorts of dogs that have been identified in most other states in Australia as being dogs that could be on a dangerous dog breeds list.

I absolutely agree with the points the minister has made that there are so many dogs of so many different breedings that will present a problem and therefore you do need provisions in place to take care of those, and the government has done that with this legislation today. Yes, I sympathise with the minister's trauma as he recalls his experience as a youngster with his alsatian-kelpie cross. I had the same problem. I had a kelpie too and, after that dog had been in a road accident and survived, because he was pretty tough, he became a bit cranky. You have to have mechanisms in place so that if neighbours identify that a particular dog has gone a bit whacko are forced to step forward and seek to have that dog licensed.

I could point out, for example, that my neighbours have a couple of beautiful labrador dogs, but they have taken steps to fence their property because they are a bit concerned. I guess what we would like to urge the government to do down the track is to put in place provisions to say, "Okay, you are privileged enough to be allowed to have a dangerous breed dog, but we want you to have mechanisms in place to keep the dog from getting out and to make sure that other little kids cannot get in." That is where the opposition have been coming from today on that particular issue.

MR SPEAKER: You need leave to table those documents, by the way.

MR PRATT: Mr Speaker, I seek leave to table the documents.

Leave granted.

MR PRATT: I table the following papers:

> Restricted and dangerous dogs—various papers (9).

Remainder of bill, as a whole, agreed to.

Bill, as amended, agreed to.

Murray-Darling Basin Agreement Bill 2007

Debate resumed from 30 August 2007, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

DR FOSKEY (Molonglo) (11.58): I am very glad to support this bill which enables the ACT to be a fully participating and voting member of the Murray-Darling Basin Ministerial Council. The ACT will now have full veto rights like the other states. Although we are only a very small jurisdiction within the wider Murray-Darling Basin, it is more than token that the ACT is involved. We represent the largest concentration of population in the basin and we are responsible for management of a stretch of one of the basin's most important rivers, the Murrumbidgee.

The Murray-Darling Basin Commission states that over 95 per cent of the Murray's length is degraded, due to catchment disturbance, sediment and nutrient loading. The other major concern is the massive water removal for irrigation, which results in no flow at all through the river mouth. The great Murray River is dying. Being at the headwaters of the Murray River, we in the ACT have a responsibility to ensure that as much water flows out of the ACT as flows in, and in as good as or better condition.

Professor Ian Falconer notes that, although our water use is minute in the context of the basin, we can be a positive example. He explains that half the water we draw from our part of the catchment for water supply goes back into the Murrumbidgee as processed sewage discharge, and the great majority of the water falling here goes directly into the Burrinjuck Dam for irrigation use. The Snowy scheme, via Tantangara Dam, uses most of the water that would have flowed through the territory for electricity generation. It misses the ACT and rejoins the Murrumbidgee lower down.

It is impossible to discuss the major issues relating to our joining the Murray-Darling Basin Ministerial Council with full participation and voting rights without discussing the commonwealth government's Water Act and the national plan for water security. It must be noted that this Water Act was rushed through both federal houses of parliament within a week, after a five-day Senate committee inquiry, and came into effect two months ago. Unfortunately, because of the haste with which it was rushed through parliament, we did not have the opportunity to discuss this in the Assembly at the time.

The national plan for water security aims to ensure that rural water use is placed on a sustainable footing within the next decade. There are four principal elements of the national Water Act: establishment of the Murray-Darling Basin Authority, establishment of basin-wide planning through a basin plan, a role for the ACCC in water trading and pricing; and expansion of Bureau of Meteorology functions regarding water information and standards.

The ACT will have to deliver a water resource plan, which will need to be accredited by the Murray-Darling Basin Authority. It is ironic that, now that we have full voting rights in the Murray-Darling Basin Ministerial Council, the authority can override the commission. It is a bit like the ACT and the commonwealth, really. Being a largely urban jurisdiction, with few rural high-water users, it should be fairly easy for the ACT to set a sustainable cap which reflects current levels of use and allows for reasonable population growth in the ACT. We will need to develop catchment and aquifer water plans to ensure they comply with that cap on annual diversions for the territory's water requirements under the Murray-Darling Basin agreement and the national plan.

Under schedule H of the agreement, the executive must appoint a commissioner and two deputy commissioners. It is important that the people appointed to these positions are not political appointments. They must have a sound understanding of the workings of our river system, its needs and our responsibilities. It would be helpful if they had expertise in water resources management, hydrology, freshwater ecology, resource economics or a combination of these.

Greens Senator Rachel Siewert was a member of the Senate committee that inquired into the Water Act. She presented a minority report which highlighted not only negative issues about the national Water Act but some positive issues. These include: its commitment to determine sustainable extraction levels; its commitment to a shared planning framework and a whole-of-basin perspective, realising the promises of the national water initiative; creating greater water security for all stakeholders; the provision of an opportunity to overcome the inertia and infighting that have characterised basin governance; and the meeting of international commitments.

I commend the book by Daniel Connell which gives a history of the management of the Murray-Darling Basin since white settlement. It indicates the shameful way in which state and commonwealth politics, competition between them and lack of intention to reach good environmental and social outcomes for the basin have characterised our dealings so far. We can only hope that things get better.

The Bureau of Meteorology has a major role in providing more comprehensive water data. The provision of $400 million will go a long way towards enhancing state based investments in water monitoring and water use metering programs. However, the Greens see a number of weaknesses in the act. These include the long lead time before the basin plan effectively comes into operation, allowing existing state water plans to continue for their full lifetime. Most go until 2014, but Victoria's continues to 2019. Therein we might see the problem that Victoria had with the Commonwealth proposal. The Wentworth Group of Concerned Scientists is particularly concerned that many of the environmental assets and the rural wealth of irrigation could be destroyed by the time these agreements run out.

There is a lack of clear environmental targets and timelines. Together with the delays in effectively instituting the basin cap, there is a real risk that the return of environmental flows could be too late to prevent irretrievable damage to some ecosystems. One vital target that is missing is an end-of-river system target, to ensure that water entering and leaving South Australia is of adequate quality and quantity to maintain wetlands. The Greens would like to see the first whole-of-basin plan within two years.

I refer to the creation of another bureaucracy and the complexity of multiple agencies and institutions with overlapping jurisdictions. We have the Murray-Darling Basin Authority, the Murray-Darling Basin Commission, two ministerial councils, a National Water Commission, and probably more. There is also the lack of independence of the new authority, and provisions which allow ministerial direction in setting the sustainable diversion limit and in developing the environmental water plan. There is the risk that institutional arrangements within the bills might effectively freeze reforms and delay them for many years. There is the extent to which many of the reforms are now dependent on the content of the intergovernmental agreement, with the possibility that the agreement reaching process could blow out timelines. There is the lack of Indigenous and other community consultation and engagement in the legislative process and the intergovernmental agreement.

In this act there is no recognition of traditional owner inherent rights to land and water, and there is no consistent legislative approach for Indigenous engagement and participation in natural resource management. There is also the risk that investment decisions could be strongly influenced by political considerations, as indeed has been the history of the Murray-Darling management to this date. There are also concerns about how the sustainable extraction levels are determined and whether the act effectively enacts our commitments to international conventions. Nevertheless, a wide range of stakeholders, from farmers' organisations to environmental advocates, have welcomed the opportunity offered by the national plan to move forward on industry reform and sustainable water use. The reality of climate change requires us to act immediately, and not wait for each state's individual water plans to run their course.

Professor Peter Cullen, in his submission to the Senate committee water inquiry and the CSIRO report *Climate change and Australia's water resources: first* r*isk* a*ssessment and gap analysis*, raises two critical issues. The first is how we manage to protect and enhance the resilience of our riverine, floodplain, wetland and estuarine ecosystems, which indicates a need for better science and more work on adaptive management. The second is whether the governance systems and water sharing arrangements are flexible enough to deal with the requirements for ecosystem survival in low flow and critical flow years, particularly with the prospect of a 40 per cent reduction in available surface water.

I think the territory could be ahead of our counterparts in the basin, as we already have integrated water planning, attempting the difficult task of calculating our groundwater and our surface water together. Unfortunately, most other jurisdictions lag in this area. The ACT calculates groundwater allocations by allocating proportional, ecologically sustainable shares of the total amount of water available each year—to the best of our knowledge—rather than volumetric limits.

Unfortunately, it looks as though the national limits in the basin will be calculated volumetrically, which does not allow for flexibility around wet and dry periods or for critical low and medium flow years.

Climate change is likely to exacerbate these issues, rendering arid zone agriculture more water dependent due to enhanced evaporation rates. It will also increase desert area and decrease winter rains. It may also bring more high-intensity summer rainfall. The Greens, advised by hydrologists and hydrogeologists, believe that groundwater is a more finite resource than had been previously thought. To provide a crucial water resource if the drought continues, groundwater needs to be effectively managed and have equal footing with surface water. The general community seems to believe that groundwater is inexhaustible and can be extracted infinitely without repercussions. I know that our ACT government advises rural landholders on more sustainable dam building, given that aquifers are a more efficient storage place than dams in terms of preventing evaporation.

Groundwater and surface water are interconnected, and are interchangeable resources in many regions of Australia, and some aquatic ecosystems rely on groundwater, especially during drought. The failure to recognise the link between ground and surface water in the Murray-Darling Basin means that some proportion of the water available for consumption is accounted for twice—allocated both as surface water and again as groundwater.

I hope that this national plan conveys an understanding of the concept of conjunctive water management across the country and the consequences for surface flows and environmental assets. Other consequences can be falling water tables, reduction of groundwater flow to sustain wetlands, springs and rivers, irrevocably salinised or polluted groundwater, and land subsidence. These are major issues across the basin. Groundwater can only be recharged by rainfall, so it is not an abundant alternative to river water, although in many cases groundwater can boost river flows.

In discussing the Water Resources Bill a few months ago, I pointed out that the ACT lacks hydrology expertise. Twenty years ago, the New South Wales Department of Natural Resources had at least 50 groundwater experts, but this has fallen to fewer than 20. In the ACT, we have only two or three groundwater experts giving advice to our environment department. We need more hydrologists to deal with the continued water shortages in Australia. I hope that Mr Stefaniak now understands that environmental flows do not steal water from the ACT, but help to ensure that the river has sufficient water to maintain the riparian ecology and support the needs of the river's fish.

We need to become better at water efficiency in the ACT. I note the extra funding for water demand reduction in the supplementary appropriation bill yesterday. However, I have yet to hear the government announce more attractive financial incentives for greywater systems, dual flush toilets and other initiatives. South Australia and the ACT offer fewer incentives than all the other states. Some places—for example, Queanbeyan—have at their disposal not only their state offers but also local municipality initiatives. In this vein, I am glad to see funding to help public housing tenants and schools reduce their water usage.

Part of the communique from the water summit included agreement on continued good faith negotiations between the commonwealth and the ACT to regularise the arrangements for the Googong Dam, associated infrastructure and related land management. With respect to *Stateline* on 9 February this year, was it also a mistake for the territories minister, Jim Lloyd, to acknowledge in his memorandum of understanding—

Mrs Dunne: On a point of order, Mr Deputy Speaker, the subject of this bill is the agreement between the commonwealth, states and territories in relation to the Murray-Darling Basin Commission and the initiative. I have not heard Dr Foskey mention the Murray-Darling Basin initiative for some minutes. Because we are actually talking about the Murray-Darling Basin, it does not give members free range to show how much they know and talk as long as they like on any matter that relates to H_2O.

MR DEPUTY SPEAKER: Dr Foskey, I would ask you to note the need to maintain relevance. I am sure you can make that decision.

DR FOSKEY: I think that indicates there is a concern that perhaps I know a bit about this issue. I did not think there was a problem with talking about it here. It is a very large bill, as you will have noticed, and I am not privy to the government's representations and deliberations. I am very lucky to have 20 minutes in which to speak, and I would like to use that time.

There are two new reports that paint a dire picture of the Murray River. They say that 70 per cent of red gum forest on Australia's greatest waterway is in poor health and declining. According to the most comprehensive analysis of Victorian Murray River red gums, 54 per cent of the forest is in a deteriorating state. The reason this occurs is because the Murray no longer follows its natural pattern of flooding every year in spring because the way we use the Murray River now means that we take out water at the time when the river is at its lowest, and it no longer has that overflow, without which those trees cannot function.

I would hope that the ACT, in its membership of the Murray-Darling council, advocates, and thinks bigger than itself and its own needs, because that has been the problem with all the governance systems of the Murray-Darling Basin. Every state has gone in there spruiking for itself. The ACT has not had a voice at all; it has only been an observer for all these years until now. I have no idea how much lobbying or deals were done or how the arrangement was made for the ACT to be a voting member, but I would really like to hear about that from the minister or from Mr Stefaniak. I guess that is relevant. Recently, we saw the high jinks between the Premier of Victoria and the commonwealth in relation to negotiations around the commonwealth plan. It is a highly politicised system of management.

Given that we are now going to have more input into the Murray-Darling Basin management, we would also like to offer the following recommendations to be taken to the ministerial council to ensure sustainability and an improved working model. Specifically, we would like the ACT government to advocate to establish proper processes for engagement and consultation with traditional owner groups in planning for the Murray-Darling Basin. We want to prevent further degradation. We want to

place a moratorium on new allocations of surface or groundwater until we know what flows are ecologically sustainable, and these need scientific determination.

We need to cap the amount of water that can be traded out of a district. We need to recognise that irrigation will have to cease in some areas, and develop structural adjustment packages for the transition. We need to permanently protect the red gum icon forests of the Murray valley, and we need to stop water profiteering. We need to assist and enable basin-wide governance. Water trading should be managed by a separate agency, and we need regular "state of the basin" reports tabled in every parliament. We need to develop—*(Time expired.)*

MR STEFANIAK (Ginninderra—Leader of the Opposition) (12.18): The opposition supports the bill. It is a necessary part of the formal process for the ACT to be admitted as a full voting member of the Murray-Darling Basin initiative, which is formalised through the Murray-Darling Basin agreement.

The initiative was established by the commonwealth government in 1987, with the commonwealth, New South Wales, Victoria and South Australia signing up to the agreement. That agreement was actually an amendment to an earlier agreement, the River Murray waters agreement, and I will come to that shortly. In 1992, a totally new agreement was settled by the parties. That agreement was amended in 1996, when Queensland was admitted as a member. At the end of 1997, steps were taken to get the ACT involved. Since 1998, when that came into force, we have been involved through a memorandum of understanding. It was my great pleasure, as acting environment minister, to travel with Mrs Dunne in November 1997 to Horsham in Victoria, where we signed up. I think Mr Humphries, who was the environment minister, was doing something equally environmentally responsible at the time, as he was in Nagoya in Japan, signing up to a local government commitment to reduce greenhouse gases. It was great to be involved in the historic agreement that got us involved through the memorandum of understanding.

That involvement, whilst valuable to the territory, was nevertheless somewhat tentative because the ACT did not have any voting rights. It could be represented at meetings and participate in discussions but it could not be part of the decision-making process. Once all the formal processes are complete—and the passage of this bill is only a part of that process—the ACT will be able to come to the table as a full voting member of the initiative.

Issues around the River Murray go back a long way. Indeed, they go back to 1863, when the first discussions took place about how best to manage that river as a vital resource for three colonies—New South Wales, Victoria and South Australia. But for the next 50 years or so, colonial parochialism prevented any kind of sensible agreement being reached about management of the River Murray. Finally, in 1915, the River Murray waters agreement was signed by these three colonies which, by then, had become states in the commonwealth of Australia. It was signed also with the commonwealth. Two years later, the River Murray Commission was established to put that agreement into effect.

That agreement was ahead of its time. But whilst overseeing the construction of locks and water storage dams and weirs, it had a chequered history until 1985, when

discussions began about the management of the Murray-Darling Basin. Those discussions ultimately resulted in the Murray-Darling Basin agreement, the establishment of a ministerial council and the Murray-Darling Basin Commission. Importantly, on top of this, the ministerial council established a formally appointed community advisory committee of 22 members, plus an independently appointed chair. Members are selected on the basis of their skills, expertise and networks.

The primary role of the community advisory committee is to act as an information channel between the basin communities and the ministerial council and back again. This includes participating in community engagement programs and providing feedback to the council on the effectiveness of these programs. This is critical to the success or otherwise of the commission's work because every decision made by the commission or the ministerial council will have an impact on the many local communities that rely on the Murray-Darling Basin for their livelihoods and, indeed, their lifestyles. That includes the ACT. Against that background, the ACT takes a somewhat privileged position as a member of the initiative, including the right to have ministerial representation on the ministerial council and representation on the commission through a commissioner and two deputy commissioners.

The agreement is extensive and, in many areas, complex. Nevertheless, its purpose is profound. The purpose is "to promote and coordinate effective planning and management for the equitable, efficient and sustainable use of the water, land and other environmental resources of the Murray-Darling Basin". As this purpose clause suggests, management of the Murray-Darling Basin goes to all levels. This involves construction and maintenance of works associated with the basin, management, measurement, transferring, monitoring and reporting of water entitlements and allocations, water accounting arrangements, strategies to address salinity and other environmental issues, diversion caps, the effect of the Snowy scheme, and now the application of the agreement to the ACT.

One might ask why the ACT would want to be involved in the Murray-Darling Basin initiative since neither the Murray nor the Darling flow through the ACT. Of course, the answer is obvious: the basin is extensive. It covers three-quarters of New South Wales, more than half of Victoria and significant portions of Queensland and South Australia. As for the ACT, even though our area represents less than one-quarter of one per cent of the whole area of the basin, the whole of the ACT falls within the basin area. So the Murray-Darling Basin and its management are of great importance to the ACT, our people and our economy, and we have a legitimate role to play in that management. By signing up to this agreement, the ACT will be able to play our role fully and equitably with the other partner states and, of course, the commonwealth.

The admittance of the ACT to the Murray-Darling Basin initiative as a full voting member is the culmination of a relationship with the commission begun by the former ACT Liberal government when it signed the MOU 10 years ago. Both Mrs Dunne and I—she can speak for herself—feel very privileged to have been a part of that. Mrs Dunne was part of the negotiations and she did a very good job there at a bureaucratic level—

Mrs Dunne: It could be called that!

MR STEFANIAK: Indeed; the story will come out one day, Vicki. Well done! I was delighted to be the responsible minister at the time. In Mr Humphries's absence, I had the privilege of signing something I always believed that we should be a part of.

I have said much in this place and publicly about some of the government's sluggish approach to securing our water supply, and I will not resile from that. It has been slow to realise that water security is important for our territory and slow to realise that, indeed, climate change needs to be addressed and that drinking water should not be used for industrial purposes. However, the Murray-Darling Basin agreement is a very positive step towards the ACT playing its part in the management of the Murray-Darling Basin. It is a positive step in terms of improving our water security. It is a positive step towards the ACT working collaboratively with other governments in Australia—as, indeed, was the announcement by the Prime Minister the day before Australia Day of a major water initiative which is now law, and which I was pleased to see the Chief Minister ticked off on very early in the piece.

It has been a bit disappointing to see Victorian premiers go off on a few tangents in relation to that, but it is very important for us to work collaboratively. I think that was a major issue of the Howard government. I think we will see significant benefits from that, in tandem with the Murray-Darling Basin agreement. It is important for all of us to work together.

Having said that, I must mention a couple of points made by Dr Foskey in her speech. She talked about setting sustainable caps. She made a veiled comment about my understanding of them. I do understand caps, Dr Foskey. I think there has been a big problem in the past. What concerned me was that, between 2000 and 2006, specifically in a couple of the latter years, we actually lost 107 gigalitres of water over and above the cap we were adhering to at the time. That is tragic, because that represents 1½ years supply for the ACT, which uses 65 gigalitres a year. That is something I am going to monitor very closely because I do not want to see it happen again. Another thing I have been critical of is that it was a shame that, in 2005 and then for most of 2006, we did not stay on level 2 water restrictions. We did have some reasonable rain in 2005 and the dams filled up to 67 per cent. I think that was an error and I would not like to see it repeated, should we have some good rain which takes our dam levels up once again. Hopefully, that will occur in the near future.

I am now told—and I will keep hounding Actew and the government on this—that our caps, due to the drought, are down to an absolute bare minimum, with a trickle being let out. That is what the vast majority of people in the ACT want to see happen. Whilst I am always happy, as a model territory, to cooperate with the people around us—the local shires and other states—as part of an agreement such as this, we do have a responsibility, just as every other state and territory involved in the Murray-Darling Basin does, to look after the legitimate interests of the people of the ACT. Those legitimate interests mean not letting out more water than we absolutely have to in order to comply with agreements, and being very careful in terms of how we use this precious resource, in doing all we can to ensure that water security for people in the ACT is of paramount concern.

I think that should be of concern to the commonwealth government, of whatever political persuasion, because at the end of the day, we are a city with some 338,000

people. Queanbeyan, next door, has 36,000, and the region has up to about 600,000 people. Certainly, we and Queanbeyan share the same water supply, so together we have about 370,000-plus people. We are the biggest inland city and obviously we need water. So I was a little concerned to hear Dr Foskey say that we should be letting more water flow out. We simply can't. We have to do the bare minimum, which I understand we are now doing. Obviously, when we get further rain, God willing, the waters will flow. It is crucially important that we are part of agreements such as this, and it is good to see that this is finally coming full circle and to fruition. That is why I have made these points in this debate.

I point out to Dr Foskey that water did not actually flow through rivers in the old pre-dam days during droughts. We have had extended droughts in our history. Our plant life, our ecology, has evolved as a result of our unique circumstances. We are now in one of the biggest, most prolonged droughts in Australian history. We are also seeing the effects of climate change. It also seems that weather patterns are changing, and we are not going to go back to those average rainfalls of about 620 millimetres a year. We are not necessarily going to see the 494 gigalitres of water which used to flow through the ACT, on balance, during the course of any one year. We do have to be very cautious in our use of water. We do have legitimate rights to ensure that the people of the ACT are protected, just as we have legitimate responsibilities in being a good citizen. I make that point.

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

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice

Health—oral and maxillofacial surgery

MR STEFANIAK: My question is directed to the Minister for Health. Minister, on 26 October 2007 the acting ACT health minister was advised of possible breaches of the Trade Practices Act relating to the conduct of oral facial surgery at the Canberra Hospital. The possible breaches involve allegations of boycotts and exclusive dealing in the current practices at TCH. Minister, what action are you taking to ensure that the conduct of surgeons at the Canberra Hospital complies with the Trade Practices Act?

MS GALLAGHER: I thank Mr Stefaniak for the question. I understand there have been allegations made around breaches of the Trade Practices Act. It is part of the ongoing discussions between a group of doctors with whom we have been negotiating for some time in terms of having a fully reintegrated service operational at the Canberra Hospital.

As the acting minister said at the time and as I have said on a number of occasions, this is a complicated matter between a number of doctors that needs very careful resolution. Through these negotiations allegations have been made in relation to a number of matters—one is around the Trade Practices Act; I understand it has been examined—and around the capabilities of particular doctors.

I am fully briefed on this matter. I am confident that ACT Health has taken the appropriate action in terms of seeking to resolve this matter in the best way possible. I remain satisfied at the work that has been done by ACT Health to get an OMFS service fully operational at the Canberra Hospital. But it is complex. I am not in the position that the opposition spokesperson on health is in, in that I have to look at this across the board. I cannot take one party's views as the only party's views to listen to; I have to listen to all of them. This is what I have been trying to do and what Health has been trying to do.

I am looking forward to having a fully operational integrated service at the Canberra Hospital in the near future with the support of all the doctors involved, if that can be reached. I am not certain it can be. But if it can, I look forward to the resolution of this matter, which has been ongoing for some 10 years on and off.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Minister, why did ACT Health advise the ACCC that this matter would be resolved by September this year, yet in November there apparently is still no outcome to improve procedures for OMFS?

MS GALLAGHER: I think it was the desire of everybody that it be resolved as soon as possible. At the time of discussions with the ACCC, it was intended that this be resolved by September. That has not been the case. As members—and certainly the shadow spokesperson on health—would be aware, the issues involved are complex and not everybody is happy with how they are proceeding at the moment. The source that briefs the opposition is one of those unhappy parties. For them it has been longer than hoped. The advertising period is closed. I look forward to the appointment of the surgeon to perform those duties at the Canberra Hospital.

Canberra Hospital—triage issues

MRS BURKE: My question is to the Minister for Health. Minister, I have received information today that multiple patients—up to six at a time—who present to the emergency department at the Canberra Hospital are being triaged and their details entered into the system on the basis of verbal information only that is provided by the patient presenting rather than from information obtained from an initial examination. Minister, can you advise the Assembly why this practice is being adopted at the emergency department of the Canberra Hospital.

Mr Stanhope: When are you going to apologise?

MR SPEAKER: Order!

Mr Stefaniak: When are you?

MR SPEAKER: Order, members!

Mr Pratt: Let's worry about the minister answering the question.

Mr Stanhope: You support your deputy leader, do you, Mr Stefaniak?

MR SPEAKER: Order, members!

Mr Stanhope: That was an expression of support, was it, Mr Stefaniak?

MR SPEAKER: Chief Minister, order!

MS GALLAGHER: I thank Mrs Burke for the question. I am not sure what the issue is here. When people present to the emergency department, they present to the triage nurse, who asks questions of the patient as they are standing in front of them. That is entered into the computer at the time. Then they take a seat until they are seen—actually, then they go to the admission person, who is right next door to the triage nurse, where they present their Medicare card and answer a few other questions. Then they sit down and wait to be seen. Observations can be done—when they are taken into an observation room and they have their temperature checked and so on. But that happens after the initial triage. I am not sure what is different about what normally happens and the circumstances in the question that you have asked, in that sense that the triage station is a nurse and the patient does present in front of them, so they see them and they ask them a range of questions. That is how triage is performed at every emergency department. Maybe in the supplementary Mrs Burke can clarify what she is saying about the six patients, because I am just not clear on it.

MR SPEAKER: Supplementary question, Mrs Burke?

MRS BURKE: Thank you. Apparently it would appear that groups of people are presenting at the desk at one hit—six at a time. Details are being taken from those patients verbally and no initial examination is being carried out. The patients are then told to sit and wait, as you have just explained, but they are not taken away for quite a considerable amount of time. Observations are done on the patients—

MR SPEAKER: Come to the question, please, Mrs Burke.

MRS BURKE: I was giving the minister the background to the supplementary.

MR SPEAKER: Preambles are not permitted.

MRS BURKE: Minister, what assurances can you provide that this practice does not increase the risk of poor outcomes for people presenting to the emergency department?

MS GALLAGHER: We have been very clear around our triaging processes at the Canberra and Calvary hospitals. In fact, recently—certainly within the last year—we have had a review into the triaging of patients, as part of a number of reviews that have been done at my request, looking at different aspects of the emergency department. One of those was around triage—just to make sure that the triaging was occurring as it should. The advice that I received back was that the triaging processes were being done as they should be done. In relation to groups of people, I am just not certain about that. I cannot speculate. It may be a family group.

Mrs Burke: No, they were individuals.

MS GALLAGHER: It would be unusual. I am aware that we have had a group of people with, I think, gastroenteritis, although I have not had that confirmed, who have presented as a group. They may have been dealt with differently. But all the advice to me is that the triaging at our hospitals is excellent. If people are triaged in the lower category, they may not need to have their observations done as soon as somebody else. But I am absolutely certain that the triaging that is being done is being done in accordance with the right processes, as it is done across the country. I can assure you that I have looked quite closely into this. But if you have a particular case that you want me to look at, I am more than happy to do so.

Schools—Forde

DR FOSKEY: My question is to the Minister for Education and Training and it concerns the proposed school for the suburb of Forde. What was the decision-making process that came to the conclusion that the proposed school for Forde would be Burgmann Anglican School, therefore limiting the potential students to those who can afford to attend?

MR BARR: I thank Dr Foskey for the question. In relation to the provision of public education in Gungahlin, the government has in place a network of public schools, which we are very pleased to be adding to with the opening of the new Harrison primary school for the 2008 school year. In addition, members would be aware that we are also opening a new secondary college and CIT facility on a site identified on a piece of ACT government owned land in the Gungahlin town centre and we are investing $61 million in that facility.

In terms of the provision of public education within Gungahlin, we have made the decision, through the education department in conjunction with ACTPLA and other planning agencies, that we would not be providing a public school in every suburb of Gungahlin. So the residents of Forde will be able to access the Amaroo school, which is strategically located on the border of the two suburbs, and as such will be able to be within 1,500 metres of that school, or, at the other end of Forde, will be within reasonable proximity of the Harrison primary school should that be the school of choice for those students.

In order to avoid repeating the planning mistakes of the past whereby schools were put in the middle of every suburb—and it was very clear, as we have seen in recent years, that that is not sustainable into the long term; that there is not a sufficient student population to sustain a school in every suburb in the ACT—decisions in Gungahlin were made to place schools on the border or the edge of suburbs so that they could be shared and would be accessible for a range of suburbs surrounding that school. That is sensible planning for the progression of populations. As we know, when suburbs are first established, particularly in growing areas of the city, there is very high demand for schools. We can certainly see the evidence in the enrolments at Amaroo, and already the enrolments for Harrison. More than 100 students are enrolled in the preschool at Harrison, I understand, and more than 200 enrolled at Amaroo.

However, as we expect that demographic to move through, it is appropriate that as new suburbs come online they can then feed into the existing school infrastructure. So

it is around sensible planning decisions. That is why we are being strategic in the location of public education infrastructure within Gungahlin. Of course we are seeking to expand our network of schools within the region via the establishment, as I said, of Harrison primary school and the construction of the Gungahlin secondary college with an associated CIT facility on the same site.

I take this opportunity, as Dr Foskey has raised the issue of education in Gungahlin, to again express my disappointment at the recent announcement from Senator Humphries of an Australian technical college. For him to go to an ACT government site that had already been identified for our college and for our CIT facility and to seek to pull the wool over the eyes of the media—

Dr Foskey: I raise a point of order, Mr Speaker. I think the minister is straying from the subject matter of my question.

Mrs Dunne: Which was about the school in Forde and Burgmann College.

MR BARR: The question was about education provision in Gungahlin—and Forde is in Gungahlin, so I am responding. As I indicated the other day, if Senator Humphries is genuinely interested in supporting vocational education and training in the Gungahlin region I encourage him to get Minister Robb to make the $25 million he has announced available to add to our $61 million project. We could get a very good investment of $86 million in vocational education and training and senior secondary education on that site. That would be a sensible outcome given that the commonwealth have no site for their technical college. Why not partner with the ACT government, invest in the Canberra Institute of Technology and provide first-class vocational education and training facilities through our world-leading and award-winning CIT?

MR SPEAKER: Is there a supplementary question?

DR FOSKEY: Thank you. Could the minister please explain how having the only primary school in a new suburb as a private school is not handing the provision of primary school education to the private sector as a cost-saving measure?

MR BARR: As I indicated in response to the first question, we have a network of government school provision within Gungahlin. The Amaroo school, as I say, is strategically placed on the border of Amaroo and Forde. The government will not be placing a government primary school in every suburb in Canberra. We will not be doing that. That is not sensible planning, and it is certainly not sensible education policy.

I reject Dr Foskey's assertion that the government is opting out of primary school provision in Gungahlin. In fact, through the provision of world-class infrastructure, we are achieving outstanding results in terms of market share and education quality in our schools in Gungahlin. In fact, if there is an area of the city where it is very clear that government investment in public education is reversing the drift out of the public system into the private system, it is in Gungahlin, where enrolments at Amaroo and at the new Harrison primary school are at record levels. This is the area of Canberra that has the fastest growing school age population, and that is why the government is investing—

Dr Foskey: That's why you don't give them any schools.

MR BARR: If Dr Foskey would stop interjecting, I would note that we are opening a new $21 million school at Harrison for the 2008 school year. We are opening a new school in Gungahlin next year, and we have invested $61 million in the construction of a new secondary college and CIT facility in the Gungahlin town centre.

It seems that the Liberals and the Greens do not like this investment. We know what Mrs Dunne thinks about investment in public education. Time and time again, we hear from Mrs Dunne that investment in public education is throwing good money after bad. We hear it time and time again from Mrs Dunne. What is disappointing in this context is that Dr Foskey appears to be joining this bandwagon. The government is investing money in new school facilities in Gungahlin. The Harrison primary school opens for the 2008 school year. The Gungahlin secondary college will open in the 2010 year—$80 million worth of investment in new education infrastructure, new schools, for Gungahlin, to meet the needs of that growing community. As I have said, that is the area of fastest growth in school age population. That is where the government should be investing money in new schools, and that is where the government is investing money in new schools.

Visitors

MR SPEAKER: I welcome 15 CIT students from the adult migrant education program.

Questions without notice

Planning—land releases

MR SESELJA: My question is to the Minister for Planning. Minister, at a recent housing industry forum, you were asked by a member of the press to say how many blocks of land were available for sale as of that day in the ACT. I have subsequently confirmed this question with the journalist. Your answer was 3,200 blocks. Minister, during the annual reports hearings in October, officials for the Chief Minister's Department stated initially that there were no blocks for sale, which was then clarified by LDA officials, who said around 80 blocks were available. Minister, how do you reconcile your answer of 3,200 blocks being available with the answer from officials that only 80 blocks are available?

MR BARR: I thank Mr Seselja for the question. As he well knows—because he was sitting next to me when I gave the answer—I said that I did not know the number of blocks that were available at that time, but that the vision for the 2007-08 financial year was 3,200 blocks. I have answered this question before for Mr Seselja, and that is exactly what I said.

Mr Seselja: That's not what you said.

MR BARR: I said to Mr Thistleton that, no, I could not tell him, but that the plan for this year was that 3,200 blocks were planned for release. I sought confirmation from a couple of officials who were sitting just about three metres across from me that that

was, in fact, the case and, yes, it was—3,200 was the number of blocks planned for release in 2007-08.

MR SESELJA: Minister, did you fail to give a correct answer to the question because you did not understand it, because you did not know the answer, or because you feared the actual answer would expose your government's failure in land release policy?

MR BARR: As I indicated at the time—and this will be the third time that Mr Seselja has sought to raise this—3,200 blocks will be released in the 2007-08 financial year.

Nurses—pay and conditions

MS MacDONALD: Thank you, Mr Speaker. My question, through you, is to Ms Gallagher, the Deputy Chief Minister, in her capacity as Minister for Health. Minister, could you update the Assembly, please, on the progress of negotiations with our public hospital nurses over pay and conditions?

MS GALLAGHER: I thank Ms MacDonald for the question. Today I was pleased to announce that ACT public sector nurses and midwives have voted overwhelmingly in favour of the new ACT Public Sector Nursing and Midwifery Staff Union collective agreement. The voting was completed yesterday and had a 41 per cent return rate, of which 89 per cent of voters were in support of the new agreement. I would like to acknowledge the work that was done by the ACT branch of the Australian Nursing Federation and ACT Health for the spirit of cooperation in ensuring that we achieved agreement on such an important area of our workforce without any disputation—for the first time, I think, in the history of negotiations with ACT public sector nurses.

We recognise that attracting and retaining high quality nurses and midwives who choose to work in ACT Health is key to the capability of the health system being able to deliver quality health services. The ACT Public Sector Nursing and Midwifery Staff Union collective agreement is designed to provide exceptional working conditions for nursing and midwifery staff, with a particular focus on achieving a work-life balance, which is often very hard for shift workers working those unusual hours. The vote overwhelmingly in support of the new agreement is testament to the fact that the conditions negotiated are moving with the times.

The agreement recognises the nature and demographics of the nursing and midwifery workforce and the need for them to be empowered to continue to deliver high quality health care. Some of the features of the new agreement include salary increases of 4.5 per cent from the first pay period after 23 March 2007 and 3.75 per cent pay rises in March 2008 and March 2009; increases in the annualised salary loading from 25 per cent to 35 per cent for midwives employed in the Canberra midwifery program; for the first time, various flexible shift arrangements which can be negotiated by both parties, with shift duration anywhere from four hours to 12 hours, subject to the mutual agreement of all parties; establishment of a new classification, the assistant in nursing position, which will allow us to diversify the workforce and ensure that our nursing staff are able to deliver nursing services and not be distracted by services that can be performed by somebody else; and, finally, the implementation of the enrolled nurse level 2 classification.

Given that WorkChoices was hanging over all of our heads as this negotiation process was completed, I am pleased to see that this has all come to a final conclusion. I should say that agreement was reached, I believe, in late May-early June this year and the voting period was delayed by several months because of the length of time it took the commonwealth Workplace Authority to approve the content of the agreement. During that time, of course, the productivity savings that we wanted to see which could be delivered through this agreement have been lost for this year. So in terms of getting a new flexible workplace relations system up, we have actually been delayed by the commonwealth's process by at least three months, I believe, while it sat there waiting for approval of the content.

The new agreement will be lodged with the Workplace Authority on 15 November, which means that the conditions could not take effect from today. Hopefully—I am sure they will be—pay increases, including the back pay to May will take effect before Christmas, allowing nursing staff to receive all of that extra money in time for the Christmas holiday period.

MR SPEAKER: A supplementary question from Ms MacDonald.

MS MacDONALD: Thank you, Mr Speaker. My supplementary question is: could the minister please update the Assembly on separation rates for nurses and staffing levels in our public hospitals?

Mrs Dunne: I raise a point of order, Mr Speaker.

MR SPEAKER: It has to be relevant. It has to be supplementary to the question that was asked.

Planning—Gungahlin

MR PRATT: My question is to the Minister for Planning. Minister, a development application was submitted in 2004 in relation to improvements to a property at block 12, section 176 in Gungahlin. The proposed plan was not consistent with the territory plan and a dispute between ACTPLA and the developer has continued to this point. Minister, without commenting on this particular case, if a development application is inconsistent with the territory plan, why would ACTPLA still circulate it for public comment?

MR BARR: I do not have the details of that case in front of me. There are obviously hundreds—thousands—of development applications that are lodged each year.

Mr Pratt: That is why I asked you to comment on the theme, not the incident.

MR SPEAKER: Order! Mr Pratt.

MR BARR: I note the question in relation to the theme. It does seem unusual, and I will seek advice from ACTPLA on that matter.

MR SPEAKER: Is there a supplementary question?

MR PRATT: Thank you. Minister, following your claims that the proposed new territory plan will clarify and expedite many facets of—

MR SPEAKER: Come to the question.

MR PRATT: planning in the ACT, will the consideration of issues such as this be facilitated under the proposed new territory plan?

MR BARR: I thank Mr Pratt for the question. Certainly, the government's intention through the Planning and Development Bill, the new territory plan and the range of reforms to our planning system is to ensure that the system is simpler, faster and more effective. We have gone to great lengths to work with all of the major players, all of the key stakeholders, across industry and the community, in order to ensure that we do have a more efficient planning system. One of the key aspects of the system is to ensure that members of the community are able to better understand what is indeed a complex system. By its very nature, it is something that tends to operate in an upper realm, if you like, of complexity. Where people do struggle to understand the detail, it is important, through this reform process, to make our system simpler. That will lead to a faster and more effective planning process.

In the spirit of Mr Pratt's question about seeking simpler, faster and more effective outcomes in the planning system, I am happy to take on board the specific issue he has raised today, seek some advice from ACTPLA and seek to ensure, through this reform process, that we get a planning system that works more effectively for all Canberrans.

Schools—non-government

MRS DUNNE: My question is directed to the Minister for Education. Minister, recently you announced $3.6 million in funding for non-government schools in the ACT. The provision of this funding must be seen in the context of some fairly negative signals coming from the Labor Party about support for non-government schools, including the split in the ACT Labor caucus, when half of the members of caucus voted against any funding for non-government schools in the ACT; the closure of 23 government schools after commitments were given that no schools would be closed; and the comments by the ALP candidate for Eden Monaro, Mr Kelly, that the Labor Party would scrap the current funding formula for non-government schools.

Minister, what assurances can you give to the ACT community that the Stanhope government will not renege, as it has done in the past, on its funding commitments to non-government schools?

MR BARR: I thank Mrs Dunne for raising this issue. I was indeed very pleased to be able to go to Burgmann Anglican school last week to make the announcement of additional funding for non-government schools in the ACT, meeting the commitment that the government made at the 2004 election that we would provide an additional million dollars a year in recurrent initiatives for non-government schools.

This announcement will see commencement of this additional funding for non-government schools from the beginning of the 2008 school year. As members

would be aware through the tabling of the second Appropriation Bill, this amount is indexed into the outyear so could be built into the base funding for non-government schools into the future. I am engaged in a number of discussions with the Association of Independent Schools, the Non-Government Schools Education Council and other stakeholders in the independent school sector.

Mrs Dunne: But not the parents and friends whose letters you won't reply to.

MR SPEAKER: Order! Mrs Dunne.

MR BARR: Mrs Dunne, I had the opportunity to meet with the president of that association at the announcement last week. We will continue to discuss a range of matters relevant to both parties. The indications that I have given in relation to future funding in the education sector are consistent with the election commitments that the government made in 2004 in relation to funding for non-government schools.

Mrs Dunne: Which mostly haven't been kept.

MR BARR: Mrs Dunne hates it. She has been seething ever since the announcement. Mrs Dunne's and Mr Mulcahy's positions on provision of additional money to the education sector stand in interesting contrast. Mr Mulcahy's position is that the priority should be tax cuts. However, Mrs Dunne says, "No, you should be ploughing more money into non-government schools." In terms of future funding in the education sector, I have said that the ACT Labor government would like to see more money available for education in the government and non-government sector. We recognise that we form a partnership with the commonwealth government in relation to education funding.

I have indicated to independent schools that I will not be in a position to provide funding certainty for them in the longer term until we have had negotiations with the commonwealth in relation to the next four-year quadrennial funding agreement and that increases in funding for all schools is my objective. But we will have to take into account the outcomes of negotiations with the commonwealth in relation to the next quadrennial funding agreement.

If the Howard government is re-elected—something that is looking extremely unlikely, I am pleased to say—we have the threat of $30 million to $40 million being ripped out of education in the ACT. Minister Bishop is on a particular ideological path around external exams and wants the HSC introduced into the ACT. Minister Bishop is prepared to remove $40 million of commonwealth funding to the ACT education system in pursuit of her ideological agenda. That is a fact. That has been the threat hanging over the next quadrennial funding agreement from the federal Liberal Party.

Fortunately, in all likelihood, it will not be Minister Bishop negotiating the next four-year funding agreement. The federal Labor government has put additional money on the table. I particularly welcome yesterday's announcement from Kevin Rudd in relation to additional investment in senior secondary education and in early childhood education. It is part of a much needed education revolution at a federal level. It would be very pleasing to be able to work with a commonwealth government that is interested in education; a commonwealth government that has an agenda and sees

education as an important part of this country's future rather than something that must be funded under sufferance, which is the position of the Liberal Party.

We look forward to a constructive engagement with the commonwealth government in relation to the next quadrennial funding agreement. It would be my objective to see resources for all schools in the ACT increased as a result of those negotiations and to see the ACT government be able to make additional appropriations in the years ahead.

MRS DUNNE: Minister, how confident can people in the ACT community be that the Stanhope government will not continue the approach most recently espoused by Peter Garrett of promising one approach before the election with the intention of reversing that approach after the election, which is what you did at the last election in relation to non-government schools?

MR BARR: If you look at the commitments that this government made to deliver to the non-government system in this term of government, you will see that they have been delivered.

Mr Seselja: You said you weren't going to close any schools, Jon.

MR SPEAKER: Order! Mr Seselja.

Mr Stanhope: $350 million, you'll never match it. You'll never match it.

MR SPEAKER: Order! Chief Minister.

MR BARR: Some $4 million, amounting to $1 million per year indexed into the outyears delivered in the second appropriation bill that the Chief Minister tabled—

Mrs Dunne: And the commitment to revisit the funding has not been—

MR SPEAKER: Order! Mrs Dunne.

MR BARR: Mrs Dunne doesn't like it, but this government has delivered on that commitment. We said that in this term of government we would increase funding to the non-government sector, and we provided $1 million a year of additional assistance in this appropriation bill. On top of that, we have provided financial assistance to the non-government sector to the tune of $380,000 this financial year to ensure that non-government schools are not disadvantaged by the drift to national testing that will occur in May of 2008.

Because the ACT tests occurred only recently in August of this year and the national test will be in May of next year, if the ACT government had not provided $380,000 to the non-government sector, it would have had to have paid twice within the one financial year for testing. The ACT government picks up the tab for all students in all schools for national testing, and not every jurisdiction does that. I was very pleased that the Association of Independent Schools and a range of other non-government school bodies recognised that the government is providing additional assistance to ensure that those schools are not disadvantaged by the move to national testing.

In the last budget, we provided additional support for students with disabilities in non-government schools, again meeting another election commitment. We have been working very constructively across the entire education system, including Catholic and independent schools, in relation to the establishment of the new curriculum framework. Again, that is something that Mrs Dunne opposes and has sought to tear down at ever opportunity throughout what has been a very constructive engagement across the entire education sector in the ACT.

I look forward to releasing the new curriculum framework later this month. It has been an outstanding piece of work and a collaborative piece of work from teachers and staff across public and private schools. The new curriculum framework will apply to all schools in the ACT, and I think it is a tremendous achievement to have been able to have worked so constructively across all of the stakeholders in the education system—

Mr Pratt: Why has it taken you four years to progress that?

MR SPEAKER: Order! Mr Pratt.

MR BARR: Mr Pratt, I know, has not been the spokesperson for some time.

Mr Hargreaves: There's a good reason for that!

MR BARR: There is clearly a good reason—we know why.

Mr Pratt: I remember that little project. You wouldn't know urgency if you tripped over it.

MR SPEAKER: Order! Mr Pratt.

MR BARR: I am sure the Leader of the Opposition is regretting passing—

Mr Pratt: You wouldn't know urgency if you tripped over it.

MR SPEAKER: Order! Resume your seat, Mr Barr. Mr Pratt, when I call for order, I expect to get it. Mr Barr, please continue.

MR BARR: Thank you, Mr Speaker. I am sure the Leader of the Opposition is regretting passing responsibility to Mrs Dunne in this area, given that, although we have had some questions this week, I think today's question would take the tally to about seven questions on education in the entire year. It shows the level of interest from the opposition, from the Liberal Party, in education in the ACT.

Mrs Dunne: Because you don't answer them.

MR SPEAKER: Order!

MR BARR: Mrs Dunne's record on this will stand, and the position of the Liberal Party in relation to education in the ACT will stand. This government is investing

record amounts in our education system. The education budget has never been larger. Some $350 million has been invested in the public system. A range of new initiatives has been invested in non-government schools, as I announced last week. There is a collaborative process for the new curriculum framework. That has been an outstanding success in engaging teachers and educators from across the education spectrum in the ACT to achieve a great outcome for students. It has raised the quality of education in this territory even higher.

We have the best education system in Australia. We look to build on that through this new framework and through the government's increased investment in education. Most importantly, with the election of a Rudd Labor government in two Saturday's time, we will finally, for the first time in the last 11 years, have both a commonwealth government and a territory government working together to enhance education in this territory.

Hospitals—patient administration system

MR MULCAHY: My question is to the Minister for Health. Minister, from the most recently available details on patient activity in the ACT's public hospitals it is evident that the new patient administration system is still not providing the data that it should be—and this remains the situation more than a year after the system was meant to be fully operational. Minister, why is it still not possible for the new patient administration system to provide all the data that is relevant to managing the ACT's public hospitals?

MS GALLAGHER: As I have said previously, the implementation of the new patient administration system was a huge job. The system was introduced just over a year ago, in September 2006. The system looks after all the recordings of admissions, scheduling and billing functions across all ACT Health services.

There were a number of issues that came out when the system was first introduced in September. As we have worked through those, we have dealt with the most critical first. All of those critical major issues which could potentially seriously affect the running of the system were dealt with in order of priority. In my briefings, the main ones were around appointment settings and billing information. The appointments process was the hardest one, because that could have had the result of stuffing up a whole range of appointments, particularly across the hospital. We had a team brought in to start addressing the implementation issues, and they have worked very hard.

The project has formally been completed—in October. There are a couple of issues still awaiting final resolution. One is data migration from the medical record online record retrieval system, which is ongoing. The backload is currently being tested and looks good at this stage, I am advised. The ACTPAS support team continues to receive a large number of help desk calls per week. It is receiving around 200 phone calls. The team is still busy dealing with those calls and making sure that they can deal with individual issues as they arise.

From my understanding, there are not any major issues outstanding with ACTPAS. In terms of some of the data, yes, but we have left the data. It does not mean that data is not being collected and will not be provided; it just means that there have been some

delays in being able to draw that information quickly and make it available. But as to the running of ACTPAS outside that—outside some of that public reporting of data—the project is now complete.

I would like to put on the record my thanks to all the team involved with ACTPAS, right down from the chief information officer. This has been a huge job. As we have seen in other jurisdictions when systems like this have been implemented, there is the potential, if major problems arise, for things to be disastrous. We have managed—outside a couple of areas at the beginning and also some of those help desk functions—to implement this relatively smoothly, I am told, as far as overhauls of IT systems go.

MR SPEAKER: Supplementary question, Mr Mulcahy?

MR MULCAHY: Thank you. Minister, can you tell the Assembly when the patient administration system will in fact be fully operational according to the original specifications and whether there will be a requirement for additional funds to achieve this outcome.

MS GALLAGHER: I thank Mr Mulcahy for the question. I have not been advised of any further funding required for ACTPAS. That has all been managed within the contract and within the budget from ACT Health. My understanding is that those last data migration issues should be completed fairly soon. If I can get back with a time for you, I will. But my advice now is that the implementation of ACTPAS has been completed and the project team is now moving into maintenance and support functions. As I say, there is a bit of tidying up to do at the end in terms of making some of that data available and managing some of those calls for assistance, but, based on that advice, certainly there is no requirement for increased funding.

Public transport—services

MR GENTLEMAN: My question is to the Minister for Territory and Municipal Services in his capacity as minister responsible for transport. Minister, can you inform the Assembly of the detail regarding the government's recent announcement to improve public transport services throughout Canberra?

MR HARGREAVES: I thank Mr Gentleman for his ongoing interest in matters transport. The Stanhope government has again this week demonstrated its commitment to creating and maintaining a sustainable public transport system, now and for the future, through a package of measures for public transport improvements worth around $75 million—the most comprehensive commitment in the territory's history, spanning bus services, infrastructure, accessibility and safety.

It is the government's aim to ensure public transport is progressively made fully accessible for Canberrans. By increasing patronage and improving the efficiency of the public transport system, the ACT will see less road congestion, resulting in increased social, environmental and economic benefits. The government will invest up to $50 million in additions to the fleet over the next four years, in addition to the 16 new CNG buses already on order and due for delivery through 2008. These new buses will mean that by 2012 over 55 per cent of the ACTION fleet will be

wheelchair accessible, effectively doubling the number of routes that can deliver wheelchair-accessible services. Currently, 25 per cent of ACTION's buses meet disability standards under the DVA, and this is the target level for December 2007 under the act. This investment represents a modernisation program of the highest order, representing a strong and significant commitment to better public transport in the community.

The government will be investing $20.45 million over the next four years to improve bus frequencies and connections and enhance services in many parts of the city. Proposed improvements to be introduced on 28 April include same route directions and route numbers seven days a week; more frequency of and less waiting for buses throughout the day; more express services; better spacing of services; better connections; improvements to route design in many suburbs; improvements to services in Gungahlin, the parliamentary triangle and central Canberra; and new services for Brindabella Park from Gungahlin, Civic and Woden. The community will be able to view the proposed network plan by visiting any bus interchange, Canberra Connect shopfront, library or ACTION bus. The plan will also be available from the ACTION website at www.action.act.gov.au. And, for Mr Pratt's benefit, we are doing it in pictures!

One million dollars will be provided this financial year to improve safety, security and maintenance at the Woden and Belconnen bus interchanges. This additional funding will see the installation of security cameras at Woden and Belconnen interchanges. Provision of improved CCTV will better enable enforcement agencies to deter and identify criminal and antisocial behaviour. The installation of CCTV is also consistent with the intergovernmental agreement on surface transport security. Funding will see the much needed maintenance work undertaken at Belconnen interchange in the lead-up to the construction of a new interchange. In addition, 100 additional seats will be installed at selected bus stops across Canberra.

The government has provided funding of $2.3 million over the next four years for ACT senior and community transport. ACT seniors are now eligible to travel using a concession fare in the peak periods. This initiative will allow all holders of an ACT seniors card to ride on an ACTION bus for half price at any time, including peak periods. Canberrans aged 60 and over who are permanent residents of the ACT and not in paid employment for more than 20 hours a week are eligible for an ACT seniors card.

This funding will also allow for the introduction of a community on-demand wheelchair-accessible minibus service to supplement transport delivered by regional community services. The beneficiaries of this initiative will be ACT seniors and people isolated in our regional community through lack of transport options, such as people with a disability, new migrants and people who may be temporarily unable to move easily in their community. The government has identified that there is a need to provide a more flexible service. The community on-demand service will fill an existing gap in the transport system. This initiative will provide an alternative, affordable and flexible transport option.

This government is moving ahead and is now providing transport infrastructure and transport services for the future. We are not dwelling on the past; we are getting on with the job.

MR SPEAKER: A supplementary question from Mr Gentleman.

MR GENTLEMAN: Thank you, Mr Speaker. Can the minister inform the Assembly whether there are other government initiatives that complement these transport improvements?

MR HARGREAVES: Thank you very much, Mr Speaker. I thank Mr Gentleman for the supplementary question. Mr Speaker, we have bike racks on the buses to support the government's climate change strategy initiative of free travel for bike users using bike racks for the government. The government will provide $70,000 for ACTION to purchase a further 50 bike racks to ensure greater service reliability in its bike rack equipped buses on the intertown 300 series. The initiative of free travel for bike users is proposed to commence on 1 December.

The government's Canberra plan, which includes the spatial plan and the sustainable transport plan, recognises the capacity for public transport to contribute to positive social, environmental and economic outcomes. Consistent with these strategic plans, the Stanhope government's key transport priorities are: better public transport, which involves improving ACTION services, building better public transport infrastructure, improving public transport safety and improving taxi and hire care services. We would also like to improve the manners of those across the chamber. Sadly, we cannot do it.

Other key transport initiatives are: a safe and efficient road network, which involves managing parking demand, enhancing the capacity of the road network through key capital works and improving the management of heavy vehicle access to the network; cleaner, safer and healthier personal transport, which will be made possible by encouraging greener and healthier personal transport, educating safer road users and planning for the future. This involves reviewing and developing transport plans integrated with land use planning and creating future transport opportunities over the longer term.

We have taken a range of measures. Since 2002 the Stanhope government has provided $22.84 million towards ACTION's fleet replacement program. We bought 54 new wheelchair accessible compressed natural gas buses and 20 new wheelchair accessible diesel buses. In July of 2002 we introduced the single zone bus fare, and I congratulate my colleague Mr Corbell who stuck to his guns and said that people do not want the hideous zonal system imposed on them by the former government. It has been the single most successful initiative in public transport in this city for many years. Another important government initiative was the extension of ACTION's ticket transfer period in 2005 from one hour to 90 minutes. The extension makes it easier for people to use ACTION as part of their daily errands.

Earlier this year the government secured a deal by which 241 state-of-the-art bus shelters would be built across town. We have also provided $1.8 million to ACTION to retrofit its fleet with CCTV. We provided $8 million in the 2007-08 budget to replace ACTION'S ticketing system. The new ticketing system is a fundamental building block to a better service, as well as providing greater assurance that the government's revenue is properly collected.

Good patronage information data is critical to ensuring that our transport service is designed and delivered effectively and efficiently. The new ticketing system will also ensure more efficient passenger loading times and help build better reliability by assisting each bus to meet its timetable.

Public transport is being strategically planned for new development areas such as Molonglo. The planning process includes: designing criteria and standards for public transport for road layouts of Molonglo; applying a consistent public transport network structure to support the patronage from Molonglo; developing an illustrative network for trunk and secondary routes and developing specifications for a bus interchange at the Molonglo group centre and supporting infrastructure.

In February last year the government announced its taxi release program to ensure that the industry remains viable and responsive to consumer needs. Since then three taxi licence ballots have been held, resulting in the release of 40 standard taxi licences. These are available to operators for a lease fee of $20,000 a year, which can be paid quarterly. There has been a very strong demand for these licences, with the last ballot for 20 licences attracting 170 applications.

On 27 November there will be a ballot of 12 wheelchair accessible taxi licences, for which there are in excess already of 30 applications. The government expects that this ballot, together with the recent decision to allow greater flexibility to WAT operators regarding the type of vehicle they operate, will improve the viability of WATs and the level of service they provide.

We are also providing $1 million to introduce a nightlink taxi service. This is a great initiative. I think I have described the Stanhope government as looking forward into the future. It is travelling well at the moment and will travel well into the future thanks to our public transport system.

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

Supplementary answers to questions without notice

Planning––Molonglo Valley

MR BARR: Yesterday in question time Dr Foskey asked a question in relation to the responsibility of the National Capital Authority or federal department of environment and heritage in relation to environmental assessments for planning approvals processes in relation to settling ponds and lake options in the Molonglo Valley.

As I indicated yesterday, Mr Speaker, I cannot, of course, speak for the National Capital Authority or the federal government, but I can advise Dr Foskey that any proposal for development within the lower Molonglo River corridor must be in accordance with the development control plan that is agreed by the National Capital Authority, and that the commonwealth Department of the Environment and Water Resources is responsible for the implementation of the Environment Protection, Biodiversity and Conservation Act 1999. It is likely that development proposals within the lower Molonglo River corridor, including any stormwater management strategy, would be assessed in terms of their national environmental significance under this commonwealth act.

Health––oral and maxillofacial surgery

MS GALLAGHER: Mr Stefaniak asked me a question in question time today about possible breaches of the Trade Practices Act. I have some further information on that question. The ACCC undertook a preliminary investigation into claims of alleged uncompetitive behaviour by surgeons at the Canberra Hospital. I understand ACT Health provided a significant amount of information to assist the ACCC in their inquiries. Further to this, the Chief Executive of ACT Health was interviewed by officers from the ACCC in April 2007. The ACCC subsequently advised the chief executive that it would be taking no further investigations or actions on these allegations.

Also, yesterday in question time Mr Seselja asked me about research into OMFS and whether there had been any Australian research done. As I understand it, the information provided to Mrs Burke was not based on ACT Health research. However, available evidence from a preliminary review of such cases at the Canberra Hospital indicates a complication rate of 3.6 per cent.

A search of Medline, the United States National Library of Medicine, on complication rates for treatments related to fractures of the jaw returned extracts of 21 articles relating to Australia, most of which were not relevant to the specific types of issues raised by Mr Seselja. Only one study gave complication rates for fractures of the jaw. This study related to a particular technique for fixation of the fracture, rather than general treatment. The overall complication rate was 10 per cent, which is similar to the rates—the average of 11.6 per cent—provided to Mrs Burke from seven much larger international studies using a variety of fixation techniques.

Papers

Mr Corbell presented the following paper:

> Civil Law Wrongs Act, pursuant to section 205-General Reporting Requirements of Insurers.

Mr Barr presented the following papers:

> Pursuant to section 66A—Government Schools Education Council—Proposals for the 2008-09 ACT Budget, dated 31 October 2007.
>
> Pursuant to section 118A—Non-Government Schools Education Council—Submission for the 2008-09 ACT Budget, dated 28 September 2007.

Mr Corbell presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**
>
> Legislation Act, pursuant to section 64—
>
> Architects Act—Architects Board Appointment 2007 (No 2)—Disallowable Instrument DI2007-256 (LR, 1 November 2007).

Canberra Institute of Technology Act—

Canberra Institute of Technology Advisory Council Appointment 2007 (No 4)—Disallowable Instrument DI2007-252 (LR, 29 October 2007).

Canberra Institute of Technology Advisory Council Appointment 2007 (No 5)—Disallowable Instrument DI2007-253 (LR, 29 October 2007).

Canberra Institute of Technology Advisory Council Appointment 2007 (No 6)—Disallowable Instrument DI2007-254 (LR, 29 October 2007).

Children and Young People Act—

Children and Young People (Places of Detention) Admission and Classification Standing Order 2007 (No 2)—Disallowable Instrument DI2007-258 (LR, 8 November 2007).

Children and Young People (Places of Detention) Health and Wellbeing Standing Order 2007 (No 2)—Disallowable Instrument DI2007-261 (LR, 8 November 2007).

Children and Young People (Places of Detention) Provision of Information, Review of Decisions and Complaints Standing Order 2007 (No 2)—Disallowable Instrument DI2007-260 (LR, 8 November 2007).

Children and Young People (Places of Detention) Safety and Security Standing Order 2007 (No 2)—Disallowable Instrument DI2007-263 (LR, 8 November 2007).

Children and Young People (Places of Detention) Search Standing Order 2007 (No 1)—Disallowable Instrument DI2007-259 (LR, 8 November 2007).

Children and Young People (Places of Detention) Use of Force Standing Order 2007 (No 2)—Disallowable Instrument DI2007-264 (LR, 8 November 2007).

Children and Young People (Places of Detention) Visits, Phone Calls and Correspondence Standing Order 2007 (No 2)—Disallowable Instrument DI2007-262 (LR, 8 November 2007).

Land (Planning and Environment) Act—Land (Planning and Environment) Criteria for Direct Grant of a Lease to Dytin Pty Ltd Determination 2007—Disallowable Instrument DI2007-265 (LR, 8 November 2007).

Road Transport (General) Act—Road Transport (General) Public Passenger Services Licence and Accreditation Fee Determination 2007 (No 1)—Disallowable Instrument DI2007-251 (LR, 29 October 2007).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Maximum Fares for Taxi Services Determination 2007 (No 2)—Disallowable Instrument DI2007-257 (LR, 8 November 2007).

Utilities Act—Utilities Exemption 2007 (No 2)—Disallowable Instrument DI2007-255 (LR, 1 November 2007).

Canberra plan
Ministerial statement

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) (3.29): I seek leave to make a ministerial statement concerning the Canberra plan.

Leave granted.

MR STANHOPE: Before making the statement, I should say that the government would be prepared to give leave to the Leader of the Opposition to apologise to all working mothers in the Australian Capital Territory, or, indeed, to the shadow minister for health to similarly apologise.

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Dunne): Order! Mr Stanhope, you have leave to make a statement.

MR STANHOPE: I am generously offering to give leave to the Leader of the Opposition to apologise to all working women. I am simply making that clear.

MADAM TEMPORARY DEPUTY SPEAKER: Mr Stanhope, you have leave to make a statement. Would you proceed with the statement.

MR STANHOPE: Thank you, Madam Temporary Deputy Speaker. The offer is there if the Leader of the Opposition wishes to take it.

MADAM TEMPORARY DEPUTY SPEAKER: You are being too repetitive. I will sit you down, Mr Stanhope, if you do not proceed with the statement.

MR STANHOPE: Madam Temporary Deputy Speaker, it gives me great pleasure to provide the members of the Assembly, and, indeed, the broader community, with an update on the government's progress with achieving the goals of the Canberra plan. Three and a half years ago, I launched the Canberra plan, a document that is not simply a plan but a vision for our future; a vision that will see Canberra as representing the very best in Australian creativity, community living and sustainable development.

Before we review the progress in achieving the aims underpinning these themes, I believe it is imperative to examine the demographics of Canberra in 2004 in contrast to the demographics of our community today. In 2004, the year in which the government launched the Canberra plan, Canberra had an estimated population of 322,900. Our population was growing relatively slowly at a rate of 0.8 per cent per year since 1998 compared with 1.2 per cent growth in Australia overall.

At the time of the plan's launch, average weekly earnings for full-time employed people in the ACT were $978 compared with the national level of $873. In that year, the ACT had the nation's lowest unemployment rate, averaging 4.4 per cent compared with 6.5 per cent nationally. At that time, approximately 1,300 Canberrans were long-term unemployed or out of work for 12 months or more. Our life expectancy, at

83 years for women and 79 years for men, was above the national average. We were also highly educated, with 65.5 per cent of people aged 25 to 64 holding post-school qualifications compared with a national average of 55.3 per cent. On the economic front, we attracted a AAA credit rating, ensuring investment confidence and faith in our capacity to manage the economy.

Today, Madam Temporary Deputy Speaker, our population is 338,160, a figure that is approximately 5,000 more than previously estimated by the Australian Bureau of Statistics. Our growth rate has also increased to 1.185 per cent. Average weekly earnings are now $1,275 compared with $1,073 nationally. We still have the lowest unemployment levels in Australia, with the rate falling to an Australian record low of 2.5 per cent in September 2007 compared with 4.2 per cent nationally. The number of long-term unemployed fell to 600 in July 2006. Most importantly, more than 20,000 jobs have been created over the life of this government. Our life expectancy has continued to increase, rising to 83.9 years for women and 79.9 years for men, compared with 83 years and 78.5 years nationally. The number of people with post-school qualifications also rose to 69.5 per cent of the population aged between 25 and 64. We have retained our AAA credit rating due, in no small part, to the tough decisions we faced in the 2006-07 budget.

The facts are compelling. On virtually all measures, our standard of living has improved, we are earning more, learning more and gaining in health and wellbeing. Our economy is strong and getting stronger. These achievements have all been underpinned by the foundations laid through the Canberra plan and supported by our dual commitments to sound economic management and strong and compassionate social policy.

The Canberra plan features seven strategic themes: investing in our people; building a stronger community; a city for all ages; Canberra's knowledge future; partnerships for growth; a dynamic heart; and living with the environment, our bush capital. Each of these themes remains as valid today as in 2004. For each theme, we have attained significant achievements.

I am confident that I speak for the whole Canberra community when I say that there can be no higher priority than the first of the strategic priorities: investing in our people. This theme encompasses investment in and support for education and training, health and wellbeing, positive early childhood development, and creativity and innovation.

While there can be no higher priority than investing in our people, there can be no greater investment than the one we make in our children and young people. Recognising this, the government pioneered a model for innovative and integrated service delivery and support for children and families. We have now seen two child and family centres, a flagship commitment of both the Canberra plan and the Canberra social plan, become fully operational in permanent premises in Gungahlin and Tuggeranong.

The government recognises that positive early childhood development is critical in setting the foundation for learning, behaviour and health through the school years and into adult life. We have committed $10 million for the establishment of four new

pre-school to year 2 schools. These schools will provide integrated services for children from birth to eight years and a comprehensive range of services to families, such as childcare and family support.

Vocational education and training is also an essential component of a skilled and economically vibrant community. The government has responded to the demand for apprenticeships and traineeships in the ACT by providing an additional $6.2 million over four years in the 2007-08 budget for vocational education and training grants.

Total health care expenditure in the last budget increased to $802.4 million, an increase of around 70 per cent in expenditure since 2001-02 and roughly a 42 per cent increase since 2003-04. This extra funding has made a real difference in the life of Canberrans. It has meant that many more people in our community have access to elective surgery and it has enabled us to fund an extra 60 acute care beds, 20 in the last budget alone. It has provided more dental care to people in need and it has given greater access to aged care and rehabilitation services. It has helped ease the stress of a hospital visit for young children by redeveloping the paediatric area of the emergency department of the Canberra Hospital to make it more child friendly.

It has reached out into the community to promote healthy and active lifestyles supported through the health promotion grants, through which we provide $2.2 million in funding each year to support highly valued activities and projects. It has improved treatment and care for people with a mental illness, with the ACT and commonwealth governments jointly supporting a multimillion dollar investment in the national mental health action plan.

When investing in our people, the government is confronted daily with funding challenges and requests. But safeguarding the needs of people with a disability is an area of indisputable need. Programs to support this aim featured strongly in the 2007-08 budget in which we delivered an extra $15.8 million for additional individual support packages, carer support and respite, and improvement to community access programs.

Maximising our tourism, sporting and recreational opportunities has also been a key area of investment for the government. Stromlo Forest Park, which opened in January this year, is a world-class site for cycling, running, horse riding and mountain biking. One of the government's proudest achievements in relation to creativity was the opening this year of the Canberra Glassworks. I am delighted the Glassworks has received the enthusiastic support of both sides of politics, and I encourage all members of the community to savour the benefits of Australia's only cultural centre dedicated entirely to contemporary glass art.

The second strategic theme of the Canberra plan is building a stronger community. The evidence of the community's response to the bushfires of 2003 and to individual tragedies that emerge throughout the daily lives of our society proves beyond any doubt that we have a very strong community. Thus, it is the role of government not to create what already exists and flourishes, but to nurture and extend it and encourage its evolution as it faces emerging needs. But while our sense of community spirit is not in question, a strong community needs, as a whole, to feel safe and secure, to feel confident and able to participate in community events and to have access to life's essentials, such as affordable housing.

The Human Rights Commission Act 2005, which became operational in November 2006, has been a key plank in building our community. The commission works across all levels of government to protect the rights of each and every member of our community. The ACT was, as we know, the first jurisdiction in Australia to introduce a Bill of Rights, and the Human Rights Commission is at the forefront of our endeavours to ensure these rights are acknowledged and respected.

We are fortunate in the ACT that many in our community are able to take for granted the ready access to safe and affordable accommodation. Yet, for some, it is a very real and hard struggle. We do rate well on external measures of housing affordability, but this is in no small part due to our higher than average household incomes. My government does not want people to struggle to attain basic accommodation or to reach the goal of home ownership. We have expanded the supply of public housing and increased our efforts to ensure public housing services reach those most in need.

In the past eighteen months alone we have directed $15 million in funding to a variety of related services, including refuges, outreach support, domestic violence services, emergency accommodation and information and referral services. We have begun the hard work of implementing Australia's most expansive and innovative housing affordability action plan. This plan will, over the next few years, deliver tangible benefits to everyone seeking to access the housing market, whether they be seeking public or social housing support, private rental accommodation or first entry into the home ownership market.

While we supported the needs of the most vulnerable in our community, we have also taken concrete steps to help their carers. The Carers Recognition Legislative Amendment Bill was passed by the Assembly in November last year and, when implemented, the changes will ensure multiple carers are recognised and that they must be consulted as part of any decision-making process. This represents a significant step forward in carer recognition. We continue to support carers through the carers recognition grants program and through our respite services.

Accessing government grants has, in the past, been likened to negotiating a complex maze. The government has moved to fix this problem and boost both access to and knowledge of the full range of government grants through the establishment of the online grants portal. The portal is already operating as a one-stop shop for ACT government grant information and is evolving to becoming a fully operational online application system. We will ensure that lack of access to a computer is not a barrier by maintaining access to paper-based applications and ensuring wide publicity for each program in free and mainstream media.

Paying public thanks for the services of those who went to war, who served in peacekeeping missions, is a quintessential element of every Australian town and community. While the ACT has long been blessed with memorials testifying to the services of Australians in all theatres of war, we have until recently lacked a memorial to those who volunteered their services from our own community. In August last year, I was proud and privileged to officially dedicate the ACT Memorial, a graceful and evocative memorial that honours all Canberrans who offered their services, or lives, to defend our nation in conflict or to support peacekeeping efforts throughout the globe.

The Theo Notaras Multicultural Centre, which opened in December 2005, pays tribute to and accommodates those from other nations who have helped to enrich our community and cultural diversity. I believe that this centre, and all that it represents and supports, is all the more to be treasured in these times of international conflict and divisiveness from some of our national leaders.

Personal safety has also been an area of strong focus, with funding for an additional 60 police officers included in the 2006-07 budget and the continued active and successful implementation of the ACT property crime reduction strategy.

The government is also taking responsibility for those prisoners who are ACT residents through the construction of the Alexander McConachie Centre, ensuring they have access to their family and supports. The centre, which will have a strong rehabilitation focus, will be the first Australian gaol designed and operated using human rights principles.

We have also continued to build community spirit through our ongoing program of events, our public celebrations of Christmas, New Year, Australia Day and Canberra Day, and our highly valued Around Town and Groovin' in Garema events. The centenary of Canberra's foundation is also fast approaching, and planning is already underway for a major community celebration in 2013.

In ensuring our city is one that embraces all ages, which is the Canberra plan's third strategic theme, we have continued our highly successful building for our ageing community strategy to identify and make available land for aged care facilities.

Protecting the welfare of older Canberrans is also critical, and for this reason the government launched in 2006 the elder abuse awareness campaign, which aims to raise awareness of elder abuse and reduce its incidence in our community. The silver lining project, launched by the Ministerial Council on the Ageing this year, articulates strategies to attract and retain mature age employees, recognising both the highly valuable contribution they make to the workforce and the need for us, as a community, to nurture our entire workforce in this time of skills shortage. Recognising the achievements of older Canberrans is at the heart of two ongoing initiatives: the Chief Minister's lifetime achievement awards and the highly prized Canberra gold awards.

We have also acted to protect the interests of children and young people, undertaking a major review of the Children and Young People Act 1999. The schools as communities program has also continued to create and strengthen effective and strong working relationships between families, communities and their schools.

The interests of older people and young people have been further safeguarded by the appointment, under the umbrella of the Human Rights Commission, of the Health Services Commissioner, the Disability and Community Services Commissioner, and the Children and Young People Commissioner. The Health Services Commissioner is responsible for complaints about health services and services for older people in general.

We have extended our services for older people, allocating an additional $10.4 million in the last budget to increase the capacity of the Aged Care and Rehabilitation Service,

which provides a full range of services from complex hospital care through to community-based services. Older Canberrans on the north side have benefited from the commissioning of the older persons inpatient unit at Calvary Hospital.

In October 2007, the ACT government extended to all holders of ACT seniors cards travel at half the adult fare on ACTION buses, including travel during peak times. In 2008 six minibuses will also provide on-demand services to seniors in our community.

Canberra's knowledge future is the fourth strategic theme of the Canberra plan. Securing our knowledge future is a theme that has driven recent reforms to education. The government's school renewal program featured a massive funding injection of $90 million for school upgrades, $20 million for state of the art information technology services and equipment, $45 million for an advanced primary to year 10 school in Belconnen West, $54 million for a new P-10 school in Tuggeranong and $60.7 million for a new Gungahlin college and CIT.

I acknowledge that the school renewal program has not been without its difficulties for some parents and children in our community, but it has been, and will continue to be, a program that holds the best interests of our future generations at its very core, and the achievements of our students is something in which we can all take pride. ACT students consistently perform above the national benchmarks in literacy and numeracy for years 3, 5 and 7. Last year I was delighted when our year 3 Indigenous students matched the achievements of non-Indigenous students in literacy and achieved the highest proportion above the benchmark in Australia in both literacy and numeracy. Closing the gap in Indigenous outcomes is a very high priority for the government, and education lies at the heart of this challenge.

The ACT government has an outstanding record of achievement in its support for medical research and workforce development. The ANU medical school, funded and supported by the government, has served to further increase our knowledge capital and medical workforce. In addition to its original support, the government has provided a further $12.1 million for the new school of clinical medicine and library at the Canberra Hospital, which opened last year. The medical school has also opened a campus at Calvary Hospital with financial assistance of $1.75 million from the government.

The University of Canberra has also benefited from government support, receiving $10 million to build new teaching facilities which were opened this year, and supporting infrastructure for new allied health courses in nutrition and dietetics, pharmacy and physiotherapy.

Another positive collaboration between the Australian National University and the ACT government has culminated in the opening of the ANU secondary college, an innovative college that enables academically gifted students to study courses that will contribute towards their future university qualifications.

It is often said that Canberra's future lies in the strength of its knowledge industries. ICT is a key enabling technology for the knowledge economy, and the ICT sector is one in which the ACT has specific strengths and capabilities. The ACT government

has maintained its strong support for the knowledge economy through a new five-year funding arrangement for the National ICT Australia Centre for Excellence. NICTA's new $60 million laboratory on London Circuit, which will open in early December, will also play a major role in developing the City West knowledge precinct.

The government has also been active at the enterprise end of ICT, supporting initiatives such as the canberra.net cluster, a joint initiative with Microsoft Australia and the ACT chapter of the Australian Information Industries Association. Our commitment to ICT businesses is also evident in other government-supported initiatives, such as the ACT Exporters Network, the Industry Capability Network and our trade mission program.

Trade development is an important part of our overall business development focus. ACT exports continue to grow each year and are now within reach of breaking through the billion dollar annual export sales mark. We continue to provide funding support to the ACT Exporters Network, which is co-delivered by the Canberra Business Council. We funded to deliver two highly successful trade missions to India and China this year involving 20 local companies, and I have committed to follow up missions to these important markets in 2008.

Planning is also underway for a mission to North America towards the middle of next year, which will support some of our more established markets in ICT and government procurement. Normally, government trade missions are about making introductions and establishing the basis of future relationships, but I have been particularly pleased with the level of business generated directly by the missions this year.

Canberra companies Yellow Edge, Inland Trading and the Hindmarsh Group were able to generate immediate business on the heels of the China mission. The India mission accelerated HCL Technologies' decision to set up an office in Canberra in April this year, and I am hopeful more will follow, especially in the wake of October's focus on India, which was an important follow-up activity to the February mission.

The fifth strategic theme of the Canberra plan is partnerships for growth. Since the 2006-07 budget, there has been some questioning of the government's commitment to the business sector. I can assure the Assembly and members of the business community that our commitment is solid, as is our determination to ensure that we direct our business support strategically and wisely, gaining the maximum value for the community and business sector as a whole.

The government has not wavered in its commitment to form sound business partnerships. This concept drove the private sector program to establish commercial offices in the US and China, and it has driven the funding of the consortium led by the Canberra Business Council to enable ScreenACT to operate in the private sector and to identify sources of industry development support to foster high quality content, creative skills development and an ACT-based screen culture.

We have always been a government that is supportive of small business, and our commitment to this is as strong today as it was in 2004. What small and micro

businesses need most as they develop is guidance and advice from others, especially those who have trodden the same path. With this in mind, the government has provided $1 million per annum to support small business mentoring and advisory programs, and a new service, Canberra Business Point, launched in July this year, is the cornerstone of this commitment.

More than 30 Canberra businesses and organisations have also joined forces with the government to support the Live in Canberra program, which is promoting Canberra's unique qualities as a place to work and live, both nationally and internationally. This new branding of Canberra is being used extensively by the skilled and business migration program, which has facilitated over 900 new Canberra residents from overseas in the past 12 months.

We have taken action to streamline our regulatory practices, establishing the Office of Regulatory Services as a one-stop shop for many regulatory dealings. This step, although significant, is the first in a process to streamline and reduce the regulatory burden on business, whilst still maintaining employees and consumer protection. The office brings together capability from across government to undertake licensing, registration and accreditation activities. It has expertise in dispute resolution and providing assistance to consumers and traders, as well as a role in compliance, enforcement and education.

Doing business with government can be a daunting process, and we have revised our procurement processes to facilitate access to government business and increase industry awareness of government procurement opportunities. For example, the ability of small business to access government business opportunities is being enhanced through the use of pre-tender consultations and the lowering of contract disclosure thresholds to $20,000. We will continue to review our processes, aiming to enhance business access while still delivering value for money for the taxpayers of the ACT community.

A dynamic heart is the sixth strategic theme of the Canberra plan, and it, too, is an area of solid achievement. At the heart of this theme is a concentrated program of land release, housing, infrastructure improvements, public domain, transport improvement, entertainment and public events. This ambitious program aims to give new life to Canberra's heart, to attract new visitors, to lure back former visitors and tenants and to foster new business, tourism and employment opportunities.

The government funded a $30 million refurbishment of the National Convention Centre, which has very recently seen it re-emerge as a leading and high quality conference, event and convention facility. After a disappointing, but nature-driven setback, we have reopened the outstanding Civic library, the completion of which was designed to complement the equally impressive Canberra theatre link project.

The Childers Street project also represents a major public sector investment in the implementation of the City West master plan. The $6.5 million project was funded by the government, and it features key infrastructure and street furniture to make that precinct a more vibrant gateway. The ANU-City West agreement continues to be a key driver in the development of City West and in the provision of essential infrastructure such as student accommodation.

The government is also undertaking an analysis of long-term accommodation needs for the community sector in the Civic area, aiming to assist in provision of suitable premises for groups who serve our community. I think all Canberrans would agree that Civic has been significantly transformed over the past few years into a dynamic, contemporary and vibrant hub befitting the nation's capital. We have seen the opening of the new Canberra Centre, successfully restoring Civic as a premier shopping destination. We have seen some high quality and innovative buildings constructed in City West, not the least of which is the headquarters of NICTA. Our longer term goal is to match that level of quality infrastructure throughout Civic, bringing major improvements to the bus interchange, the city paving, plantings and street furniture.

The seventh and final theme is living with the environment, our bush capital. The critical issue associated with our status as the bush capital is, of course, our vulnerability to bush fires. The government has been proactive and vigilant in its bushfire hazard reduction activities. Most particularly, the last budget made available $226,000 for 10 extra community fire units in the next year to enhance bushfire protection measures in suburban Canberra. With this addition, Canberra will now have 38 units working in our suburbs to supplement our professional and volunteer firefighters.

Protecting our water security has also been a very high priority. The think water, act water strategy continues to guide our efforts to conserve water. Following the Water Security Taskforce's analysis of the options to secure Canberra's future water supply, I recently announced the enlarging of Cotter Dam from four to 78 gigalitres, new infrastructure to increase the volume of water transferred from the Murrumbidgee River to the Googong Dam, and the design of a demonstration water purification plant, with the water produced to be used for purposes other than drinking. We will also increase funding for demand-reduction measures and implement a pilot smart metering program.

Weathering the change is the ACT government's climate change strategy and action plan. It is an innovative plan that incorporates 43 actions to reduce our greenhouse gas emissions and assist in our adaptation to the likely changes in climate. The issue of sustainable transport is one that is close to our hearts, and we are currently working on a major overhaul of our public transport system.

The development of the Canberra International Arboretum and the redevelopment of Tidbinbilla national park and the rural villages at Uriarra and Stromlo have eased the scars of the 2003 bushfires and helped ensure the legacy contains positive elements in which the whole community can share.

To further protect our native grasslands and yellow box red gum, we have committed more land to the network of Canberra nature reserves. The reserves at Goorooyarroo and Callum Brae are high quality additions, and their inclusion has meant that 54 per cent of the ACT is now protected bushland or nature reserve. This is strong testament to our commitment to protect and enhance Canberra's status as the bush capital.

Mr Speaker, there are many more achievements I could cite, but time prevents. These examples I have discussed demonstrate conclusively the success of the Canberra plan

and its enduring value and relevance to the ACT community. The plan will remain the key driver of policy across the ACT. But our developing and growing community does not remain static and the government will, when and where necessary, make the appropriate adjustments to keep the plan live and contemporary to meet the challenges that lie ahead.

These challenges include climate change, the need to secure our water supply, the skills shortage and the impact of an ageing population. Each of these were foreshadowed in the Canberra plan and its underpinning documents. But, following the government's significant research into and examination of these critical issues, we are now able to begin to provide greater detail and policy direction than in 2004.

I would like to thank all those involved in delivering the achievements of the Canberra plan that I have outlined today, and I wish to affirm the government's strong and continuing commitment to fulfilling the vision of the Canberra plan that Canberra becomes a city that represents the best in Australian creativity, community living and sustainable development.

Poker machine revenue and community contributions scheme
Discussion of matter of public importance

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

> Issues surrounding poker machine revenue and the failings of the community contributions scheme.

DR FOSKEY (Molonglo) (3.57): I raise this issue today in light of the 10th report on community contributions made by gambling machine licensees. The issue of poker machines and their role in our community has been debated before in the Assembly and we are all well aware of the problems that poker machines create for many in our community.

Today I would like to focus my concern on the issue of community contributions made by licensed venues to fulfil their obligation under the Gaming Machine Act. Evident in the report is a clear failure of the current system to deliver an effective community contributions scheme. The ACT has 64 club gaming licences and 13 hotel-tavern gaming licences regulated by the ACT Gambling and Racing Commission. In 2006-07, these 64 clubs produced net gaming machine revenue of an astonishing $109.4 million, although this was about $4 million less than the previous year. By any measure this is an enormous amount of money, particularly given these clubs' status as not-for-profit organisations, which is a requirement of their holding a poker machine licence.

In 2000, this Assembly realised the incongruity of this and imposed a requirement that at least seven per cent of this NGMR must go towards one of four categories of social development: charitable and social welfare, sport and recreation, non-profit activities

and community infrastructure. It was hoped that this requirement would ensure that at least some of the funds lost through gambling would be channelled back into the community and put to good use. ACTCOSS and Lifeline expressed their hope that some of this money might be used to fund support programs for problem gamblers.

Last Tuesday, Mr Stanhope in his capacity as Treasurer tabled the ACT Gambling and Racing Commission's 2006-07 report *Community contributions made by gaming machine licensees*. I would like to draw the Assembly's attention to some of the report's findings as they indicate some very worrying trends in how these required contributions are being spent.

The amount approved as community contributions was $12.8 million. While this was slightly better than last year, there has been an ongoing trend since 2002 for community contributions, as a percentage of NGMR, to decrease. In 2002-03, for example, there was $15.8 million in community contributions—$3 million more than this year. Between 2003 and 2005, community contributions were above $13 million. So while revenue is generally going up, community contributions are generally going down.

These figures tell us that something is deeply wrong with the system as it stands as some clubs make use of deficiencies in the legislation. The 2006-07 report shows in particular that, far from using their seven per cent contribution to support worthwhile charities and social welfare groups, the majority of Canberra's clubs are channelling their funds into sporting and recreational groups, which will just bring profits straight back to them.

Funds directed towards charitable and welfare organisations are steadily decreasing, and on Tuesday the Treasurer noted this as "troubling". Of the $12.8 million in 2006-07, the ACT's clubs gave about $9.5 million to sport, which was an increase; $1.9 million to non-profit activities, which was also an increase, though that is a very broad category; $1.2 million to welfare, which was a significant decrease; and $220,000 to community infrastructure, which was a significant increase.

While a few of the social areas have gone up, the decrease in welfare funding is concerning. Examination of the club-by-club breakdown is also worrying. Just to pull out a few figures: one in four clubs gave more than 90 per cent of their required contributions to sporting and recreation, only 10 clubs contributed to community infrastructure at all and only four clubs contributed more than 10 per cent of their contribution to women's sport, despite a general incentive plan which counts every $3 given in this category as $4.

Of course, it is not all bad, and I take this opportunity to congratulate two clubs that gave the majority of their contributions to charitable and social welfare: the Akuna Club and the National Press Club. However, last year six clubs were in this category. I also want to commend the Southern Cross Club, which announced this year that it was going to give 20 per cent of its gaming revenue to community organisations. It is of particular note that the City Club, run by the Labor Party, failed to make the minimum level of community contributions. In fact, they failed to meet their obligations by just over $10,000. Not a good look.

I acknowledge that funding directed towards sport and recreation is good for the community in that it encourages healthy bodies and communities and minimises government expenditure in this field. But we cannot forget that this money comes from pokies, a sometimes destructive force in our community. So while a dollar is being spent on sport by a club as part of a community contribution, it is likely that there is a problem gambler out there putting in much more than a dollar impacting not only on their life but also on the lives of people close to them.

According to Lifeline, one in eight gamblers in the ACT is a problem gambler and problem gamblers account for 30 per cent of the revenue from pokies. So of the $12.8 million in 2006-07 that was provided to community contributions, about $3.84 million came from problem gambling. Meanwhile, the money that goes to Lifeline through Clubs ACT for problem gambling is as low as $200,000 or $300,000 a year. Compare that: $3.84 million profit comes from problem gambling and $200,000 to $300,000 goes back to help those gamblers.

I know that the Treasurer is trying to address funding for problem gambling in the Gaming Machine Amendment Bill No 2, which I do not plan to reflect on today because it will be debated next week. I am pleased that the minister has recognised that there is a problem in that not enough money is going towards problem gambling, and I note that he is using a carrot rather than a stick in his approach to the clubs.

While I appreciate the intention to encourage greater contributions to welfare bodies, I wonder if it will cause significant change, as without a mandated requirement for a percentage donation towards problem gambling services it may well be that clubs get greater benefit for directing their funds towards sport rather than problem gambling. The absence of a mandated community contribution towards problem gambling caused some fear amongst not-for-profit and social welfare groups when the generalised seven per cent community contribution requirement was first introduced. So concerned were they that several groups, including Lifeline, Care Inc, the Salvation Army and the Australian Family Association made submissions to the ACT Gaming and Racing Commission calling for more specific rules on how the seven per cent would be allocated.

The commission conducted its own review of the Gaming Machine Act 1987 in 2001-02. This involved the publication of two draft policy papers, which were submitted to clubs and community groups for comment. Among a host of other recommendations, the first draft paper recommended that "the act should require all licensees to direct a minimum percentage of their community contributions towards charitable and social welfare purposes". It recommended that this figure be set at five per cent of the total community contributions.

Predictably, clubs and various sporting groups objected to this requirement. So strong was the reaction that in its second draft the commission revised the figure to two per cent of the compulsory contributions. That figure was submitted to the government along with dozens of other recommendations in October 2002. Unfortunately, cabinet ignored this recommendation.

The Gaming Machine Act was again before this house in 2004 and rightly amended to remove ATMs from the vicinity of poker machines, but the Assembly did not take this

opportunity to implement any of the commission's recommendations regarding community contributions. This is not surprising since many of the clubs in question are also generous contributors to our two major political parties, and that is an issue that I will get to in a minute. But it is disappointing that such self-interest, both on the part of the clubs and on the part of Labor and the Liberals, has been allowed to triumph over the legitimate concerns of social welfare and community groups.

The previous Assembly's failure to implement more stringent rules, as recommended by the Gambling and Racing Commission, has directly created the current situation where spending on charitable and not-for-profit organisations makes up less than a quarter of all contributions, and the clubs and sporting organisations scratch each other's backs to great mutual financial advantage. While all this is going on, community organisations like Lifeline who do a sterling job of dealing job of dealing with the darker—

Mr Barr: What else would you expect the Ainslie football club to do?

DR FOSKEY: Read the report, Mr Barr. Those organisations that do a sterling job in dealing with the darker face of gambling are struggling to find funding for their increasingly demanded services. I met with Lifeline ACT's director, Marie Bennett, to discuss the challenges facing her organisation and was shocked at what she had to say. For example, she told me that the only increases in government funding for problem gambling programs since 1992 reflect CPI rises. In other words, successive governments have neglected these programs for over 15 years. Not surprisingly, Lifeline and organisations like it rely heavily on the support they receive from the community, particularly from clubs.

The clubcare program was set up by Clubs ACT, ACTTAB and Lifeline to provide them with a reasonably secure source of funding for their gambling programs. But Mrs Bennett indicated that the amount of money given is decreasing year by year and is now nearly half of what it was when the program was first set up. Because of these funding shortages Lifeline has had to shed staff and resources, including making redundant clubcare's program coordinator and closing its Pearce office. Such cuts significantly impact upon Lifeline's ability to help the people who come to them, which means that more ACT families are struggling alone to deal with the gambling problems of their loved ones. I should say that Lifeline does not turn anyone away, but they do not have the resources to give them the attention they deserve.

I am putting all of this on the record because I believe that something has to change in our management of gambling, the profits it produces and how the money is spent. I understand that the government is reluctant to address this issue, relying as it does on the significant revenue produced by gaming. I also believe that the opposition is just as unwilling to act given the value of the club donations which find their way into party coffers. On this note, I would just like to point out—

Mr Stefaniak: No. I will explain our position shortly.

DR FOSKEY: Listen, Mr Stefaniak. Although clubs are required to list all contributions made to political parties as part of their reporting to the ACT Gaming and Racing Commission, the figures in the 2005-06 report were not initially accurate.

My staff checked the figures given against figures obtained by the ACT Electoral Commission and found that there was significant under-reporting of donations. I wrote to the commission several months ago requesting that they remedy this, and updated information has recently been forthcoming.

Whilst I am glad that the ACT Gambling and Racing Commission took the trouble to fix this error when it was pointed out to them, it is unacceptable that this information should have been wrongly reported. Without accurate information about the dollar value of clubs' support for the two major political parties we cannot accurately assess the motives of these parties when they lend their support to the clubs.

That issue aside, I think we need to reopen the debate on poker machines and their effects and re-examine whether the current community contribution system directs money where it is needed in the community. I believe that it does not and that we should be looking at a scheme along the lines of that proposed by the Gaming and Racing Commission in 2002. By putting just two per cent of the required contributions into some kind of community fund or trust we could ensure that the organisations which really need this money can have access to it, rather than having to rely on the year-by-year whims of these clubs. Of course, five per cent would be better, but two per cent would be very good. I hope that by re-opening the debate on this issue we may find some lasting solutions o this important social problem. I look forward very much to hearing the contributions of other members on this topic.

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) (4.12): I am pleased to be joining this debate today because it gives me the opportunity again to signify to the Canberra community, indeed to every member of a club in the ACT, this government's strong support for the enormously important role which clubs play in the life of Canberra and the territory, indeed the region. I am pleased to have this opportunity to say that this government supports deeply and implicitly the club industry and the role that they play within our community.

It might have been refreshing for Dr Foskey in her remarks to acknowledge that, as I understand it, the biggest single contributor to the campaign of Kerrie Tucker, the Greens candidate for the senate in the ACT, is a club. What humbug and hypocrisy!

Dr Foskey: No, it is not. It is a union.

MR STANHOPE: Where did the union get their money, Dr Foskey? The union got their money from the tradies. They got their money from the Tradies Club. The biggest single contributor to the federal Greens candidate for the senate in the ACT is a Canberra club—the Tradies Club. Today Dr Foskey, leader of the Greens in the ACT, failed to mention that little titbit of information. The humbug and the hypocrisy of the Greens on these issues are quite remarkable!

Dr Foskey: On a point of order, I certainly would have mentioned it, if that had been the case. Of course, that was of great concern and it has been checked out.

MR SPEAKER: Order! That is not a point of order.

Dr Foskey: It is an inaccuracy.

MR SPEAKER: It is not a point of order.

DR FOSKEY: What, to be saying things that are false?

MR SPEAKER: It is not a point of order. It does not offend the standing orders. You cannot challenge something that is said in this discussion by way of a point of order.

MR STANHOPE: It is an uncomfortable truth that, on the basis of the position taken by Dr Foskey in this debate, that $20,000 provided by the CFMEU from the Tradies Club to the Greens should be directed immediately to Lifeline. I do not know that the Greens have any option, in the light of that particularly deeply hypocritical position put by the Greens, other than to direct that obviously seriously tainted money, which we hope will achieve some success for Ms Tucker, straight to Lifeline.

At the heart of the debate, really, is the nature of clubs and the purpose for which groups of people within the ACT community with a community of interest came together to form clubs. You need to have some understanding of the basis of the club industry, the nature of clubs, the purpose for which they were established and the commitment of those people that came together with a community of interest to form a club. They had the energy, the foresight and, in many cases, the personal commitment—at times at some personal risk in terms of resources and finances—to form clubs.

They do not just happen. You cannot just wave a wand and create a club. It requires individuals with a genuine commitment to their community to come together and decide, on the basis of that particular interest which they represent in a particular community—as one reflects on the nature of the club industry, that interest, more often than not, was an interest in sport—to form a club.

Just reflect on the nature of clubs throughout the territory. The Ainslie football club is a football club. Vikings is a football club. Wests is a football club. Is it surprising that a group of people who came together with a specific interest or a community of interest in sport created a club, at significant effort and energy and, in some instances, personal risk, and directed those funds into supporting their interest?

Running a football team is a reasonably expensive business. It is not surprising that the majority of the funds that are disbursed through community contributions by individual clubs go to support the particular interest for which the club was created. It is not surprising that the Tuggeranong Valley Vikings club provides millions of dollars to sport and sporting infrastructure, including the creation of grounds. It is not a bit surprising. It would be remarkable if it was otherwise. Is it surprising that the Ainslie football club spends its money in supporting Australian Rules? Is it surprising that that is what they do?

The bottom line is that our clubs are statutorily bound to provide seven per cent of turnover to the community. In fact, they provide 12 per cent, and have consistently provided 12 per cent. I think it is really stretching credence to suggest that it went up

over the last year by two per cent in terms of turnover. We need to start from the base that they are only obliged, by law, to contribute seven per cent of turnover. I think that is appropriate in the context of the overall taxation or charging regime that is in place in Canberra. The impost that government demands of clubs here is different from other places in Australia. We have a dual process of community contributions of seven per cent of turnover as well as a taxing regime.

It would be unfortunate if any debate or discussion around the contribution which clubs make to the community ignored the fact that they also pay gaming tax. In fact, the government picks up in excess of $30 million a year in taxation revenue from the club industry, which it then spends on the provision of services for the community. It is just not fair that the clubs are traduced in this way by suggestions that they are only providing this many dollars through their community contributions to the community sector, excluding sport—as if sport in some way is not worthy of its description and as an area of community life that is worthy of support.

You need to take account of the $31 million, I think it is, that the clubs provide to the government which the government disburses for the provision of health services, schools, community safety, services to a range of organisations and, indeed, funding to organisations such as Lifeline. It is appropriated out of the coffers—the central bank—but the money comes from the clubs. So it is just not fair, in the context of a regime that requires clubs to provide seven per cent of their take to the community as a community contribution, to say that they are not pulling their weight. In fact, because of their commitment to that particular activity within the community, as an incident of their creation they support the community.

It is unfair to all of those voluntary boards that run our clubs, and this is the other aspect of clubs and the club industry. People who run the clubs are not paid. The board is in charge. Those amongst our community that make the decisions do it because of their commitment to the community. It is almost exclusively a voluntary, non-paid commitment. They employ people, of course, to staff the clubs. Indeed, they employ over 2,000 to staff the clubs. This, of itself, is an enormous contribution to our community. But the clubs within the ACT which employ more than 2,000 people—they are a major employer—are run voluntarily. They come together as a result of a community interest.

Some people cannot resist an argy-bargy—Dr Foskey has not been able to resist it—about the fact that the Labor Party has an interest in clubs as a result of the commitment and dedication of members of the Labor Party over many years to serve the community through the creation of clubs. They provide a wonderful service. I could, with some self-interest, stand here now and reel off the list of organisations which the Labor clubs in the ACT support. The Labor Club has supported this community to the tune of millions of dollars which, but for the energy, dedication and interest of members of the Labor Party, would not have been provided in this community. Every member of every club can make the same claim.

I do not believe that clubs in the ACT have anything to explain or apologise for or defend or feel defensive about in relation to their commitment to our community. We can argue until we are blue in the face about gambling and the morality of gambling and the difficulties of problem gambling, and we do need compassionately and

seriously and genuinely to address the issues of problem gambling. But I think it is a bit rough and I think we are overdoing the focus on clubs. The established clubs, those that run the clubs and those that seek to serve their community out of the generosity of their hearts and their spirit are constantly under attack for somehow being part of some industry that is just not quite right and that there is something just a little bit turgid or seedy about the contribution which clubs make as a result of their association with poker machines or gambling.

I do not accept it. I do not believe that the clubs should be forced continuously to defend themselves. It is only two to three months ago that we went through a tortuous, turgid debate, which at one point included reference to my morality because I am a member of the Labor Party, and therefore associated with the Labor Club, which apparently actually renders me incapable of governing or leading the territory in any way.

Just look at the contributions of the Southern Cross Club. It is a club created, once again, by a people with a community of interest; namely, the Knights of the Southern Cross. They are leading members of the Catholic Church within the ACT. They came together and now control one of the four largest club groups within the territory. The Knights of the Southern Cross donate $1.3 million or thereabouts a year, year after year after year. They are two wonderful organisations doing wonderful work, and all of that money—every single dollar of it—is the proceeds of poker machines, as are the funds of the CFMEU. It is part of the broader labour movement which supports political candidates of all persuasions—well, perhaps not of a conservative persuasion. It supports all reasonable political parties.

It seems to me that this continuing focus on a group is unfortunate. Coincidentally, I met with them yesterday, without knowing that this particular debate would be happening today, to hear of their continuing and perhaps simmering resentment—that would not be overstating it—at the unfair, uninformed attacks which clubs suffer in the ACT in the context of what they believe. I think their frustration is a result of their genuine honest, heartfelt and reasonable belief that they are doing really good things in the community. Go and speak to the board of any club in the ACT. They are proud of what they do. They are enormously proud of the contributions that they make.

Some of their contributions are massive. To take the Vikings club down in the valley, their level of capital investment in sport is in the millions of dollars, and every other organisation has a similar story to tell in relation to their contributions to the community. Their frustration is that they do not understand why they have got to keep explaining themselves when all of their experience, with just under 200,000 Canberrans being members of clubs, is that there is constant sniping at their legitimacy and their operations. They pay all the taxes that the government asks of them, to the tune of more than $30 million a year, which the government then gratefully expends in the delivery of government services. As well, since the instigation of the community contributions scheme, they have contributed almost double what is required of them.

They are asked to contribute seven per cent to the community but for the last few years they have never dropped below 12, and they are proud of that. We ask them for seven per cent and they give 12 because of their commitment to the community. They

believe in what they are doing. They want to serve this community. But they want to do it in a way that represents the purposes of the club.

On what basis do you say to a group of people who come together out of the goodness of their hearts to actually create a sporting club to support rugby league or AFL or rugby union, "We know that is why you came together and we are really grateful you did, but we would like actually to siphon off your energy and your commitment into some area of community life—over and above the fact you have paid taxes—in which you have not ever expressed a particular interest"? It is bizarre.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (4.27): It is very timely that we are having this debate, because both Mr Stanhope and I are going to a Clubs ACT AGM down in Narooma on Friday and Saturday. Ms Tucker—

Mr Stanhope: It is called deja vu.

MR STEFANIAK: Indeed. Dr Foskey, let me make a few points quite clear here. Firstly, I am rather amazed that you think my party gets much from licensed clubs.

Dr Foskey: Not much, just some.

MR STEFANIAK: I would be fascinated to see what figures you have; certainly I do not have too many. It is very much the Labor Party that gets the lion's share, because of the clubs structure; it is set up—

Dr Foskey: It is on the electoral commission website.

MR STEFANIAK: We have commented on that on frequent occasions in the Assembly. I am going to remind you of something your predecessor, Ms Tucker, did; but let me come to that one later.

Let me say something in relation to community contributions. I do not think—correct me if I am wrong here—that you have ever served on a club board. I disclose that I have served on several. There was the ACT Rugby Union Club in the 1980s and Royals from 1989 to 1988. I was public officer of the white eagle club in 2002. At that stage I do not think they would have known a football if they had tripped over it; and all of our donations, small as they were, went to charities and cultural events.

Clubs are set up in accordance with their articles of association. As the Chief Minister has quite correctly indicated, the vast majority of clubs in the ACT have been set up as sporting clubs to promote various sports—such as the bocce club; the Ainslie football club, which is Aussie rules; the Tuggeranong rugby club, which is rugby union; the Belconnen Magpies sporting club, which is Australian rules; and the west Belconnen rugby league club. And there is the Belconnen Soccer Club—of which I am a patron; I will disclose that too. I am a patron of quite a few, actually.

They provide a wonderful service to the community. Having served on these boards, I know that those clubs' primary role is to support what they are there for. That is usually the sport—the sporting groups involved. They have a habit of giving money to charities—giving money to people within the club who might be suffering hard times.

That is something that we did at Royals, even though our income was dropping substantially from about 1984, when the club made some bad decisions in terms of extending the auditorium and things and the market was not quite there. We certainly supported charities and people in the club who had hard-luck stories and needed some assistance. But fundamentally, that club was there—in its articles of association—as a sporting club. That is why the vast majority of these clubs give a significant amount of their contribution to sport. Ms Tucker, I have been around; I had a lot to do with this when it first came in.

Mr Barr: It is Dr Foskey.

MR STEFANIAK: Along with Mr Quinlan, Mr Osborne and I think Mr Rugendyke. We came up with some pretty sensible ideas. What was the original proposal, Ms Tucker—I am sorry: I have got that on the brain, haven't I? Dr Foskey. I have heard the figure of, I think, five per cent for charitable and community organisations and 2½ per cent for sport. That caused an absolute furore. Had that gone through even then—and the government contributions to sport were a lot more then than they have been since Mr Barr cut $40,000 out of the grants program—that would have absolutely decimated, or worse than decimated, junior sport, especially. That is because a lot of what the clubs give to sport goes to thousands of junior teams and Canberrans—thousands of boys and girls out there playing sport. We in Canberra are blessed by the club industry's support of sport and by the fact that so many sporting organisations had the foresight to form and establish licensed clubs, fundamentally to promote their sport.

There are usually other sports that are affiliated with them. You talk about the Vikings; the Vikings are a group in question. Some 55 sporting organisations in the Tuggeranong Valley are supported by the Vikings rugby union club. Through the sports they also support some other activities as well, when they can. But their fundamental role is to support the sports that set them up.

They have made a magnificent contribution to our community. It is probably their contribution as much as anything else that has seen Canberra regularly have the highest participation rates. We regularly see success beyond our size in various sporting activities. Thousands of kids who otherwise would be doing nothing—and getting into trouble and probably having all sorts of social problems—engage in healthy physical outdoor activity or sometimes indoor activity.

Don't underestimate the value of sport in assisting with social problems and people with social needs. It is one of the great therapies. It is one of the greatest things, especially with young people, to get people back on the track to a purposeful life—get them away from drugs and away from useless, aimless activities. If you cut back on sport—especially if you cut back on junior sport—and cut back on the ability of clubs to fund those activities, you will have so many more social problems that an extra $200 million in the ACT budget would not remotely resolve the situation.

Sport and recreation keep your kids, especially, active. They are good, positive activities where there are good role models, where they are trained. They have experience of teamwork, discipline, self-sacrifice and striving. They have a real goal. It is wonderful training for many people in our community, especially kids; and clubs do a very good job.

I was very happy—I am quite happy to claim a fair bit of credit for this—in relation to the seven per cent that clubs are now paying. In fact, they pay a lot more. It is up to the club to decide; I think clubs do a pretty good job in deciding. Most of it goes to sports, because most of these clubs are sporting clubs.

You mentioned the Labor Club. Apparently they have $84,000 which goes to the charitable and social welfare area—$304,000 for sport. That is a club that is not necessarily set up as a sporting club. There are some other clubs who give most of it to charity, because they are not sporting clubs but are clubs set up for a different purpose.

At the end of the day, it is far better for the clubs to deliver on this requirement. It was not there before. It is a formal legal requirement that they have to do at least seven per cent in the way they see best and the way in which their members would want that money spent. That is reflected through their boards. It is pretty basic. Most of it goes to sports because most of these clubs have been set up as sporting clubs and that is what their members want. Most people in Canberra—I would say over 50 per cent—are members of clubs. That is what the majority of the community want to see happening in terms of its licensed clubs.

I am a bit surprised about the contributions—and I would be fascinated to see the figures next year. The Chief Minister said that the contributions were nearly 12 per cent—11.74, I see—in terms of what clubs actually contribute under the contributions scheme. That is well and above the seven per cent. That is despite the fact that clubs have huge problems with things like the restrictions requiring only $20 notes to be put in poker machines. That caused a lot of angst and a drop in funds coming into clubs. The smoking laws came in; that cost clubs a lot. It will be interesting to see the effect next year: the double whammy of the smoking laws and the increased taxes from 1 July 2007 will have a very real effect.

I talk to clubs a lot and so does my colleague Mr Smyth—indeed, the opposition does. Clubs are doing it tough. Clubs are hurting because of the policies of this government. Some clubs are pretty close to going to the wall. I would hate to see a number of these smaller and medium-sized clubs going to the wall. That would probably have an effect, especially in terms of the breadth of donations. And that, as much as anything, is because we have had some misguided government policies.

What the clubs probably want now more than anything else is certainty—no more changes. Let them get on with the job. They do a good job. The fact that close on 12 per cent of their net gain in revenue goes back in contributions is quite significant. The figure of seven or 7½ per cent which has been bandied about—it finished up at seven—was worked out after a lot of discussion and a lot of mapping out as a reasonable figure that clubs could afford to pay. Clubs have a hell of a lot of other overheads which are taken up. It is very pleasing to see such a significant contribution in tough times for clubs.

We can expect to see a number of clubs go to the wall. That is a real fear. That will take a great chunk out of the Canberra community. Clubs provide cheap entertainment and cheap eating venues. Sure, it is as a result of poker machines, and maybe it is a

shame that that is the case. In defence of one of my old clubs, the Polish club, I am delighted to say that they do not have poker machines. They are branching out and doing something different. It is up to them to make it work; I think they can make it work quite easily because of the nature of that club. The rugby club at Barton is a club that is moving away from a reliance on poker machines. They form a much smaller part of its income. But for the foreseeable future gaming machines are going to play a very big part. The reason we have this community contribution is to reflect that fact and to make sure that clubs do what is required by the community. The figures show that they clearly do.

The fact that most of the contribution goes to sport is due to the history of clubs. It is quite reasonable. It is one of the major contributions to a healthy society in Canberra. Long may that be so. It is something that I will defend as long as I am in this place. Have a look at *Hansard* from 2004.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (4.37): I find myself in agreement with a lot of what Mr Stefaniak has just said. That in itself is an uncomfortable position to be in, but when he is talking sense I am prepared to agree with him. However, I want to respond very quickly to a couple of the issues that Mr Stefaniak raised in his commentary on this matter.

I draw Mr Stefaniak's attention to the Liberal Party's election return. There is an item there from the Tuggeranong Valley rugby club, so let it not be said that the Liberal Party does not receive funding. I believe it is about $2,500. But it is one of the more significant donors. It was not in-kind support through rent; it was one of the major contributors.

I hope to correct the record on something that Dr Foskey said. She made reference to the city club. I presume that she meant the city Labor Club, but, for the record, let me clarify that the Labor Club does not own the city club. That is in fact a soccer club. But of course the Labor club does operate the city Labor club as part of its group of clubs. That is just to clarify that, Mr Speaker.

As we have heard—as the Chief Minister and the Leader of the Opposition have outlined—the licensed club industry does provide significant contributions to the community through sporting and social clubs, including ethnic and multicultural clubs. We have heard from previous speakers how the club sector adds immeasurably to the quality of life that we enjoy here in Canberra. We have seen how clubs are responsible for providing a range of important social infrastructure within the community. It is important that we keep a broad perspective on the influences and contributions that the club sector makes.

The Chief Minister was quite right to point out Dr Foskey's narrow and misguided view of the club industry in the ACT. Her view—a naive view, I believe—that the current community contribution scheme is failing is clearly not supported by the facts; the benefits that the club industry contributes to the ACT economy cannot be underestimated. As the Chief Minister indicated, there is employment of over 2,000 staff—not to mention the staff employed by other businesses on which the industry depends. That is significant in anybody's language. Importantly, the industry provides

many opportunities for young people—not only as a source of financial benefit, but also as a place for workplace training and gaining important employment and life skills.

Whilst we understand that it is mandatory for ACT clubs to contribute seven per cent of gaming machine revenues to support community organisations, it is important to recognise that their actual contributions are well in advance of that—closer to 12 per cent, as we have heard. The local sporting community is the major beneficiary of these contributions—again no surprise because the majority of clubs in the ACT have their origins in sporting organisations. The contributions made by clubs are a key driver of community participation in sport and recreation activity in the ACT. This is a welcome opportunity to put on the record again that the ACT leads the nation in participation in sport and recreation.

To respond to Mr Stefaniak's assertion that the government is not meeting its obligations, I draw his attention to the second appropriation bill and the fact that in 2008 we will see the largest ever grants round for sport and recreation in the ACT. Some $4 million will be available in 2008 for sport and recreation organisations. Whilst there was an adjustment in 2006-07, the additional $2 million available in 2008—available in grants to sport and recreation organisations—takes the figure for 2008 to $4 million, which is nearly twice what we inherited from the previous Liberal government.

But let me return to the point of the MPI. The territory's impressive level of participation in sport and recreation is strongly supported by—indeed, I believe is due to—the support of clubs in the ACT. Seventy-two per cent of the $12.8 million that was provided in 2006-07 went towards supporting sport and recreation activities. I understand that that equates to each club contributing about $158,000, on average, to the sport and recreation sector. And over $165,000 was specifically provided by clubs to support women's sport. That is an increase of 22 per cent on the previous year and represents an increase of about $30,000 on the 2005-06 figures. Although I acknowledge that it is not as high as it was in 2002-03 and 2003-04, it is certainly an advance on 2001-02, 2004-05 and 2005-06. These contributions demonstrate the importance of the community contribution scheme to the continued vitality of sport in the territory.

The majority of clubs are sporting clubs, as I have indicated. Through Clubs ACT, they provide support for ACTSPORT's Sportstar of the Year awards. In fact, they provided more than $200,000 worth of assistance for these awards over the last 10 years. It is worth acknowledging that not only through individual clubs but also through the peak body, Clubs ACT, they continue to support this important award ceremony.

Revenue for clubs has declined due to a variety of factors, not the least of which is the impact of the smoking ban, an important social and health policy that needed to be put in place. We recognise that it came at a cost to revenue for clubs, but it is pleasing to hear that their community contributions have not declined.

Mr Mulcahy: How much do they give you?

MR BARR: Nothing other than through the Labor Party.

Mr Mulcahy: Through the party.

MR BARR: They contributed to the party, but I do not think that any club—and I will stand to be corrected—donated individually to me. However, I am more than happy to receive donations from any who would like to offer that, as long as it is done according to all of the rules.

But let me return to more important subjects. I believe that there is agreement from both sides of the chamber on the important role that clubs play in promoting sport and recreation in the territory. Dr Foskey makes allegations that the current schemes are not working, that they are failing. I do not think that that is a fair statement to make. The club industry continues to provide its share of community contributions by returning to the community a significant share of its gaming machine revenue. As I said, despite facing some challenging times in relation to smoking bans, as the government acknowledges, the club industry continues to exceed its requirement to provide resources back to the community.

The government also acknowledges that it has to balance the revenue earned from gaming machines with a responsible approach to the negative aspects that some people may experience in managing their gambling activities. It is worth dwelling on this point for a moment. Whilst we are talking about only a small number of problem gamblers, this problem is very important to those that are affected, particularly to their family, friends and work colleagues.

In recognition of this fact, the ACT government continues to invest in programs and initiatives to address problem gambling, including the funding of counselling programs and the undertaking of research into gambling and problem gambling issues. The government's mandatory code of practice for all ACT gambling licensees incorporates a wide range of responsible gambling and harm minimisation initiatives. As the Chief Minister has outlined in many debates on this topic, the ACT is a national leader in the field of harm minimisation for gambling patrons, through its mandatory gambling code of practice.

These initiatives—including restrictions on gambling advertising and promotions; mandatory staff training; self-exclusion programs; the appointment of trained gambling contact officers for each licensee; and the availability of information for patrons, including signage on the odds of winning major jackpots and access to counselling services—have been critical in providing help to those who need assistance.

It is important to know that the club industry takes its responsibility very seriously. Through the provision of social facilities and community contributions, its contribution to the community is a valuable and critical part of our community infrastructure. Without the revenue from gaming machines it would not be possible for all of these community facilities to be made available.

In the remaining 10 seconds, I conclude by saying that the club industry provides a valuable role and a critical role in our society by providing essential community facilities that would otherwise not exist.

MR MULCAHY (Molonglo) (4.47): I was moved to come down to the chamber and ask Mr Stefaniak if I could make a few comments on this because, once again, we see the pious, high moral ground adopted by the Greens on this issue—and those in the Labor Party, who seem to have had a fundamental falling out this afternoon over the issue of donations. I will come to that in a minute.

Let me look at the history of the Greens in this place when it comes to the matter of the community contributions about which they speak with such enthusiasm. I do not know whether it was related to Ms Tucker's employment history in Wrest Point casino, but I notice that, going back to June 2004, when responding to a proposed amendment by Mr Stefaniak to increase contributions to ensure that amounts given to political parties required matching outlays above and beyond the seven per cent contribution, Ms Tucker took the view that she should vote against it. Guess who voted against it: Ms Tucker—the one whose successor is here today pointing to and lecturing political parties here about how to conduct themselves. Let me read Mr Stefaniak's proposed amendment just so that the record shows it. It says:

> (1) For a licensee that is a club, the ***required community contribution*** for a financial year is the total of—
>
> (a) the required percentage of the club's net revenue for the year; and
>
> (b) an amount equal to the total of the contributions made by the licensee during the financial year to registered parties, associated entities, members of the Legislative Assembly and candidates.

How did the voting go against that? Those who voted against it were Mr Berry, Mr Corbell, Ms Gallagher, Mr Hargreaves, Ms MacDonald, Mr Quinlan, Mr Wood and—wait for it—Ms Tucker. Here we have the Greens wasting the time of the Assembly today. We are hearing about the poor performance of others in this area, and yet, when it comes to their historical performance on these issues, they are lacking.

I was fascinated to hear Mr Stanhope speak. I turned up the volume of the sound in my office because I was just flabbergasted to hear his very frank, but I must say very honest, analysis of the Greens candidate for the Senate, whose principal funding source is poker machine revenue in this town, coming through the CFMEU. Of course, the way in which the Labor Party benefits is a matter of public record. What was it in 2004-05? We heard Mr Barr wax lyrical about how much they are giving to the community. What did they give to the Labor Party? It was $336,397.28. That was the 2004-05 contribution.

Mr Barr: I know you hate to hear it, Richard, but the Labor Party is part of the community as well.

MR MULCAHY: These are the sorts of contributions that you can rake out of the poker machines. Don't get too worried about those problem gamblers, Mr Barr. Don't get too worried about them. It is funding the lavish election campaign that the Labor Party has and the desperately expensive campaign that they will need next year.

Mrs Dunne: Getting elected on the back of unqualified young men who have got a gambling problem. That's how you get elected.

MR MULCAHY: We have it here. You have got the New South Wales metal workers throwing money in. And if you look through here, the Canberra—

Mr Barr: What, and you receive your campaign funds in brown paper bags from unnamed sources, Mrs Dunne? Is that it?

MR DEPUTY SPEAKER: Order!

Mrs Dunne: No, all mine are accounted for and none of it came in a brown paper bag.

MR MULCAHY: Mr Barr makes fallacious allegations against my colleague Mrs Dunne—fallacious allegations. I think he should withdraw that allegation. He really should withdraw that allegation suggesting that she is the recipient of a brown paper bag of cash.

Mr Barr: Mr Deputy Speaker, I will withdraw that allegation.

MR DEPUTY SPEAKER: Thank you.

MR MULCAHY: And we have the Labor Club here. Let us look at the returns. Canberra Labor Club, $38,340; another one from the Canberra Labor Club, $347,000; CFMEU, 5,400. These are records showing how independent Labor is of the poker machines.

Mr Barr: All declared, Richard. Tell us about the 250 club.

MR MULCAHY: Here we are: 2005-06, $391,000—

Mr Barr: Tell us about the 250 club.

MR MULCAHY: I have not had a penny from the 250 club. In the year 2005-06, $391,420.85. So neither the Labor Party nor the Green movement come into this place with clean hands when it comes to poker machine allocations. We hear the Greens get up in here and lecture all of us about contributions to the community when Dr Foskey's predecessor, who is now presenting herself as a Senate candidate, gets up there and says, "No, no, no. Political parties are like community groups. We can't put a cap on people giving money to them." That is because, as we have seen, she ultimately became the recipient of something in the order of $20,000 from the CFMEU—as Jon Stanhope said, taken out of machines at the Tradies Club.

I have called Senator Humphries and I have urged him to make this known to the people of Canberra. When people vote on Saturday week, they need to understand how fair dinkum these Greens are when it comes to poker machines. They preach and lecture all of us, but their actions do not accord with the so-called high moral ground they adopt.

It is important that we look back on what Mr Stefaniak tried to do. He made a genuine effort to say that we ought to put more into the community if clubs are going to be allocating these substantial amounts to political parties. In fairness to the club movement, most of them are not into this caper; most of them use the money for their genuine membership needs. The ones I am a member of certainly are not in this business of bankrolling political parties on this scale.

The facts are starting to unravel here today—to the point where we now know that the Greens and the Labor Party have had a fundamental fracture in the love affair this week. It all comes down to the grubby issue of gambling money. Isn't that ironic? It is the grubby issue of gambling money, and their hands are not clean on these issues.

It is wonderful that we can look back and see that the Liberal Party showed that its commitment was to the people of Canberra, recognising that, whilst most people enjoy gambling, there is a percentage of people who suffer great distress and whose families suffer distress. Mr Stefaniak took the initiative of saying that, if they are going to be giving it to political parties, more money ought to be parked into the community groups, who work with great difficulty—particularly groups like Lifeline, in counselling people. One of my family members has been a counsellor; they did it for 10 years—dealing with many of the people who are adversely impacted by gambling.

I will conclude on those remarks. It has been a very revealing afternoon.

MR DEPUTY SPEAKER: Order! The discussion has concluded.

Personal explanation

DR FOSKEY (Molonglo): Mr Deputy Speaker, I seek leave to make a personal statement regarding misrepresentation.

Mrs Dunne: Under what standing order?

DR FOSKEY: Standing order 46, I believe.

MR DEPUTY SPEAKER: Carry on, Dr Foskey.

DR FOSKEY: Just for the record, Mr Deputy Speaker, the donation to the ACT Greens for the federal election came from the building workers organisation, not the CFMEU—

Mrs Dunne: Mr Deputy Speaker, on a point of order: this is not a personal explanation; this is not about Dr Foskey. This is about the Greens and their federal campaign, and it cannot be covered by standing order 46.

MR DEPUTY SPEAKER: Dr Foskey, under standing order 46 you are permitted to make a personal explanation. If you cannot do that, you will not be able to carry on.

Murray-Darling Basin Agreement Bill 2007

Debate resumed.

MRS DUNNE (Ginninderra) (4.56): I want to speak in the debate on this bill today because it marks the culmination of something that I have been wanting to see for a very long time. Back in 1994, in preparation for the 1995 ACT election campaign, I was part of a group which drafted the environment policy, along with Mr Stefaniak. One of the things that I was very keen to see that the party adopted was that the ACT should move towards full membership of the Murray-Darling Basin Commission.

In the three or so years that I worked for Gary Humphries when he was the minister for the environment, that was one of the things that were high on our agenda. Mr Stefaniak adverted to the outcome of those negotiations in 1997, when eventually a memorandum of understanding was tabled and agreed to by the Murray-Darling Basin Commission that at least gave the ACT a seat at the table, but not with full voting rights. That was the beginning of the process which culminated, in May last year, with the Chief Minister eventually getting full agreement from the Murray-Darling Basin Commission for the ACT to join them.

I was very pleased then, as the shadow minister for water and the environment, to fulsomely congratulate the Chief Minister on this achievement. I think this is a great achievement. The reasons why the ACT should be a member of the Murray-Darling Basin Commission initiative are obvious: we are the largest metropolitan area inside the basin, and we are the only jurisdiction which wholly occupies a place inside the basin. We have a very important role to play, both politically and in a leadership role, because of our geographic position at the headwaters of the Murray-Darling Basin.

This is a very important initiative. It is a very important piece of legislation that puts the ACT where it should be in this very vital consultative process. There are real problems and real difficulties in the Murray-Darling Basin Commission. I can imagine that, back in 1997, when we were negotiating the partial entry that we achieved then—and I am sure the Chief Minister had similar concerns and similar dealings—there was a great deal of suspicion from the states because of the nature of the commission and the fact that every commission member effectively has a veto over the decisions made there. I am sure there was a great lack of trust of the ACT. All the large states felt they might be held to ransom by the ACT. I think that lack of trust, which was manifested back in 1997, was misplaced, and it would have been misplaced in 2006 when the final decision was made.

Dr Foskey, in the way that the Greens do, was bemoaning the fact that she was not privy to what was going on in the negotiations. That is the role and place of the Greens—always to be on the edge, rubbing away at the window to remove the fog and having a little glimpse inside. But they will never be inside at the table, making these decisions. They can look wistfully at how the negotiations may have gone on, but I am not going to tell her, because it is not the place of the Greens to know. They will never be a significant player in government or in opposition; they will only be spoilers. While they can't make decisions about these things, they do not really have very much of a place in this debate. Dr Foskey can be wistful about how the negotiations went. If the Chief Minister wants to tell her how his negotiations went, that is well

and fine, but I will not be telling her how the Liberal Party's negotiations went when we were in government.

I congratulate the Chief Minister on achieving something that the Liberal Party and I have considered to be an absolutely vital element of our participation in Australian society, on one of the most crucial issues confronting Australia. In the Australian environment debate, this is an important milestone. I congratulate the Chief Minister on his work in this regard, and I am glad to see this matter coming to fruition at last.

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) (5.01):Before I close the debate, Mr Deputy Speaker, is it appropriate for me to take the opportunity to clarify a statement that I made in a previous debate, this being the first available opportunity?

MR DEPUTY SPEAKER: If it is in relation to the debate, that is okay, Chief Minister.

MR STANHOPE: It has been drawn to my attention by Dr Foskey's office that I misled the Assembly—and I will take in good faith that particular claim—in making a claim about funds provided to Ms Kerrie Tucker for her campaign. I stated in an earlier debate that it was my understanding and belief that funds provided to Ms Kerrie Tucker for her campaign were provided to her from the Tradies Club, by the CFMEU. Dr Foskey's office has assured me that the moneys, whilst sourced from the CFMEU, were not provided from poker machine revenue; they were from some other source of funding which the CFMEU has. Whilst the funds were provided by the owners of the Tradies Club, they were not provided to Ms Tucker, it appears. I have no reason to disbelieve Dr Foskey or her office that Kerrie Tucker and we can all sleep soundly, knowing that the Greens have not received a single filthy lucre from poker machines, and that that is the position. Whilst the money was received from the owners of the Tradies Club, the owners of the Tradies Club had apparently taken exceptional care to ensure that it did not come from that tainted bucket. So I apologise for having misled the Assembly about the source of those funds.

Mrs Dunne: On a point of order, Mr Speaker: while the Chief Minister should come into this place and correct the record at the first opportunity, he probably should have done so between items of business rather than before he closed the debate.

MR DEPUTY SPEAKER: I do not think that is quite a point of order. Chief Minister, you are now going to close the debate.

MR STANHOPE: I thank members for their contribution to this debate. It is an important piece of legislation. It is a piece of machinery legislation which is required to formalise the accession by the Australian Capital Territory to the Murray-Darling Basin agreement. Previous speakers have provided a fairly full explanation of the nature of the relationship. Mrs Dunne quite rightly pointed out that it came about through the intercession of the then Chief Minister, Ms Carnell, and the then minister for the environment, Gary Humphries. Mrs Dunne, as an adviser in that office at the time, alluded to her participation in the initial acceptance of the ACT as a non-formal, non-voting member of the Murray-Darling Basin. I acknowledge that history.

It has taken some time, and I acknowledge, as Mrs Dunne has, some of the attitudes that the ACT has had to deal with in relation to the Murray-Darling Basin Commission and an acceptance of the legitimate right of the ACT in this regard—to have the largest inland urban city in Australia, and certainly by far the largest urban settlement within the Murray-Darling Basin, accorded the legitimate respect of being accorded membership of this most fundamental organisation.

The significance and importance do not just relate to the new initiatives that have been pursued over the last year or two in relation to the Living Murray initiative. I refer to the new approach to water, the new legislative regime which is being facilitated by the federal government, and the transferral of power by the majority of states who are members of the council, along with the ACT, to the commonwealth, in order to give it an overarching responsibility for issues within the Murray-Darling Basin. That is important, and that is why it is important for the ACT to become a full member of the Murray-Darling Basin. Most specifically, it is very much about the future management of the Murray-Darling Basin.

The use of water entitlements within the Murray-Darling Basin will involve the trading of water. Mr Deputy Speaker, as you are aware, one of the initiatives which the government has announced it will pursue in relation to securing our future water supply is what is known as the Tantangara option. This involves the potential purchase of water from within existing entitlements, for arrangements with the Snowy Mountains authority, the commonwealth and New South Wales for that water to be stored in Tantangara Dam, and for the water ultimately to be released when required, pumped either directly into the system at Mount Stromlo or perhaps through a new pipeline to be constructed from Point Hut to Googong Dam.

For those reasons, because of the increasing complexity of arrangements, the new approach to water within the basin which we can expect will come to fruition from now on, and, most importantly, in the context of those proposed arrangements and our capacity to pursue the Tantangara option and the purchase of water entitlements, it would be required of us that we settle on a cap that we agree to, as do other jurisdictions. Queensland has not yet settled on a cap, but New South Wales, Victoria and South Australia have done so. Our capacity to engage in the new arrangements for water and the management of the Murray-Darling Basin will quite obviously and legitimately require of us that we, as a jurisdiction, within the framework of the Murray-Darling Basin, agree to a cap.

We are negotiating that. We are at a point now where we believe we have an agreed position. It has not yet been agreed. A vital step in the finalisation of a cap for the Australian Capital Territory is that we be a full member. I believe we could actually accept a cap without being a full member, but I do not believe it would be appropriate for us as a jurisdiction to do so. In submitting to a cap, essentially we would be contracting to limit ourselves to a certain amount of water, and if we exceeded that amount of water we would pay a significant amount for the excess. Because of the importance of that issue, we should at least have a voting right. We should be at the table as equals. We should have the same rights and entitlements as every other member of the Murray-Darling Basin Commission.

I think it is quite simple and fundamental. It relates essentially to our place within the Murray-Darling Basin Commission and the significance, for the future prosperity and growth of our city, of having a secure water supply. That demands that we have the same right as other jurisdictions within the basin that are similarly affected. To suggest that we should come to the table essentially as a mendicant, without a voting right, and say, "This is what we want, this is what we hope to achieve and this is what we need to do to secure our water future, but we accept that we do not have a vote or a voting right in the development of that framework," is simply not appropriate.

This is an important bill. It is just a machinery bill, essentially, but it is vital in the context of our capacity to fully participate in negotiations and discussions and within the new legislative framework that has been constructed for the control of water in this part of the nation. I thank members for their support for what is an important next step in securing our full rights to participate as members of the Murray-Darling Basin Commission.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Occupational Health and Safety (Regulatory Services) Legislation Amendment Bill 2007

Debate resumed from 27 September 2007, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR MULCAHY (Molonglo) (5.10): The opposition will be supporting this bill. The bill consolidates various powers and functions relating to operational and regulatory matters involving occupational health and safety. It transfers the regulatory powers over occupational health and safety matters to the Office of Regulatory Services.

Under current occupational health and safety laws, powers and responsibilities for safety are vested in the various different chief executives of government departments and various statutory office holders. This has been, in part, a natural response to the divisions of expertise within the public service and, in part, the product of historical accident.

In briefings on this bill, officials in the Policy and Regulatory Division of the Department of Justice and Community Safety were kind enough to provide for my office a detailed history of the evolution of occupational health and safety regulation in the territory, and I appreciate that briefing. Despite the rather eclectic allocation of powers and responsibilities that has arisen over the history of the development of occupational health and safety laws, there has already been a coherent attempt to delegate these various powers to the Occupational Health and Safety Commissioner as a central repository of a large number of powers.

However, since delegation does not transfer ultimate responsibility, there has been residual responsibility to the various chief executives and statutory office holders. This can lead to several problems, including unnecessary duplication of work. However, more worryingly, it can also lead to an absence of clear responsibilities which, in the worst case, can lead to a failure to properly exercise responsibilities rather than to their unnecessary duplication. This is an unnecessarily complex governance structure and is, indeed, in need of reform.

I am satisfied from briefings with departmental officials that this bill will go some way towards simplifying and clarifying regulatory responsibilities for occupational health and safety matters. That purpose and objective is something that the opposition sees as sensible and one that it would support. This bill will transfer the various powers and responsibilities of many of the different people currently holding powers to the Chief Executive of the Office of Regulatory Services. Under the changes proposed in this bill, the Occupational Health and Safety Commissioner will no longer be responsible for operational and regulatory matters, but will instead be concerned with research into and the promotion of the occupational health and safety laws.

The commissioner will remain an independent body, separate from any government departments. In accordance with this policy, the bill amends the act to ensure that the commissioner is not subject to directions from the Office of Regulatory Services. But there are problems with these split powers. Although we are satisfied that this bill will go some way towards simplifying the operation of occupational health and safety regulation, there is one area of concern that the government must be mindful of in administering this system, and I hope the minister will heed this point.

Several industry groups have raised concerns about the fact that regulatory powers are administered by a different agency than deals with businesses to advise and liaise with them. Although this is consolidated by changes in the current bill, this has been an existing complaint about dealings with government agencies over occupational health and safety matters. The danger that arises when functions are split between agencies is that the agency that administers the regulations may not stick to the advice given by the agency that is involved with education and liaising with businesses, and employers in particular. This can leave businesses getting mixed messages or, at worst, being unfairly treated when a regulatory agency reneges on advice provided by an education agency.

Businesses in this territory need to know clearly where they stand on such an important issue as occupational health and safety. The consequence of getting that wrong is potentially quite catastrophic. The concerns that have been raised with me suggest that the government is still failing to properly coordinate its agencies in this area. I have said that it makes sense to concentrate the regulatory powers, but we still have a significant problem in terms of education and providing advice. It is therefore imperative that the Occupational Health and Safety Commissioner and the Office of Regulatory Services work consistently to ensure that the advice being given to businesses and the way the regulations are being applied coincide.

We cannot simply have, as I said the other day, the parking meter enforcer mentality where we say: “Bad luck, you’ve broken the law. End of discussion.” We need to

provide people with advice and ensure that the two arms of this process are working in concert. It is a carrot and stick approach. I am sure people understand they can be given good advice and, if they flout the law, be it on their own heads regarding the consequences that apply.

This bill also provides for half-yearly reports to be submitted to the Assembly by both the commissioner and the chief executive of the Office of Regulatory Services. The opposition welcomes the statutory reinforcement of the obligation of the government to account to the Assembly for its actions. Such reporting requirements are an important part of the scrutiny of government performance. It is certainly my hope, and the hope of my colleagues, that these reports will contain sufficient information to allow proper scrutiny of the regulatory actions of government in this important area. We have certainly not always enjoyed an attitude of accountability from the present government. In fact, this Assembly was recently prevented from giving full scrutiny to the budget when the government took the unprecedented step of shutting down debate on this issue. Nonetheless, it is heartening to see that this Assembly will be afforded a guarantee of at least some accountability through the mandatory reporting provisions of this bill.

In terms of immunity from suit, despite our support of this bill, one curious aspect of the bill is that the government has again chosen to repeat legislative drafting changes that have been subject to criticism in the previous Occupational Health and Safety Bill, without having any regard for whether there is a legal effect to this change.

As with the previous Occupational Health and Safety Bill, the current bill amends the provisions for immunity from suit so that staff administering the regulations are immune regarding "honest" acts or omissions in connection with their functions. This replaces the previous immunity which applied in relation to acts or omissions done "in good faith". I again draw this matter to the attention of the Assembly because, as I have previously warned, there is judicial authority to the effect that "good faith" and "honesty" are distinct legal concepts which do not mean the same thing. I would hope that those who are involved in providing advice to the government will listen to the point that we are making, by way of a note of a caution. If this is indeed the case, as the case law on the issue has demonstrated to us, this would mean there is a substantive legal effect to this change of terminology. It is not merely a new drafting practice, as has been suggested.

As with the previous Occupational Health and Safety Bill, the officials, in briefings on this new bill, have again advised that this is merely a whole-of-government drafting change undertaken by the Office of Parliamentary Counsel. However, when pressed on the issue, they conceded they had received no advice on whether or not this amendment would have any substantive legal effect. Moreover, despite having raised this in the Assembly previously, they were not aware of the issue. I would urge the minister to ask these questions so that he might be satisfied about the case law on this matter, which I suggest should not be dismissed.

In follow-up inquiries undertaken by my office, which included supplying judicial authority on this question to the government, I have yet to receive any response on what the government believes the substantive legal effect of this change will be. This is now the second time in a matter of months that I have spoken in the Assembly to ask the government to ensure that it knows the effect of its own legislation.

It is perhaps excusable that this oversight would occur once, but when an opposition member repeatedly draws legal issues to the attention of the government, and supplies the Attorney-General's Department with legal research on the issue, and still nothing happens, and the government has no answer on a basic legal question pertaining to the drafting of its bill, there is some legitimate reason for criticism. We are not trying to be difficult, but we do have at our disposal some very able people in this field, as does the government. But with respect to the point in the case law that we are advancing, the reason I am putting this on the record is that, as we know, parliamentary debates sometimes get taken into account in judicial decisions. I think it is very important that the government does not ignore the issue that we are continuing to raise.

I hope that next time this issue arises the government is in a position to properly analyse its own legal drafting policies and supply a satisfactory answer to questions about their legal effect. That being said, the opposition will be pleased to support this amendment bill.

DR FOSKEY (Molonglo) (5.20): This bill is designed to transfer the responsibility for discharging the functions of the Occupational Health and Safety Commissioner to the Chief Executive of the Department of Justice and Community Safety. Although I understand the reasoning and agree that changes to OH&S legislation are required, I do not believe that limiting the role of the commissioner is the best way to do that.

As Mr Corbell noted in his presentation speech, the Office of Regulatory Services will encompass regulatory activities from multiple agencies including ACT WorkCover. Although this will undoubtedly remove unnecessary duplication—the term used in the explanatory statement—how many of the services will suffer due to lack of specialisation? Will extra funding be provided to allow for sufficient resources? The appropriation bill mentions extra funding for the office of the commissioner, and that is wonderful, but what about regulatory services? In the JACS annual report's ACT WorkCover section it mentions that the unit is operating with lower staffing levels than when the business plan was developed in 2005. How can this be beneficial for ensuring workplace safety?

Having WorkCover and the regulatory powers fall under JACS may save some administrative costs. However, it is a cost-cutting exercise which could become costly. Saving is only beneficial if enough of the money saved is then spent on adequately resourcing and training the office to undertake the duties required of it. OH&S is a huge safety and wellbeing issue. Money should be spent effectively in this area.

These changes to OH&S regulation may see the regulation of OH&S in the workplace become a complaints-driven process. The onus will be almost entirely on those employed in the workplace, which means that people will need to be aware of OH&S requirements and will need to feel secure enough in their jobs to make the necessary fuss. Paradoxically, the current high employment climate has gone hand in hand with an increase in self-reported job insecurity.

Given the Rudd government-in-waiting's reticence to commit to abolishing all of the Howard government's retrograde measures stripping employees of rights in the workplace, this confidence seems to be misguided or misplaced. There are many

people who simply would not dare to risk their job security or the ire of their employer by reporting an OH&S problem, especially when the problem does not appear to constitute a major safety risk, and of course most people are not qualified to accurately assess the potential danger of any given OH&S risk.

Every workplace is required to have occupational health and safety representation for its employees. These representatives are required to undergo training to ensure they will recognise risks and report or action them as need be, but as these duties are in addition to their usual workload they may be forgotten. People are also required to have a bit of commonsense, to take care of themselves at work and to report a risk if they see one. But too often these things just become part of the wallpaper and are disregarded. Unless OH&S has an immediate impact on our lives or requires immediate attention, there is a good chance that we will ignore it, and usually if OH&S has impacted our lives it is because we have been injured or because someone we know has been injured—and by that stage it is too late.

There were 4,006 workers compensation claims made in 2005-06. These claims cost millions of dollars each year. I would suggest that a great many of these 4,006 claims could possibly have been prevented if there had been sufficient monitoring of the workplace. Even for the slightest injury, which may only take the employee off work for one or two days, there is lost productivity and low morale. The workplace suffers when OH&S is not responsibly governed, and not just in dollar amounts. Those who have experienced an injury and a workers compensation claim endure the pain and suffering, and those who remain at work are left to cope with additional tasks—training someone else to fill a position—as well as a general lowering of morale from experiencing an accident in an environment where they spend a lot of their time.

That is why we need independent inspectors coming in to ensure that workplaces are safe. There was recently a news story about an electrical subcontractor being fined $30,000 for the death of a worker at the Brindabella Business Park. The magistrate said the fine was to act as a deterrent. Fining the employer as punishment is just, but it does not bring the worker back. Having adequately resourced, effective and independent inspectors attending sites is a necessary feature of an effective OH&S system and one which may save many lives.

The unions note, and in fact have recommended, that all OH&S concerns should be covered under the one agency, and this makes sense. In September 2005 the ACT Occupational Health and Safety Council released its final report *Occupational Health and Safety Act 1989: scope and structure review*. Recommendation 38 of this report suggests that:

> Consideration be given to establishing a statutory authority … to administer the OHS Act as an independent regulator, which clearly delineates the functions of the OHS Commissioner from those in the Chief Minister's Department and ACT Government as employer.

The OH&S Council made a number of recommendations about what they considered would be an optimal form of OH&S governance arrangements. The council highlighted the need for:

> … the regulator to operate independently and at arm's length from the Minister. This is because Government is also being regulated and there is a need to be seen

> to be conducting activities independently. Secondly, there is a need for ministerial directions to be made in a structured way and rendered public.
>
> … In New Zealand the States Services Commission concluded that [r]egulation is the main function where legal separation from the Crown may be desirable."
>
> … Similarly, the 2004 Uhrig review of statutory authorities undertaken by the Commonwealth concluded that one reason for creating a statutory authority is where the role or function of the authority includes monitoring other government bodies.

This may even be an appropriate area for the strongest independence model, namely one that sees the OH&S regulator and reviewer reporting directly to parliament rather than to the government.

Mr Corbell's bill runs contrary to the OH&S Council's recommendation. One of the key requirements of OH&S is the need for regulators to be independent, particularly of employers. By placing the regulatory duties of the commissioner under the control of the Chief Executive of JACS, this independence is jeopardised as the CEO of JACS is not as independent from the minister as is the OH&S Commissioner. JACS, and the current as well as all future ACT governments, is an employer. As an employer a government may—and I am not saying they will or they have—feel less inclined to impartially and diligently manage OH&S requirements, knowing that they are the ones with the power to regulate and they are the ones who will pay the compensation or rectification costs. And, of course, one should never disregard the possibility that the matter will not be pursued with appropriate vigour because the decision maker is scared of creating and bearing bad news which will cause political pain for their employer, the government. In this case, the commissioner may never learn of an unsatisfactory situation which they would invariably be aware of if they were both regulator and reviewer.

There is always the possibility that a government may be influenced by the views of its corporate sponsors, one of which is the development lobby, who are responsible for a disproportionate percentage of OH&S claims from builders. Conversely, a government could be unduly influenced by employee or union groups. Both outcomes could work to the detriment of public and employee safety.

While I am mindful of sounding like a pessimistic doomsayer and conspiracy theorist, I should point out that part of our job is to imagine the worst-case scenario that needs to be accounted for when drafting legislative instruments. None of the scenarios I have outlined is so far fetched that we should feel comfortable discounting and ignoring it. I am not saying that these things will occur, but we are creating a governance and institutional structure that is conducive to such pressures and outcomes.

Minister Barr touched on the importance of work-life balance in this morning's Work Choices debate. High OH&S standards are similarly essential for the attraction and retention of good staff in the ACT public sector. We cannot compete on cost with a cashed-up commonwealth, so such non-monetary incentives and features are essential.

These contradictory responsibilities, of being both the regulator and the enforcer, seem to put the CEO of JACS in either an actual or an apparent conflict of interest situation. And in these matters appearances do matter. The actual track record and standard of probity of the office holder is not the major factor when tribunals and courts are called to decide whether a decision has been tainted by bias. The common law test for bias is, generally speaking, whether or not a fair-minded and well-informed observer might conclude from all the circumstances that the decision maker was biased. While it may save costs and duplication, in this case I think the government has gone too far in compromising the integrity of the decision-making process in such a critically important area of its duty of care and responsibility.

By the way, I do not want any of this speech to be taken as any criticism of the current CEO of JACS. As I have been at pains to point out, the problem is generated by the institutional arrangements and the apparent lack of independence that these arrangements create. It is has been suggested that a similar lack of independence has resulted in adverse outcomes in the case of the federal OH&S commissioner. Unions ACT have advised that arranging access to commonwealth sites within the ACT is difficult and that the Office of Regulatory Services has to give several days notice before they can attend a site, even if an accident has occurred. This is, at least in part, due to the federal government taking control of the National Occupational Health and Safety Commission and, while I do not have sufficient personal information to make a definitive judgement, it certainly does suggest a possible lack of independence for the federal OH&S commissioner.

One of my staff members tells me a story from when he was working on large building sites and he was instructed to dismantle substandard and dangerous scaffolding—creations featuring 44-gallon drums, bricks and counterweighted planks—whenever management got wind of either a union or government inspection. I imagine these practices still occur and it is farcical to support a system which requires prior notification of union and government safety inspections.

My staff contacted Mr Corbell's office about the consultation process for this bill and I would like to thank Mr Corbell and his staff for their assistance. Their response noted that consultation occurred with the OH&S Commissioner and that positive feedback had been received from the construction industry. It was also stated in the response that the former OH&S Council, with union representation, was aware of cabinet's decision but as the council "has not sat for nearly six months" they were unable to consult.

This raises the issue of the operational problems that are hampering OH&S functions at present. The current commissioner is acting in that role and has been doing so for months. As I have noted, the OH&S Council has not met since June. Anecdotal evidence tells me that the existing bureaucratic duplication and division of responsibility are wasteful and counterproductive. Interminable debate seems to be common amongst the relevant departments and relevant parties, which detracts from the more outcomes-focused approach which OH&S demands.

OH&S regulation promotion, no matter who manages it, is only as good as the person in control. We need to appoint a strong, experienced commissioner with the power to

make positive changes and advocate for workers, the government and employers alike, to ensure that OH&S is highlighted and treated effectively. We need a well-resourced and well-trained body to monitor, enforce and provide workplace education about OH&S standards at workplaces.

The OH&S Act and governance structures certainly do need amendment, but rather than continue the splitting of powers between JACS and the commissioner we should make all aspects, including review, regulation and education, fall under a well-resourced, independent office of the commissioner.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services) (5.34), in reply: I thank those members who have spoken for their contributions to this debate. The Occupational Health and Safety (Regulatory Services) Legislation Amendment Bill concludes stage one of the government's budget decision to consolidate and streamline the activities of various regulatory agencies across the ACT government.

As part of this consolidation, the new Office of Regulatory Services in my department, the Department of Justice and Community Safety, will now be responsible for the administration of occupational health and safety legislation, including the investigation of occupational health and safety complaints in the workplace. The amalgamation of these ACT government regulatory services will achieve economies of scale and remove unnecessary duplication of administrative costs across government.

Under the new arrangements the chief executive of my department will be responsible for OH&S regulatory matters and will report twice a year on the exercise of her occupational health and safety responsibilities, which I will table in the Assembly. The first report will be the departmental annual report, which is tabled in September of each year, and the second report will be an interim report, which I will table in March of the following year.

In finalising the organisational structure of the Office of Regulatory Services, the government has recognised the importance of issues associated with occupational health and safety and has acknowledged the need to retain an independent OH&S commissioner reporting directly to the minister and the Assembly. The independence of the office of the OH&S Commissioner will continue. The commissioner's staff will be directly responsible to the commissioner and, through the commissioner, to the Minister for Industrial Relations, reinforcing the independence and accountability of the Occupational Health and Safety Commissioner's office.

It is important to note that the commissioner will continue to have the powers to second staff that are within the department, should the commissioner believe an investigation needs to occur separate from the Department of Justice and Community Safety. This will provide adequate protections in relation to some of the issues that Dr Foskey has raised earlier. The OH&S Commissioner will be appointed by the executive and will remain responsible to the Minister for Industrial Relations for promoting an understanding and acceptance of and compliance with the OH&S Act and associated laws. The commissioner will also undertake research and development of educational programs to promote occupational health and safety principles in the

workplace and will review ACT laws to ensure consistency with the OH&S Act and associated legislation.

The OH&S Commissioner will continue to play a critical role in raising awareness within the community of occupational health and safety responsibilities, including responsibilities under new legislation. Retention of this independent role demonstrates the importance and priority that the government places on education and promotion of work safety. To ensure an appropriate level of transparency and accountability in the work of the OH&S Commissioner, the commissioner will report at six-monthly intervals to the Minister for Industrial Relations, who will table these reports in the Assembly.

I just want to refer quickly to an item raised by Mr Mulcahy during the debate. He questioned the use of the term "good faith" in relation to OH&S legislation. I am advised that Mr Mulcahy would appear to be confusing the term "good faith" with the term "utmost good faith", which is the term that the judicial authority relates to. "Utmost good faith" I am advised has a specific meaning in relation to very specific circumstances, particularly in areas of tort law, such as negligence, but it is very different from and does not have the same meaning as the term "good faith", which is synonymous with acting honestly, and it is that terminology that the government is proposing to use in this legislation.

The Occupational Health and Safety Commissioner's office will be funded to enable outsourcing of promotional and educational activities as appropriate. I think this is an important reform and one that enables the territory to operate in a manner suitable for its circumstances. It is a small jurisdiction and it is difficult to maintain and resource properly a wide diversity of small statutory agencies. In these particular circumstances the government has determined that the amalgamation of those functions is the most cost-effective way of delivering these services to a city the size of Canberra and it is for that reason that we are progressing with these reforms. I thank members for their support and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

Taxation–personal rates

MR MULCAHY (Molonglo) (5.39): We have been recently fortunate to hear the announcement by the Australian government of its promise to continue its cuts to

income tax rates in Australia if it is re-elected to government on 24 November. This promise continues the Australian government's previous action in cutting the rates of income tax in its current term of government. Indeed, the Australian government has backed up its philosophy of responsible economic management throughout its term by keeping an eagle eye on tax rates and reducing them where the nation's financial capacity makes that possible. This latest announcement of further tax cuts continues the Australian government's record of allowing the people of Australia to control their own destiny and become self-sufficient.

On 1 July 2008 the Australian government will cut taxes by increasing the tax-free threshold and the thresholds for other tax brackets. The tax-free threshold will increase from $11,000 to $14,000. The threshold for the 30 per cent tax rate will increase from $30,000 per annum income to $34,000. The threshold for the second-highest marginal tax rate will increase to $80,000 and the threshold for the highest marginal rate will increase to $180,000.

The Australian government has committed to reducing taxes once again on 1 July 2009, again increasing the tax-free threshold and reducing the tax rates. The tax-free threshold will increase to $15,000 and the threshold for the 30 per cent tax rate will increase to $35,000. The second-highest marginal tax rate will be cut to 38 per cent and the highest marginal tax rate will be cut to 43 per cent.

And that is not the end of the good news, because the Australian government have committed to further tax reductions on 1 July 2010 and again they plan to increase the tax-free threshold and reduce the tax rates. The threshold will increase to $16,000 and the threshold for the 30 per cent tax rate will go up to a mighty $37,000. The second-highest marginal rate will be cut further to 37 per cent and the highest marginal rate will be cut further to 42 per cent, making Australia a globally competitive nation in relation to personal income tax rates by any measure.

In addition, we have heard in recent days a further announcement by the Australian government which will allow people to establish tax-free savings accounts to buy their first home and this builds on the philosophy of the Howard government to reduce the burden of taxation on the Australian people and allow them to become autonomous members of Australian society.

These tax cuts will provide relief for Australian workers and their families and will certainly promote strong economic growth. The tax cuts will allow workers across the income spectrum to keep more of their earnings, a position that we advocate also at the territory level—that we need to return to the people some of the taxes that they have had to hand up to government in more difficult times.

By enhancing Australia's tax competitiveness compared to other countries it will also make Australia a more attractive destination for skilled workers around the world. On top of the already stellar economic record of the Australian government, particularly in the area of job creation, an area that I would think is near and dear to you, Mr Temporary Deputy Speaker Gentleman, these tax cuts are projected to create 65,000 new jobs over the medium term alone—65,000 new jobs thanks to the tax reforms and other reforms being pursued by the Howard government. This growth will augment the impressive record of job creation since the Australian government's workplace reforms.

Reducing tax is of fundamental importance to encouraging productivity and producing long-term economic growth. It is a policy that will pay dividends not just to workers who can take home more of their pay cheque but to future generations who benefit from increased economic growth. Sadly for the Labor Party, Australian workers have already benefited from tax cuts under the current government, but this year workers would have noticed that their after-tax pay had increased, fortunately, I should say, due to existing tax cuts undertaken by the Australian government. Workers will be awaiting eagerly further tax cuts which will result in further increases in their take-home pay.

But where does the Labor Party stand on this issue? They say that they have largely adopted the policies of the Australian government; they are just adopting it a bit slower, delaying the tax cuts so they can spend more and more. I think the people of Australia are going to have stark contrasts in their choices on Saturday week in relation to tax policy.

Question resolved in the affirmative.

The Assembly adjourned at 5.45 pm.

Schedules of amendments

Schedule 1

Domestic Animals Amendment Bill 2007

Amendment moved by the Minister for Territory and Municipal Services

2
Proposed new clause 13A
Page 6, line 22—

insert

13A Greyhounds
New section 48 (2A)

insert

(2A) The requirement in subsection (1) and subsection (2) that a greyhound wear a muzzle does not apply if the greyhound and its keeper have completed a course in behaviour or socialisation training approved by the registrar.

Schedule 2

Domestic Animals Amendment Bill 2007

Amendments moved by Dr Foskey

2
Clause 23
Proposed new section 74 (4)
Page 10, line 18—

omit proposed new section 74 (4), substitute

(4) This section does not apply in relation to a dog that is less than 6 months old or a cat that is less than 3 months old.

3
Clause 23
Proposed new section 74 (5)
Page 10, line 22—

omit proposed new section 74 (5), substitute

(5) It is a defence to a prosecution for an offence against this section in relation to a dog or cat if the defendant proves that it is less than 28 days since the day the dog or cat first came into the defendant's possession.

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Answers to questions

Security—white powder incidents (Question No 1631)

Mr Pratt asked the Minister for Police and Emergency Services, upon notice, on 21 August 2007:

(1) How many terrorist threat 'white powder' incidents have been (a) reported and (b) attended to since 2005;

(2) Which emergency services were required to attend those incidents listed in part (1) (b).

Mr Corbell: The answer to the member's question is as follows:

(1) (a) None have been confirmed by Police as terrorist threats – for your information since 2005 there have been a total of 36 'white powder' incidents reported to the ACT Fire Brigade, as follows; *2005 – 27, 2006 - 7, 2007 – 2*.

(b) The ACT Fire Brigade attends to every such incident as 'reported'.

(2) Of the 36 incidents described as white powder incidents attended by the ACT Fire Brigade, 32 to were also attended by the Australian Federal Police, 26 by the ACT Ambulance Service and four by the ACT State Emergency Service.

Housing—energy audits (Question No 1681)

Mrs Burke asked the Minister for Housing, upon notice, on 25 September 2007:

(1) When will the energy audits of ACT Housing stock (a) begin and (b) be completed;

(2) Who will be performing these audits;

(3) Over how many years will the audits be performed;

(4) How many properties will be audited each year over the life of the program;

(5) Has a priority list been developed for this audit; if so, what criteria were used to develop it;

(6) How much will be spent on performing these audits in each year of the program;

(7) What action will occur if a property is found to be energy inefficient;

(8) How will these actions be funded.

Mr Hargreaves: The answer to the member's question is as follows:

(1) Energy audits will be carried out on a representative sample of Housing ACT properties in 2007-08 financial year.

(2) Housing ACT's Total Facility Manager, Spotless will undertake the audits.

(3) See answer to (1).

(4) A representative sample of properties will be audited in 2007-08.

(5) The audits will be one input, together with specialist advice, information already held on our portfolio, and costings of modifications, used to develop the priority for the program of water and energy efficiencies. There will be a total of 30 - 40 audits in 2007-08. At this stage no further audits are anticipated.

(6) The costs of the audits have not yet been determined.

(7) The information from individual audits and resulting evaluation work will be used to determine what energy efficiency works should be carried out across the entire Housing ACT portfolio.

(8) The ACT Government has identified $20M over 10 years for energy efficiency improvements in government housing.

Commissioner for the Environment (Question No 1682)

Mr Stefaniak asked the Minister for the Environment, Water and Climate Change, upon notice, on 25 September 2007:

(1) How much will the new Commissioner for the Environment be paid given that the job is now full-time with additional responsibilities;

(2) How many additional staff will support the Commissioner in this new role;

(3) What other additional resources will be provided to the Commissioner to tackle this extra workload;

(4) How will this enhancement of the role of Commissioner for the Environment be funded;

(5) How frequently will the Commissioner for the Environment be required to report and to whom;

(6) What legislative changes, if any, will occur as a consequence of the change.

Mr Stanhope: The answer to the member's question is as follows:

(1) Pending a review by the Remuneration Tribunal the Commissioner for the Environment will be remunerated at the level equivalent to a Senior Executive at the 2.5 Level.

(2) Additional staffing numbers have yet to be finally determined.

(3) & (4) Additional funding will be addressed through the normal budget process.

(5) The Commissioner will be required to report annually via Annual Reports, once in the life of each Legislative Assembly via the State of the Environment Report, and other reports produced by the office as a result of investigations or Ministerial directions. The Commissioner will report to the Minister for the Environment, Water and Climate Change.

(6) Further work is being undertaken by the new Commissioner and officials to fully detail the Commissioner's expanded role including sustainability, along with the necessary legislative changes.

Courts—juveniles (Question No 1683)

Mr Stefaniak asked the Attorney-General, upon notice, on 25 September 2007:

(1) How many juveniles were before the courts in 2006-07;

(2) How many were found guilty;

(3) How many of those listed in part (2) were given a (a) custodial or (b) non-custodial sentence;

(4) What was the break up of each type of sentencing option outlined in part (3).

Mr Corbell: The answer to the member's question is as follows:

(1) 356 defendants.

(2) 184 plead guilty and 106 were found guilty.

(3) (a) 12 institution orders
(b) 251 non-custodial orders.

(4)

Good behaviour orders	73
Community service orders	22
Intensive corrections orders	22
Probation orders	96
Treatment order	3
Fine	35

Schools—enrolments (Question No 1684)

Dr Foskey asked the Minister for Education and Training, upon notice, on 25 September 2007:

(1) What are the (a) within priority enrolment area and (b) out of area enrolments in each ACT government (i) primary school, (ii) high school and (iii) college;

(2) What are the resident priority enrolment areas (PEA) of the out of area enrolments of each government (a) primary school, (b) high school and college and how many students in each school are resident in each of these out of area zones;

(3) What is the number of resident NSW students attending each ACT government (a) primary school, (b) high school and (c) and college;

(4) What is the number of government (a) primary school, (b) high school and (c) college students resident in each PEA for the relevant sector and which schools do they attend;

(5) What percentage of the total enrolments of each government (a) primary school, (b) high school and (c) college are from outside the PEA of each school;

(6) What proportion of the total resident government school students in each PEA for (a) primary schools, (b) high schools and (c) colleges are enrolled in the PEA school;

(7) What is the average retention rate (the percentage of government school students residing in a PEA who attend the PEA school) for the (a) primary school, (b) high school and (c) college sectors;

(8) What is the average out-of-area ratio (the percentage of government school students who reside in the PEA of another school) for the (a) primary school, (b) high school and (c) college sectors;

(9) What is the total number of all government and non-government (a) primary school, (b) high school and (c) college students resident in each government school PEA and, in each case, how many attend (i) the PEA government school, (ii) a government school in another PEA and (iii) a non-government school.

Mr Barr: The answer to the member's question is as follows:

(1), (2), (4), (5), (6), (7), (8) and (9):
Preparation of a response to these questions would require the input of individual student address data held by the Department into a geo-coding software application (mapinfo). This would involve verification of approximately 35 000 records against a reference list and manually updating where the data does not match (reasons why the data may not match include spelling errors, incorrect street types and changed addresses). The data would then need to be manipulated to produce the various sets of information requested.

A similar task performed in 2006 required the allocation of substantial resources and took over a month to complete. In the circumstances, I am not prepared to allocate the resources necessary to respond to these questions as I consider it to be an unreasonable diversion of resources away from the Department's core business of delivering high quality education outcomes for ACT students.

(3) Details of the number of resident NSW students attending each ACT government (a) primary school, (b) high school and (c) and college are provided at Attachment A.

ATTACHMENT A

Number of NSW resident students in ACT public schools as at August 2007

School_type	School_Name	College	High	Primary	Total
Combined	Amaroo School		6	10	16
	Gold Creek School		24	20	44
	Telopea Park School		38	22	60
	Wanniassa School		8	5	13
Combined Total			76	57	133
College	Copland College	9			9
	Dickson College	117	3		120
	Erindale College	72			72
	Hawker College	20			20
	Lake Ginninderra College	34			34
	Lake Tuggeranong College	14			14
	Narrabundah College	43			43
	The Canberra College	76			76
College Total		385	3		388
High	Alfred Deakin High School		7		7
	Belconnen High School		4		4
	Calwell High School		19		19
	Campbell High School		382		382
	Canberra High School		19		19
	Caroline Chisholm High School		21		21
	Kaleen High School		11		11
	Lanyon High School		13		13
	Lyneham High School		25		25
	Melba High School		16		16
	Melrose High School		16		16
	Stromlo High School		10		10
High Total			543		543
Primary	Ainslie School			9	9
	Aranda Primary School			3	3
	Arawang Primary School			2	2
	Bonython Primary School			5	5
	Calwell Primary School			11	11
	Campbell Primary School			70	70
	Chapman Primary School			1	1
	Charnwood Primary School			1	1
	Chisholm Primary School			7	7
	Conder Primary School			4	4
	Curtin Primary School			2	2
	Duffy Primary School			1	1
	Evatt Primary School			15	15
	Fadden Primary Schoo			5	5
	Farrer Primary School			8	8
	Florey Primary School			3	3
	Forrest Primary School			23	23
	Fraser Primary School			3	3
	Garran Primary School			16	16
	Gilmore Primary School			11	11
	Giralang Primary School			2	2
	Gordon Primary School			1	1
	Gowrie Primary School			5	5
	Hawker Primary School			6	6
	Hughes Primary School			4	4

School_type	School_Name	College	High	Primary	Total
	Isabella Plains Primary School			1	1
	Jervis Bay Primary School			43	43
	Kaleen Primary School			10	10
	Latham Primary School			1	1
	Lyneham Primary School			42	42
	Lyons Primary School			1	1
	Macgregor Primary School			2	2
	Macquarie Primary School			5	5
	Majura Primary School			6	6
	Maribyrnong Primary School			8	8
	Mawson Primary School			9	9
	Miles Franklin Primary School			15	15
	Monash Primary School			12	12
	Narrabundah Primary School			3	3
	Ngunnawal Primary School			8	8
	North Ainslie Primary School			8	8
	Palmerston Primary School			7	7
	Red Hill Primary School			89	89
	Richardson Primary School			1	1
	Southern Cross Primary School			2	2
	The Mount Rogers Community School			4	4
	Theodore Primary School			13	13
	Torrens Primary School			5	5
	Turner School			18	18
	Village Creek Primary School			1	1
	Wanniassa Hills Primary School			4	4
	Weetangera Primary School			3	3
	Yarralumla Primary School			9	9
Primary Total				548	548
Special	Black Mountain School	7	2		9
	Malkara School			4	4
	The Woden School		5		5
Special Total		7	7	4	18
Grand Total		**392**	**629**	**609**	**1630**

Source: Government school census - August 2007

Schools—closures
(Question No 1685)

Dr Foskey asked the Minister for Education and Training, upon notice, on 25 September 2007:

(1) How many students have left the ACT system since the school closures;

(2) How many are still transitioning;

(3) What has been the impact grade development of children who have moved and has this been positive or negative;

(4) How many children have not had access to counselling services in their new schools;

(5) What is the total number of students in the system for 2007;

(6) Where specifically have all the assets been moved to from the closed school sites;

(7) How many students in schools closing at the end of 2007 have not been accepted at their preferred school as identified by each student;

(8) What are the total operating costs for 2007 in the Department of Education and Training.

Mr Barr: The answer to the member's question is as follows:

(1) There were 676 students attending a school that closed at the end of 2006. Of these, 95 students were not identified as attending an ACT public school in 2007. The students may have moved interstate or to an ACT non-government school.

(2) The August 2007 census data indicates a total of 274 students who will transition to a new school for the start of 2008 as a result of their current school closing.

(3) Schools that received students from closing schools have put in place a number of strategies and programs to support each individual student, including welcome activities, transition planning, surveys and questionnaires, parent interviews and social skills programs. Evidence gathered by these schools in relation to grade development indicates a range of responses by parents from maintenance of academic achievements levels to improved performance. I am not aware of any principal who has reported a drop in student achievement.

(4) All students who have commenced at a new school in 2007 have access to counselling services.

(5) The total number of students in the ACT school system is 59 970.

(6) Assets from closed school sites have been sorted and redistributed to other ACT public schools in a process which gave priority to the schools that received enrolments from closing schools.

A small quantity of furniture and other items remained after this process. A thorough inspection was then carried out of the remaining items and they were separated into categories for:

- retention for future use;
- recycling of components to meet other departmental needs;
- donation to charitable organisations;
- dismantling of damaged and broken items into individual components for recycling through commercial recyclers; and
- disposal of non recyclable items at landfill.

(7) Students from closing schools at the end of 2007 are guaranteed a place at their preferred school within the region. The Department is not aware of any students from a closing school not receiving a place or being welcomed at their preferred school.

(8) The Department of Education and Training operates on a financial year. In 2006-07, the total operating costs for the Department of Education were $466.3 million.

Schools—closures (Question No 1686)

Dr Foskey asked the Minister for Education and Training, upon notice, on 25 September 2007 *(redirected to the Minister for Territory and Municipal Services)*:

(1) Will the Minister provide the information given to Purdon Associates and other consultants about school sites and their communities;

(2) What are the details of the grounds on which the Government made the decision to retain only four sites;

(3) What are the specific criteria upon which the Department of Territory and Municipal Services will base the final decision for each site once consultation is complete;

(4) What appeals processes/policies are in place for those communities who are not happy with the final decision made by Government for closed school sites in their area;

(5) In relation to the original, more complex, brief given to consultancy firms, what specific items were removed from the brief in order to simplify and reduce costs;

(6) On what basis did the Government decide not to implement a cost-benefit analysis regarding the future use of closed school sites.

Mr Hargreaves: The answer to the member's question is as follows:

(1) A copy of the document (which is publicly available) has been provided.

(2) The Government did not decide 'to retain only four sites'. As I announced on 18 May this year, the Government plans to meet the needs of the community by retaining at least the equivalent of four school buildings across Tuggeranong, Woden/Weston and Belconnen. No other decision will be made by the Government until it considers the report of Purdon Associates on its extensive community consultation program.

(3) The final decision will not rest with the Department of Territory and Municipal Services. The Government will make the final decision.

(4) There is no formal appeal process.

(5) The changes were specified in the Addendum to the Request For Tender and the Addendum has also been provided (and is also publicly available).

(6) A cost-benefit analysis was done.

Schools—closures (Question No 1687)

Dr Foskey asked the Minister for Education and Training, upon notice, on 25 September 2007 *(redirected to the Minister for Territory and Municipal Services)*:

What are the total operating costs of closed school sites for 2007 in the Department of Territory and Municipal Services.

Mr Hargreaves: The answer to the member's question is as follows:

$316,104.26

Roads—traffic counting (Question No 1693)

Mr Mulcahy asked the Minister for Territory and Municipal Services, upon notice, on 25 September 2007:

(1) When was the decision made to introduce traffic counting devices into O'Malley;

(2) Are the results of the investigation known; if so, what are they;

(3) Does the ACT Government have plans to improve the exit points of O'Malley by making it safer for vehicles to exit the suburbs.

Mr Hargreaves: The answer to the member's question is as follows:

(1) Roads ACT, as part of a regular program of monitoring suburban streets, carry out traffic count surveys on suburban roads every three years. Streets in O'Malley were recently surveyed as part of this program.

(2) Tyagarah Street carries around 2,260 vehicles per day while Numeralla Street carries around 1,540 vehicles per day. These results are within the guidelines for streets of this type.

(3) The intersections of Tyagarah Street/Hindmarsh Drive and Numeralla Street/Yamba Drive (exit points to O'Malley) are currently ranked outside the top 300 intersections in terms of crash history and priority for improvements. The ACT Government has therefore no immediate plans to change the current arrangements at these locations.

Government—freedom of information requests (Question No 1695)

Mr Mulcahy asked the Minister for Education and Training, upon notice, on 25 September 2007:

(1) In relation to the Department of Education and Training's Fact Sheet '2007-08 Credit Cards', how many transactions were deemed out of scope of *The Canberra Times* freedom of information (FOI) request;

(2) How many unrelated transactions on credit cards accessed by senior executives were not included in the FOI request;

(3) What was the nature of these transactions and why were they deemed unrelated;

(4) Did any of the transactions necessitate senior executives repaying the Department; if so, how long did each repayment take;

(5) What was the value of each of the deleted transactions.

Mr Barr: The answer to the member's question is as follows:

(1) 59.

(2) 59.

(3) The transactions were deemed unrelated as they were not made on a senior executive's credit card. Consultation with the applicant confirmed that the FOI request only sought details of expenditure on senior executive credit cards or expenditure for senior executives on credit cards held by other staff.

(4) There were two transactions on senior executive credit cards that required repayment. In both cases the repayment was made within the month in which the credit card statement was received

(5) The deleted transactions ranged in value from $0.49 to $2877.55. The total value of the out of scope transactions was $28 828.71.

ACTION bus service—safety (Question No 1697)

Mr Pratt asked the Minister for Territory and Municipal Services, upon notice, on 26 September 2007:

(1) How many reported incidents of assault that have taken place (a) on ACTION buses, at the (b) City, (c) Woden, (d) Tuggeranong and (e) Belconnen bus interchanges in the past (i) three months, (ii) year and (iii) three years;

(2) How many reported incidents of assault have there been against ACTION bus drivers in the past (a) three months, (b) year and (c) three years.

Mr Hargreaves: The answer to the member's question is as follows:

(1) Reported incidents of assaults on ACTION staff.

	Total	On ACTION Buses	City	Woden	Tuggeranong	Belconnen
3 months (Aug-Oct 07 YTD)	3	2	1	-	-	-
2006-07	16	12	2	2	-	-
2005-06 to 2007-YTD	29	21	4	4	-	-

(2) Reported incidents of assaults on ACTION bus drivers.

3 months (Aug-Oct 07 YTD)	2
2006-07	12
2005-06 to 2007 - YTD	21

Tharwa bridge (Question No 1699)

Mr Pratt asked the Minister for Planning, upon notice, on 26 September 2007:

(1) In relation to the proposal to build a new bridge over the Murrumbidgee River at Tharwa, was a preliminary assessment required for the new bridge; if so, (a) when was it submitted, (b) when was it registered, (c) when and how was it promulgated, (d) for how long was it promulgated and (e) what responses were received from the public;

(2) If the preliminary assessment was non-complying or otherwise incomplete when it was submitted and in what ways was it non-complying or incomplete;

(3) If a preliminary assessment was not required, why not;

(4) Was a development application required for the new bridge; if so, (a) when was it submitted, (b) when was it registered, (c) when and how was it promulgated, (d) for how long was it promulgated and (e) what responses were received from the public;

(5) If the development application was non-complying or otherwise incomplete when it was submitted and in what ways was it non-complying or incomplete;

(6) If a development application was not required, why not.

Mr Barr: The answer to the member's question is as follows:

(1) Yes. 1(a). The PA was formally lodged on 21 February 2007. 1(b) A Notifiable Instrument was placed on the Legislation Register on 1 March 2007. 1(c) and (d) A written notice was placed in the Canberra Times on 3 March 2007, stating that the PA was available for public inspection at the ACT Planning and Land Authority's (the Authority) Customer Service Centre at 16 Challis Street Dickson from 8.30am to 4.30pm on weekdays, online at all ACT public libraries and on the web at http://www.actpla.act.gov.au/topics/your_say/comment/pa, for a period of 15 business days. Copies of the PA were also available for purchase at the Authority's Customer Service Centre. 1(e) Seven responses were received from the public, two of which were from one person. Issues raised included the consideration of options involving the existing bridge, the project's cost, the visual impact of the new bridge, intersection works at the western end of the bridge, removal of trees and existing public facilities and the provision of landscaping.

(2) The PA was compliant with the requirements of Schedule 3 of the Land Act (Content of preliminary assessments) when it was formally lodged.

(3) As a PA was required, an answer is not required to this question.

(4) Yes. 4(a) The DA was formally lodged on 21 February 2007. 4(b) The DA was placed on the Authority's public register on 21 February 2007. 4(c) and (d) The DA was exempt from public notification. 4(e) There were no public responses to the DA. The public responses to the PA were considered for both the PA and the DA.

(5) The DA was compliant with the requirements for DA lodgement when it was formally lodged.

(6) As a DA was required, an answer is not required to this question.

Schools—lockdowns
(Question No 1700)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 26 September 2007:

(1) Further to the answer to question on notice No 1680 and given that I have had teachers from Belconnen High School inform me that there have been two lockdowns or red alerts at this school this year, (a) what was the reason for the two lockdowns at Belconnen High School and (b) why did you not include these incidents in your answer to the question;

(2) In the period 30 June up to 25 September 2007, (a) how many critical incident reports have been made, (b) at what schools did each incident occur and (c) what was the circumstance for it to be deemed a critical incident.

Mr Barr: The answer to the member's question is as follows:

(1) There have been no lockdowns at Belconnen High School this year.

(a) Not applicable
(b) Not applicable

(2) (a) In the period 30 June to 25 September 2007, 25 critical incidents were reported.

(b) and (c)

School	Incident Type
Narrabundah College	Intruder violence
Narrabundah College	Violent incident after school
Melrose High School	Medical emergency
Telopea Park School	Violent incident - student/student
Melrose High School	Medical emergency
Narrabundah College	Intruder dangerous substance
Torrens Primary School	Medical emergency
Campbell High School	Gas leak
Dickson College	Intruder violence
Lyneham High School	Internal fire/smoke
Lyneham High School	Internal fire/smoke

School	Incident Type
Lyneham High School	Intruder violence
Belconnen High School	Violent incident - student/student
Canberra High School	Intruder violence
Kambah High School	Violent incident - student/student
Kambah High School	Chemical hazard or gas leak
Kambah High School	Intruder violence
Calwell High School	Intruder violence
Lake Tuggeranong College	Intruder violence
Kambah High School	Violent Incident - student/property
Wanniassa School	Violent Incident - student/student
Wanniassa School	Intruder violence
Wanniassa School	Violent incident - student/property
Stromlo High School	Violent incident
Wanniassa School	Intruder violence

Roads—footpaths
(Question No 1701)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 26 September 2007:

(1) Which streets do not have footpaths in Red Hill;

(2) Does the Government support the idea that walking is often the only exercise available to elderly residents;

(3) In view of the ageing population of that suburb, is the Government planning to upgrade footpaths in need of maintenance and to put footpaths where none now exist.

Mr Hargreaves: The answer to the member's question is as follows:

(1) The streets which do not have footpaths in Red Hill are as follows:
Arnhem Place, Beagle Street, Borrowdale Street, Bramble Street, Charlotte Street, Discovery Street, Endeavour Street, Esperance Street, Fishburn Street, Fortitude Street, Francis Street, Friendship Street, Gowrie Drive, Mermaid Street, Norfolk Street, Pelsart Street, Penrhyn Street, Pera Place, Quiros Street, Red Hill Drive, Reliance Street, Roebuck Street, Scarborough Street, Sirius Place, Supply Place, Tamar Street, Zeehan Street.

(2) The Government supports the idea that walking is one form of exercise available to elderly residents.

(3) No, other than routine maintenance as required.

Education—walking school bus
(Question No 1702)

Dr Foskey asked the Minister for Education and Training, upon notice, on 26 September 2007:

(1) Does the Department of Education and Training encourage the Walking School Bus and other efforts to encourage children to walk to school;

(2) How many children who lived within the priority enrolment area of their closed, or closing, school are now at a school that is too far away for them to safely walk or ride.

Mr Barr: The answer to the member's question is as follows:

(1) Yes. The Department of Education and Training has been an active member of the YWCA Walking School Bus Reference Group since its inception in 2003. At present, 17 ACT schools have an established Walking School Bus Program with 35 routes between them.

On 19 September 2007 I announced *Get a move on: The importance of school-based initiatives to increase children's physical activity*. Principle no 1 suggests walking or riding to school as an activity that students can perform to achieve at least 60 minutes of moderate to vigorous physical activity a day.

(2) Students at schools affected by closure are given right of enrolment at another school in the same region. In addition, new priority enrolment areas have been established to assist families to identify their nearest school. Students enrolled in a school within their priority enrolment area are not deemed to be living too far away for them to safely walk or ride to school.

ACTION bus service—costs (Question No 1703)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 27 September 2007:

(1) How much of the annual cost of running ACTION buses is related to (a) counting currency, (b) transporting and banking currency, (c) security for the transport and storage of currency, (d) ticket printing, including printing supplies, (e) commissions to agencies that sell ACTION prepaid tickets, (f) purchasing, maintaining, and installing ticket machines on buses, (g) employing ticket inspectors and (h) prosecuting/fining ticket cheats;

(2) Are there any other costs involved in relation to currency and fare evasion; if so, (a) what are they and (b) how much do they cost annually.

Mr Hargreaves: The answer to the member's question is as follows:

(1) The services listed under (a), (b) and (c) above are provided by Chubb Security at a cost of $213,000 per annum. (d) The cost of ticket printing including printing supplies is $195,000 per annum. (e) Agents commission is $720,000 per annum. (f) No ticket machines have been purchased for many years. However spare parts are purchased to maintain the equipment. Maintenance and installation costs are $275,000 per annum. (g) Nil. (f) Nil.

(2) No

ACTION bus service—texting system (Question No 1704)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 27 September 2007:

(1) Has the ACT Government considered the introduction of a text message/mobile phone system for ACTION clients to determine the time of arrival of their bus service;

(2) Has the Government looked at the system used by Yarra Trams in Melbourne in relation to its own earlier proposal for a real time system.

Mr Hargreaves: The answer to the member's question is as follows:

(1) Yes. ACTION has a system in place called BusText that provides customers with timetable information via SMS.

(2) No.

Tharwa bridge (Question No 1705)

Dr Foskey asked the Minister for Territory and Municipal Services, upon notice, on 27 September 2007:

(1) What engineer's reports informed the decision not to restore Tharwa Bridge;

(2) Which engineers provided the Government with advice.

Mr Hargreaves: The answer to the member's question is as follows:

(1) No decision has been made not to restore Tharwa Bridge.

(2) The Government has been advised on options for the existing Tharwa Bridge by departmental engineering staff, private consultant engineers and engineering staff from the Roads and Traffic Authority NSW.

Health—equine influenza (Question No 1709)

Mr Smyth asked the Minister for Business and Economic Development, upon notice, on 27 September 2007 *(redirected to the Acting Minister for the Environment, Water and Climate Change)*:

(1) When did the ACT Government first learn of the outbreak of equine influenza;

(2) Who told the ACT Government that an outbreak of equine influenza had occurred;

(3) What action did the ACT Government take in response to the advice about the outbreak of equine influenza;

(4) What strategy has the ACT Government implemented to assist the horse industry to recover from the consequences of the outbreak of equine influenza;

(5) What strategy has the ACT Government implemented to assist industries associated with the horse industry to recover from the consequences of the outbreak of equine influenza;

(6) What costs have been incurred by the ACT to this point in responding to the outbreak of equine influenza.

Mr Corbell: The answer to the member's question is as follows:

(1) Saturday 25 August 2007.

(2) The Commonwealth Department of Forestry and Fisheries (DAFF) notified the ACT Chief Veterinary Officer (CVO).

(3) Legislation was drafted initiating a standstill order. Resulting actions included the establishment of roadblocks, erection of signage at borders and horse properties, notification of major horse establishments, and the issuing of media releases about the standstill order. A Local Disease Control Centre (LDCC) was also established at Curtin to coordinate management of the incident in the ACT.

(4) Measures implemented to assist the horse industry include allowing limited race meetings, implementing the Green zone arrangement inline with NSW to allow movement of horses under a permit system, conducting risk assessments on some limited industries such as Pegasus and training schools to enable them to operate, allowing emergency movements under a permit, and vaccination of 355 horses.

The ACT Government will make available $150,000 in assistance to the local racing industry, equestrian clubs and Pegasus to help compensate for the cost of the equine influenza outbreak.

(5) A key measure implemented was conducting a biosecurity workshop for industry people (30 industry people registered for the workshop). Grants are available from the Commonwealth Government to individuals suffering financial difficulty as a result of the equine influenza outbreak. Up to $1,500 is available to individuals in the ACT, New South Wales and Queensland whose livelihood is dependent on horses. The Commonwealth Equine Influenza Business Assistance Grant of $5,000 is also available for businesses that derive the majority of their income from the commercial horse industry, and have experienced a significant downturn in income.

(6) The costs with managing the equine influenza incident are ongoing. They have been primarily associated with the operations of the LDCC.

Tourism—campaign (Question No 1712)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 27 September 2007:

(1) In relation to the advertising campaign "See yourself in Canberra", how much has been spent on this campaign for each year in which has been run;

(2) When was this campaign first promulgated;

(3) What have been the intended target markets for this campaign;

(4) What evaluation has been undertaken of this campaign;

(5) If any reports on evaluations of this campaign have been prepared, where are they available;

(6) What return on the investment of funds in this campaign has been estimated to have been generated.

Mr Barr: The answer to the member's question is as follows:

(1) The "See yourself in Canberra" (SYIC) campaign is an *integrated* marketing campaign which includes advertising, tactical campaigns, and PR. Therefore a budget breakdown cannot be provided.

(2) The SYIC campaign began in 2003-04

(3) Visible Achiever, Socially Aware and Traditional Family Life Roy Morgan value segments in the geographical markets of Sydney, regional NSW, Brisbane and Adelaide.

(4) In 2003-04 pre-campaign testing of the brand was conducted in Sydney, Melbourne, Brisbane and Canberra to provide Australian Capital Tourism with an indication of brand acceptance.

Six months after the brand was launched focus group research was undertaken. This research was completed in September 2004 by Advertising Development Solutions. Sydney market key results were that 55% of those aware of the campaign felt more positive about Canberra as a place to visit. 63% of those aware of the campaign would consider Canberra as a tourist destination to visit.

In 2007 a brand refresh was undertaken. A market and consumer insights report was completed by Instinct and Reason, who tested the market with the new "See for yourself" television and print advertising campaign. Their report, released in April 2007, showed that respondents wanted to see activities based on experiences. The campaign was subsequently tailored to reflect the research outcomes.

(5) The two reports are with Australian Capital Tourism. Due to the technical nature of the document, it is not usual to release these to the public, however the industry has been briefed based on the evaluations.

(6)

Domestic Overnight Visitor Expenditure in the ACT			
Y/ending June 2004	**Y/ending June 2005**	**Y/ending June 2006**	**Y/ending June 2007**
Unavailable	$720 million	$822 million	$930 million

Source: Tourism Research Australia, National Visitor Survey and Regional Expenditure Publications

Domestic Overnight Visitor Length of Stay in the ACT			
Y/ending June 2004	**Y/ending June 2005**	**Y/ending June 2006**	**Y/ending June 2007**
2.7 nights	2.7 nights	2.8 nights	3.2 nights

Source: Tourism Research Australia, National Visitor Survey

Average Hotel Occupancy Rate in the ACT			
Y/ending June 2004	**Y/ending June 2005**	**Y/ending June 2006**	**Y/ending June 2007**
67.8%	68.1%	70.4%	73.4%

Source: Australian Bureau of Statistics, Survey of Tourist Accommodation. Hotels, motels, guesthouses and serviced apartments with 15 or more rooms/units.

Schools—closures (Question No 1713)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 27 September 2007:

(1) How many playgroups and play schools currently use ACT pre-school and primary school premises and what (a) playgroups/playschools are these and (b) ACT pre-school and primary school premises do they use;

(2) Are any of these playgroups/playschools likely to be relocated due to school closures;

(3) Will the relocation of any playgroups/playschools increase pressure on other such groups in the areas they are being relocated to.

Mr Barr: The answer to the member's question is as follows:

(1) There are 38 playgroups and six playschools using ACT Government preschool premises in 2007.

Playgroups operate in the following preschools:

Aranda Preschool
Campbell Preschool
Chifley Preschool
Cook Preschool
Downer Preschool (x 2)
Fadden Preschool
Florey Preschool (x 2)
Flynn Preschool
Fraser Preschool
Gordon Preschool
Hackett Preschool (x 2)
Hawker Preschool
Holt Preschool
Isabella Plains Preschool
Kaleen Preschool
Lyons Preschool (x 2)
Macarthur Preschool
Macgregor Preschool (x 2)
Macquarie Preschool
Maribyrnong Preschool
Mawson Preschool
Melba Preschool
Narrabundah Early Childhood Education Centre
North Ainslie Preschool
Palmerston Preschool
Torrens Preschool
Urambi Preschool
Wanniassa Hills Preschool
Wanniassa Preschool
Waramanga Preschool
Weetangera Preschool (x 2)
Yarralumla Preschool

Playschools operate in the following preschools:

Location	**Playschool**
Aranda Preschool	Koala Playschool
Farrer Preschool	Farrer Playschool
Macgregor Preschool	Possum Playschool
Reid Preschool	Reid Playschool
Scullin Preschool	German Australian Preschool
Weetangera Preschool	Wombat Playschool

(2) The closure of Cook, Holt and Macarthur preschools will affect playgroups operating on these sites. The only playschool I am aware of, that may choose to move due to a nearby school closure, is Koala Playschool.

(3) I am not aware of any potential impact on other groups.

Health—medical malpractice claims (Question No 1714)

Mrs Burke asked the Minister for Health, upon notice, on 27 September 2007:

(1) What is the number of active or open claims for compensation to victims of (a) accidents or injury and (b) medical negligence within the ACT health care system;

(2) What is the number of active or open medical malpractice claims within the ACT health care system.

Ms Gallagher: The answer to the member's question is as follows:

The number of active or open claims within the ACT public health care system is 462 in total. This figure includes all ACT public health matters that have had a contingent liability placed upon them. It is not possible in a reasonable amount of time to breakdown the figures into medical negligence related claims and other categories as requested.

The above numbers do not differentiate between actual claims and potential claims. The definition of a claim is used as an umbrella term to include claims that have materialized and potential claims following from incidents reported through the public health system.

Health—workers compensation claims (Question No 1715)

Mrs Burke asked the Minister for Health, upon notice, on 27 September 2007:

(1) What is the number of active or open workers compensation claims within the ACT health care system;

(2) How much did the ACT Government pay in workers compensation to employees of ACT Health during (a) 2000-01, (b) 2001-02, (c) 2002-03, (d) 2003-04, (e) 2004-05, (f) 2005-06 and (g) 2006-07.

Ms Gallagher: The answer to the member's question is as follows:

(1) Comcare has 505 open and/or active claims relating to the ACT health care system. These claims cover current and former employees of ACT Health and its predecessor organisations, they cover claimants from 40 years ago up to recent claims.

(2) Nil. ACT Health pays a premium to Comcare who in turn covers the cost of any claims submitted by ACT Health employees. This information can be found in ACT Health Annual Reports.

Hospitals—triage system (Question No 1719)

Mrs Burke asked the Minister for Health, upon notice, on 17 October 2007:

(1) What has been the frequency of advertisements by ACT Health in relation to its policy on the triage system for the Emergency Wards at Canberra;

(2) What has been the cost of this advertising;

(3) What prompted ACT Health to take this action;

(4) What forms of advertising have been used to date.

Ms Gallagher: The answer to the member's question is as follows:

(1)	Television	4 June to 22 August 2006 – 360 spots 21 July to 8 September 2007 – 249 spots
	Radio	26 August to 29 September 2006 – 98 spots
(2)	Television	2006 - $23,058 2007 - $19,687
	Radio	2006 - $10,609

(3) The aims of the advertising were:

- to raise public awareness of the role of ACT public hospital emergency departments and the triage process;
- to encourage informed use of ACT public hospital emergency departments;
- to inform the general public of alternatives for after hours medical services for non urgent medical treatment; and
- to encourage the use of medical services other than ACT public hospital emergency departments for non urgent medical treatment.

(4) Television and radio

Planning and Land Authority—property inspections (Question No 1724)

Dr Foskey asked the Minister for Planning, upon notice, on 17 October 2007:

(1) Before entering a property for the purposes of conducting an inspection, do ACT Planning and Land Authority (ACTPLA) inspectors identify themselves, ask for the

occupier's permission to enter, inform the occupier that he or she has the right to refuse and request that the occupier sign a Consent to Entry form;

(2) How many inspections were conducted by ACTPLA's Land Regulation Unit during 2006-2007;

(3) How many Consent to Entry forms were completed prior to inspections during 2006-2007;

(4) Given that the reverse of the Consent to Entry forms stipulate that lessees be informed by ACTPLA following an inspection whether a breach had or had not occurred, how many lessees were thus notified during 2006-2007.

Mr Barr: The answer to the member's question is as follows:

(1) Yes.

(2) ACTPLA's Land Regulation and Audit Unit received 1081 complaints during 2006-2007. Land Regulation and Audit Unit tracking systems do not have the reporting capacity to specifically report on those complaints that required inspections of the property. It should be noted that not all complaints require access to the site that is the subject of the complaint.

(3) Land Regulation and Audit Unit tracking systems do not have the reporting capacity to specifically report on the number of complaints that required Consent to Entry forms to be completed prior to inspections being undertaken. It should be noted that not all inspections require a Consent to Enter as large numbers of inspections are conducted from the public domain.

(4) Land Regulation tracking systems do not have the reporting capacity to specifically report on how many lessees were notified in writing during 2006-2007 however, the Land Regulation and Audit Unit has business rules in place that require written confirmation of the outcome of any inspection to be provided to the contact that is the subject to the complaint. This is not a requirement of the *Land (Planning and Environment) Act 1991* and is provided as a courtesy to the subject of the complaint.

Mental health
(Question No 1727)

Dr Foskey asked the Minister for Children and Young People, upon notice, on 17 October 2007 *(redirected to the Minister for Health)*:

(1) What support services are available for children of people with a mental illness in the ACT;

(2) Are there facilities for children to meet with parents at the Psychiatric Services Unit (PSU);

(3) What plans are there to ensure that the new PSU has facilities to allow children and parents to interact.

Ms Gallagher: The answer to the member's question is as follows:

(1) ACT Health have a dedicated coordinator position focusing on building the capacity in the ACT to provide appropriate, timely and flexible services to children of parents with a mental illness (COPMI). This position was established in 2004 and is based in Mental Health ACT's Child and Adolescent Mental Health Services. This position has also coordinated ACT participation in the National COPMI Project.

To meet its aims to engage the broader community, the ACT COPMI Project has established an inter-sectoral steering committee and the ACT COPMI network. These groups raise awareness across sectors of the issues and needs of families with a parent with a mental illness and aid services to develop non-discriminatory methods to identify affected families and provide timely and appropriate supports to them.

Specific work has also been done in Mental Health ACT to improve identification and assessment of needs of clients who are parents and their children, and to promote resilience and early intervention strategies for children of parents with a mental illness.

Programs in the ACT that have a focus on children of parents with a mental illness include:

- The POPPY playgroup (Parents Opportunity to Participate in Play with their Young) run by The Child and Family Centre,Tuggeranong
- CYCLOPS (Connecting Young Carers to Life Opportunties and Personalised Support) ACT in conjunction with Mental Health ACT, Child and Adolescent Mental Health Services run a day in the school holidays for children of parents with a mental illness.
- The ACT Health Perinatal Mental Health Unit - provides consultation to families with children up to 12 months old.

The ACT COPMI Project is widely recognized in the Territory as having been highly successful in raising awareness and improving services and service coordination for parents who have a mental illness and their children

(2) Currently facilities for children's visits to the PSU are limited and take advantage of areas that can restrict access such as counseling rooms and a separate courtyard. These areas were not exclusively designed for this purpose but do take into account issues of privacy and safety for children visiting parents during an acute psychiatric admission.

(3) The issue of appropriate environments along with other theoretical and practical issues that ensure the best outcomes for children visiting parents during an acute psychiatric admission have been identified and will be taken into account in the development of the new PSU.

Disabled persons (Question No 1728)

Dr Foskey asked the Minister for Disability and Community Services, upon notice, on 17 October 2007 *(redirected to the Acting Chief Minister)*:

(1) Has the Government prepared an action plan for Government departments and agencies to work within the framework of the UN Convention of the Rights of Persons with Disabilities;

(2) If not, will the Government prepare an action plan once the Commonwealth national analysis has been completed.

Ms Gallagher: The answer to the member's question is as follows:

(1) The Chief Minister has directed that an Inter Departmental Committee be established with representation from ACT Government agencies and the Commissioner for Disability and Community Services, to ensure close cooperation across agencies in considering the ratification process and its implications, and to provide me with advice on implementation.

(2) The Government will determine the form of its response upon receipt of this advice.

Environment—hydrogen sulphide emissions (Question No 1735)

Dr Foskey asked the Minister for the Environment, Water and Climate Change, upon notice, on 17 October 2007 *(redirected to the Acting Treasurer)*:

(1) Has a recent assessment been completed on the hydrogen sulphide emissions into the air along the Cotter Road;

(2) Is there an approved level that hydrogen sulphide emissions must fall below in the ACT and does the current level of emissions meet this guideline;

(3) Does the design of the sewerage pipelines in the affected area meet ACTEW's technical regulations; if so, are ACTEW's technical regulations correct;

(4) Why haven't mitigating actions to reduce the odour been undertaken by either the ACT Government or ACTEW.

Ms Gallagher: The answer to the member's question is as follows:

(1) A study of sewer odours in the Weston Creek / Molonglo Valley area was undertaken in 2006 as part of the investigations into the future development of the Molonglo Valley. While hydrogen sulphide is generally the major contributor to sewer odours, there are other gases that also contribute. Hence the study was not limited to just hydrogen sulphide, but to the broader issue of sewer odours.

As part of the study, a survey was undertaken of local businesses and residents in Weston Creek, which indicated that odours are a potential issue in the area. Most of the odours in this area emanate from a number of sewer vents to the north of Cotter Road. Approximately two thirds of Canberra's sewage passes through this location in a number of major sewers. Ventilation of these sewers is essential to protect the integrity of the sewerage system.

It is probable that the odours are more prevalent in Weston Creek since the 2003 fires because of the loss of much of the pine planting between Cotter Road and the suburbs. These pines provided a degree of air dispersion, which would have reduced the transmission of the odours into adjoining areas.

(2) There are currently no standards for sewer odour emissions in the ACT, however these are under development.

(3) The sewers in the vicinity of Cotter Road met the technical standards that were applicable at the time of their construction. There were no standards on odour emissions at that time. The odour regulations currently under development are based on interstate guidelines and, when completed, will become part of ACTEW's technical regulation. In the interim, the NSW and Victorian guidelines are being used to assess any new sewer ventilation works in the ACT.

(4) The 2006 study developed a strategy to rectify the odour problems. The works involved are quite complex and there are a number of issues that need to be resolved, such as integration with other infrastructure proposed for the area. ACTEW is working closely with the ACT Planning and Land Authority to ensure these issues are correctly addressed. It is anticipated that these works will be completed by the end of 2009.

Recognising that the sewer odours are also impacting on existing residents in Weston Creek, ACTEW has devised an interim solution that will provide relief for Weston Creek residents in a much shorter timeframe. The planning and design of these works is already underway and works should be completed by the middle of 2008.

Canberra Hospital—office space (Question No 1740)

Mrs Burke asked the Minister for Health, upon notice, on 18 October 2007:

(1) How many patient wards at The Canberra Hospital have been turned into office space in (a) 2001-2002, (b) 2002-2003, (c) 2003-2004, (d) 2004-2005, (e) 2005-2006 and (f) 2006-2007;

(2) How much office space will be reclaimed and converted back into wards in 2006-07 and 2007-08;

(3) How many additional beds will be created by reclaiming office space in 2006-07 and 2007-08.

Ms Gallagher: The answer to the member's question is as follows:

(1)
(a) 2001-2002 - Funding was appropriated in the 2001-2002 budget by the last Liberal Government to convert Ward 7B to accommodate the teaching requirements of the Sydney University Clinical School.
(b) 2002-2003 – no wards have been converted to office space.
(c) 2003-2004 – no wards have been converted to office space.
(d) 2004-2005 – no wards have been converted to office space.
(e) 2005-2006 – no wards have been converted to office space.
(f) 2006-2007 – no wards have been converted to office space.

(2) 2006-07 – approximately 200 m^2 of office space previously occupied by the Sydney University Clinical School was converted into ward space for the Medical Assessment and Planning Unit (MAPU) at The Canberra Hospital.

2007-08 – 2 offices are being reclaimed and 4 additional spaces used for other purposes, such as storage and meetings, are being reclaimed.

(3) 2006-07 – 16 additional beds on level 7B from reclaiming Sydney University Clinical School space.

2007-08 – 20 additional beds will be available, 3 specifically from reclaiming office space.
