Debates

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Wednesday, 16 September 2009

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Wednesday, 16 September 2009

The Assembly met at 10 am.

(Quorum formed.)

MR SPEAKER (Mr Rattenbury) 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.

Emergencies (Bushfire Reporting) Amendment Bill 2009

Mr Smyth, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR SMYTH (Brindabella) (10.02): I move:

> That this bill be agreed to in principle.

Mr Speaker, I have much pleasure in presenting the Emergencies (Bushfire Reporting) Amendment Bill 2009. Again, I am indebted to the parliamentary counsel staff for their expertise in drafting this bill. I am continually amazed by the way in which the staff in the counsel's office can take our concepts and ideas and turn them into very carefully worded legislation

The Victorian bushfire disaster that occurred in February this year has again reminded Australians that bushfires are very dangerous. Moreover, as recent evidence to the royal commission into those bushfires has shown, the same issues are being raised after that bushfire disaster as have been raised after earlier bushfire experiences. The clear evidence gained from our experience over many years is that we humans simply do not learn from bushfire disasters.

Australia has a long history of bushfires, and we will continue to experience them. The issue for us, as communities in Australia, is twofold. First, we must enhance our preparedness to deal with bushfires; second, we must not forget the lessons from previous bushfires. I will deal with each of these matters as I outline the reasons why I have prepared this bill.

In setting out the basis for this bill, it is particularly relevant to draw on some of the conclusions that were made in the recent interim report from the Victorian bushfires royal commission. This interim report makes two sets of comments about the preparation for emergencies—which, of course, includes bushfires. The first set relates to Victoria's emergency management arrangements. The commission noted that these arrangements "are founded on the key components of prevention, response and recover".

With respect to prevention, the arrangements stress two principles: the elimination or reduction of the incidence or severity of emergencies, and the mitigation of their effects. If we apply these principles to bushfires, we know that it is impossible to

eliminate bushfires; hence, it is incumbent on us to minimise as far as we can the risk of bushfires occurring.

The second set of comments details the approach of governments to mitigating the potential for bushfires. The commonwealth and state governments, through the Council of Australian Governments, have been involved in two significant reports in recent times on this issue. The first report was the *Natural disasters in Australia: reforming mitigation, relief and recovery arrangements* report, prepared in 2002. The second report was the *National inquiry on bushfire mitigation and management,* prepared in 2004, written by Mr Stuart Ellis, Professor Peter Kanowski and Professor Rob Whelan. I will call this the Ellis report, as the chairman of the inquiry was Stuart Ellis.

One of the important outcomes from these reports is the increasing stress that is now being placed on being prepared for disasters and emergencies. The report on natural disasters called on all governments to engage in a "paradigm shift" and to embrace mitigation, rather than focusing on recovery from natural disasters. While all levels of government have an interest in mitigating the effects of disasters, this report noted that "state and territory governments have the principal role in natural disaster mitigation". This report also emphasised that the paradigm shift in focus needed to encompass "increased, cost-effective investment in disaster".

The commonwealth government recognises the importance of having the best possible preparations in place for disasters. The commonwealth provides resources, including funding, to states and territories to enhance preparations for disasters through such programs as the bushfire mitigation program and the national aerial fire-fighting strategy. The evidence that has been accumulated over many years, in a large number of expert reports, is quite clear. It is essential to have good preparations that are intended to reduce the risk of disaster—in this case, bushfires—as far as feasible.

The problem we face in all of that is complacency—complacency that what we put in place after the last bushfire will help us with the next one. Unfortunately, complacency is always with us. The Ellis report developed what it called "the bushfire cycle". This cycle, according to the Ellis report, has a series of actions that proceed from a major bushfire event. You have the event; it is followed by accusations and blame; you then have a government inquiry; as a result of that inquiry, you have an increase in funding for emergency services; you initially have community compliance; you then have the coronial inquests and the recommendations that are made; then there is a sense of growing complacency that leads up to the next major bushfire disaster.

In many ways, you could say that is what has occurred in the ACT. We did have a major event; there were questions asked; there was a government inquiry that had recommendations that led to an increase in emergency services funding; and, again, there was initial community compliance. We then had a coronial inquest, with further consequences. But over recent years there has been a growing sense of complacency, particularly inside the government.

The Ellis report notes that the bushfire cycle can have periods extending from as much as 20 years to 50 years. So it is easy to see how complacency can develop when

the cycle can extend over such a long period. It is sad and distressing that the Ellis report has identified complacency as such a significant factor in the way in which we respond to bushfire disasters.

The critical question that I want answered is: how do we reduce the opportunity for complacency? In the context of the Ellis report and the bushfire cycle, the Ellis report does seek to answer the question that I have posed. This report proposes a set of national indicators of good practice against which reporting shall be undertaken within each jurisdiction. As the report notes:

> Having a set of good-practice indicators and reporting regularly against them would obviate the current reality whereby states and territories gain an appreciation of fire mitigation and management performance only when there is a major bushfire event. Some states and territories do conduct performance audits, but they are not based on nationally agreed criteria.

The Ellis report emphasises that having national indicators of good practice "should not be used to compare the performance of various states and territories". It goes on to say that we are not in competition in facing up to the reality of emergencies such as bushfires. But what we need is for each state and territory to be as well prepared as possible. The national indicators of good practice can be used to review, on a regular basis, the overall performance of jurisdictions in reducing the impact of elements in the bushfire cycle. As the Ellis report concludes:

> Were this achieved—

the reduction of elements in the bushfire cycle—

> major bushfire events' effects on communities, the environment and individuals would be considerably reduced.

It is in this context that I have prepared this bill. Essentially, my bill will require the preparation of a report before each fire season that provides information on a range of parameters relating to the way in which we have learned from earlier bushfire events, what we have learned from the previous bushfire season and what we have prepared for the forthcoming bushfire season.

I have given careful thought to the content of the report that needs to be prepared and I have received considerable advice from a number of people who are experts in this field. I believe that preparing such reports should not be a particular impost, as the range of information that is required should be readily available to the territory. Hence, the purpose of the bill is to ensure that this information is brought together in a report to the minister and, through the minister, to the Assembly and to the community.

I have proposed a process by which this report will be considered by an appropriate committee of the Assembly. I do acknowledge the short period available to the committee for this consideration, but that is determined on one hand by the need to be properly prepared for the bushfire season that usually starts at the beginning of October, and, on the other, by allowing enough time for the information to be gathered and analysed by territory organisations. Nevertheless, the imperative remains.

We must not let complacency overcome the way in which we must prepare for each bushfire season.

It is instructive to consider some comments that have been made in Victoria, following the release of the interim report of the royal commission. These comments are a poignant reminder of what we do not do following major emergencies. Earlier this month, the Emergency Services Commissioner in Victoria, Mr Bruce Esplin, expressed his frustration over the failure to implement recommendations that he had made as far back as 2003. Commissioner Esplin said:

> We need a mechanism to ensure the lessons that come out of all emergencies, not just the catastrophic events like 7 February, are learnt and, importantly, implemented.

Commissioner Esplin also said:

> I'd be a liar if I said I wasn't frustrated in seeing the similarities between what I said in 2003 and what the commission said in 2009.

Am I surprised at Mr Esplin's frustration? Not at all. We do need a process to ensure that the right lessons are learned, the right actions are taken and the right preparations are made to mitigate the issues following future emergencies. And this is the purpose of the bill today.

I have referred already to the Ellis report. The collective learning that was brought together in this report was extensive, and this information remains completely relevant today. An essential insight into bushfires that was made in this report is that bushfires cannot be prevented. They are a fact of life in Australia, as they are in many other countries. The critical issue faced by communities is how to minimise the risk of harm that will be caused by a bushfire. So the imperative is risk mitigation, not total bushfire prevention. I can only repeat: we cannot stop bushfires starting. What we can do is take all possible action to mitigate the effects of bushfires.

Having established the premise that we should be minimising the risk of bushfires, what does that lead to? It leads logically to communities understanding this imperative about bushfires and acting accordingly. Hence, we must act to minimise the risk that a bushfire poses to people, to assets and to the natural environment. The key activity in this context is preparation. It is essential to have appropriate reporting to ensure that the preparations are as sound as possible, in accordance with the conclusions reached in the Ellis report in 2004. The situation has not changed since the Ellis report was published in 2004. Indeed, the situation has not changed for many years. Bushfires have occurred; bushfires will continue to occur. What we must do now is act to mitigate the effect of the bushfires.

Let me turn to the detail of the bill. What the bill proposes is that the minister will table a bushfire preparedness report. It will be tabled, effectively, sometime in August for consideration by the committee in September, and with the minister to present a final report or an updated report to the Assembly before the start of the fire season.

Clause 85H of the bill looks at the previous season. It asks what was the number of total bushfires attended, the total area of land burnt by the bushfires, the cost to the

territory, the number of members involved and the total number of bushfires in other states attended by members of the brigade. It gives us a picture of what we were able to do in the previous season.

Clause 85I talks about budgets, staffing and the number of appliances available for the upcoming season. It also asks for a list of plans prepared under the legislation, a list of studies conducted by the territory in the last 12 months and details of the age, state of repair, number and availability of vehicles that are intended to be used to fight bushfires. It also looks at the level and currency of training of all those who would be involved in fires, and it asks for a long-range weather forecast—all of which is information that is already available and collected. And if it is not, you have to ask the question: why?

Clause 85J looks at preparedness and fine fuel reduction activity. There seems to be some confusion. Some people have been calling fuel reduction "back-burn". Back-burns are normally a tactical weapon that we use when we are fighting a fire. Fuel reduction, controlled burns and prescribed burns are the terms that we should be talking about here.

Clause 85J gives us an assessment of fuels in fire-prone areas, the number of controlled fires that were planned to be undertaken, the actual outcome, the area of land on which controlled fires were undertaken and the effectiveness of these fires. Often, fires can skim over the top, so what looks like a successful fuel reduction activity may not have resulted in what it is that you have intended. In this clause I have said that in each report we need to have a trend so that we can see what is happening. I have suggested that a 10-year figure is accumulated so that we can do the comparison quickly and understand what has been done.

Clause 85K looks at access preparations. It asks what is the length and location of fire trails cleared or upgraded, the number of fire trails planned to be cleared or upgraded, the number of new trails created, if any, the number of fire trails closed, if any, maintenance programs and the state of bridges. Part of the problem with the McIntyre fire in 2003 was that the New South Wales parks service could not get their tankers in because they had not maintained the bridges. It is very important. The clause also looks at the state of landing strips and other aerial access into fire-prone areas.

Clause 85L discusses protecting significant areas. The bushfire preparedness report must include the following: what areas have been identified as significant areas; what plans have been developed to protect significant areas; and what action has been taken to implement these plans. In this clause, a "significant area" is defined under the Heritage Act, and that looks at things like environmental or built heritage—for instance, the wetlands that we lost along the Franklin road, or some of the huts that were lost in Tidbinbilla and further afield. It also talks about infrastructure as provided under the Utilities Act 2000 so that, if we know we cannot protect it all in the event of a big fire, we actually have, in the Assembly, knowledge that we have plans to protect the most important pieces of our environment.

Clause 85M talks about legislative requirements. The report should have a list of legislative requirements—which have been or are being complied with and which have not, and an explanation of which have not been complied with.

Clause 85N looks at bushfire recommendations. This is a clause that will involve reporting over a 20-year period. Advice to me from those who know about these things is that often what happened in the 80s is still relevant today, yet the problem in this country is that we have very sound reports but they are put on a shelf and forgotten. So this clause says, in relation to the ACT, that there should be a list of all the bushfire recommendations made over the last 20 years—which have been complied with and which have not been complied with, or which have been overturned.

Clause 85O looks at research and development. It says that we need to be looking at what is occurring around us that is appropriate to the ACT, and it should be reported upon.

Clause 85P is particularly important. It goes to public education. It says that the government must report on how they have told people how they should prepare for or respond to bushfires for themselves, provide information about the territory's preparation for the upcoming season, and how they have increased public awareness about bushfire warnings under part 5.3A and the fire danger index. It is very important that people understand this. Many people still do not know. In fact, I would say that just about everyone probably does not know about or understand the fire danger index.

The process is that such a report would be tabled, it would go to a committee and hopefully a committee could hold a public hearing if time permitted, but I do understand the constraints. The committee would then report and the minister would give a final report responding to any recommendations or commentary from the committee.

It is quite clear that this country forgets, or this country simply accepts, that bushfires are a part of our lifestyle and therefore there is nothing that we can do. There is so much that we can do. There is so much that we should do. But the first thing that we have to do is stop forgetting that bushfires occur. We had a bushfire in this territory on Christmas Eve 2001. Thirteen months later, we had an even more serious event, and that is how they occur. They can occur the next year or there might be a gap of 30 years. No-one can know and no-one can predict, and that is why we should not forget.

In summary, my bill proposes a comprehensive approach to reporting on the territory's preparation for the coming bushfire season. As I said at the beginning of my remarks, there are two issues that we face. First, how well prepared are we to deal with bushfires? Second, how well have we learned the lessons from previous bushfires? In proposing a formal process of reporting on our preparedness and what we have learned, I believe that we can overcome the grip of complacency that is such a feature of human responses to emergencies, and which has been identified so graphically in the Ellis report of 2004, so that we can ensure that we are as well prepared as possible as we move into each bushfire season.

I commend the bill to the Assembly.

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

Education—teachers

MS BURCH (Brindabella) (10.21): I move:

That this Assembly:

(1) notes:

(a) the fact that outside the home, teachers are the most important factor in influencing a child's education; and

(b) the importance of having the best and most experienced teachers in ACT classrooms; and

(2) supports the ACT Government and the federal Labor government's initiatives to develop merit-based promotion systems and improve pay outcomes to attract and retain the best teachers in ACT classrooms.

Mr Speaker, outside the family home, quality teachers are the single most important factor affecting student learning progress. The relationship between high-quality teaching and improved student learning is undeniable. Every parent knows it, and research confirms it.

Parents know what quality teaching looks like. When they ask their children what they learnt at school today and they receive an earnest lecture about Australia's first Prime Minister, they know it has been a good day at school. Parents know things are going well when they receive a detailed retelling of the books their children are reading, and they know when their children are learning when the quadratic equation is solved before dinner rather than hours later. They know their children are learning by the interest they show.

Parents know when a school has quality teachers, and the latest Australian research confirms the link between quality teachers and student outcomes. It is what parents and teachers have known instinctively for years. Now many international and Australian studies show that factors such as high expectations of students, high levels of student engagement and a supportive social environment have a positive impact on student outcomes and learning. This is why ACT Labor is delivering quality teachers for ACT government schools.

What do we mean by quality teaching? Parents, students and school communities all know the importance of having the best and most experienced teachers in ACT classrooms. We need an education system which not only enables but encourages our best teachers to stay in the classroom. We want our most experienced teachers in the classroom mentoring our new teachers. We want them fostering a range of teaching styles, approaches and practices, and we want teachers experimenting, reflecting and analysing the results. We want our teachers to turn their students' worlds upside down and to teach our young people how to think for themselves.

We also need to reward teachers who put in the extra effort to coach our struggling students and to challenge our bright students. We need to thank the teachers who are actively engaging parents and carers in their children's education. We want to encourage teachers to sit down with parents and carers and explain the report cards, the NAPLAN results and how they can help their child to learn at home as well as in the classroom.

What does the research tell us about teacher quality? It tells us that quality teaching matters, and the research is there to confirm it. We know from numerous national and international studies that, apart from the home environment, the classroom teacher is the major influence on student achievement. For example, research shows the importance of high expectations combined with a high level of student engagement and social support. These features are central to the ACT's quality teaching model and are being implemented as part of the ACT's new school improvement framework.

First, in relation to high expectations, the literature and evidence are clear. Academics such as J E Brophy and T L Good have provided guidance to teachers on how to convey high expectations in their classrooms. The evidence tells us that high expectations should not be interpreted in a static fashion. Quality teachers will be flexible. They will assess how to set the bar for each student, and this is why individual student results from NAPLAN and the primary indicators in primary schools tests are so important.

Second, quality teachers will engage their students. Again, we know instinctively that when a student is not interested, is not engaged, the capacity to learn is diminished. But this knowledge is also reflected in the evidence. F M Newmann found that engaged students make a:

> … psychological investment in learning. They try hard to learn what school offers. They take pride not simply in earning the formal indicators of success—such as grades—but in understanding the material.

Engaged and supported students are those who ask questions, relate information to their experience and knowledge and develop a love of learning. Quality teachers will foster this natural curiosity.

Third, quality learning environments are those with high levels of what the experts call social support. Teachers can build social support by being relentless in their demands for students' best efforts and being actively attentive to individual students and their progress. Teachers know when they have got that; they know that look of understanding which falls across a child's face. I want teachers and students to experience more of these moments, and that is why this government is delivering quality teachers to government schools.

But what are we doing to improve quality teaching? Well, when I am out and about in the community and I am meeting parents and families from my electorate in Brindabella, parents tell me what they want. They want quality teachers in their classrooms who are highly trained, passionate, experienced and supported. The ACT

Labor government has made and continues to make a considerable and sustained investment in improving the capacity of our teachers—our early childhood teachers, teachers in primary schools and our high schools and college teachers as well as our school leaders.

The Department of Education and Training is using best practice standards in teacher recruitment and selection processes. A new support program for graduate teachers has been introduced. Teachers regularly attend challenging professional development and training sessions so that they can continue to create innovative lesson plans and review their teaching practices.

To attract and retain the best teachers in ACT classrooms, we will invest and deliver over $6 million for new specialist literacy and numeracy teachers. A total of 21 literacy and numeracy specialists will coach ACT teachers and assist Canberra's schools to develop individual learning plans for students.

This government is also investing over half a million dollars to increase the number of Indigenous teachers and teacher assistants working in ACT public schools, over $3 million for more teachers to assist with English as a second language, and almost $2.5 million for additional professional support and expert support for schools to implement the quality teaching model. This is a record investment in ACT schools and will make sure that teachers are able to ensure that the students reach their full potential.

The ACT government is also working closely with the commonwealth to improve teacher quality—something that has only been possible with the election of a Labor federal government. The ACT's draft implementation plan for the improving teacher quality national partnership was recently released. This government is listening and continues to listen to the community and school communities. Broader communities are encouraged to provide feedback on the draft to the Department of Education and Training.

This national partnership will drive reform and innovation to improve the quality of teaching and leadership in ACT schools and to sustain a quality teaching workforce. Through this partnership, school principals will be given increased flexibility to determine the most appropriate method of filling teaching vacancies in the executive structures of schools. The national partnership funds will be used to provide each school with an additional flexible starting allocation, and schools will be encouraged to use this allocation for innovative teaching arrangements. The new arrangements could include allowing staff to vary their teaching days and schools extending their hours to provide greater homework support, ICT activities, arts workshops and sporting activities.

Schools that lead the way under this national partnership will be priority schools for the introduction of ongoing placement of accomplished and leading teacher positions. These experienced teacher positions will be based on the national professional standards being developed across all jurisdictions. This national partnership, along with the literacy and numeracy and low socioeconomic national partnerships, is a significant step towards making sure that the ACT attracts and retains the best and

most experienced teachers in the classroom. These reforms will not only keep the best and most experienced teachers in the classroom but will raise students' expectations and results.

So why are we focusing on teacher quality? The ACT government is delivering the best and most experienced teachers to Canberra's classrooms. Why do we need reform in this area? It is because the quality of a school cannot exceed that of the quality of the classroom teacher. The evidence tells us that teacher quality is the most influential factor in a child's ability to aim for and to reach their full potential. It is teachers who spend hours of each day with our children and young people.

We want all teachers to be enthusiastic and interested in the individual achievement of every child. As a parent of three children, I know that each one is different, so quality teaching tailored to the needs of every child is something that every parent would wish for. We want teachers to be better paid and better recognised for all their hard work, and we want teachers to be as respected as lawyers, doctors and engineers.

It is the teacher, along with the families, who will raise our children's expectation and aspirations for their future. When a student says, "I'd like to be a doctor," but then goes on to say, "But that's not for the likes of me," it will be the teacher who will step in, raise their expectations, give them the frameworks for good learning and set them on the path to achievement. In addition to a student's family, it is the teacher who will encourage them, challenge them, and watch them graduate from the medical school.

Simply, teachers are the most important factor outside the home in influencing a child's education. Ultimately, all of these strategies and resources come down to one key aim—that is, to improve the quality of what goes on inside the classroom. Our approach will demand innovation, hard work and determination, but let us not shy away from the difficult decisions. The ACT government will make every dollar count towards improving out students' educational outcomes.

Parents, students and school communities all know the importance of having the best and most experienced teachers in our classrooms, and we need an education system that not only enables but also encourages the best of our teachers to stay in the classroom. We know from numerous studies that the classroom teacher is the major influence on a child's achievements, and we want to provide a framework for quality teachers to stay. This government continues to make that investment for our teaching fraternity in the ACT, as well as investing in school infrastructure across the ACT.

As I said, the ACT government will make every dollar count towards improving our students' educational outcomes. The ACT Labor government is making considerable and sustained investment in improving the capacity of all our teachers. In closing, I would hope that members support the investment in quality teachers and recognise the benefits that that will bring to ACT students.

MR DOSZPOT (Brindabella) (10.35): I thank Ms Burch for the motion. I must say that I fully agree that, outside of the home, teachers are the most important factor in influencing a child's education, as I am sure all people in Canberra and in this Assembly would also agree. Having the best and most experienced teachers in the

classroom is the optimum situation and what parents, schools and students want. That is a given. So Ms Burch's usual dorothy dixer has certainly pulled out all of the motherhood statements for this motion today. However, on the issue of this government's initiative to develop a merit-based promotion system in order to attract and retain the best teachers to the ACT, there are some issues yet to be fully addressed.

Whilst I certainly accept the motion's intent, I have a great deal of difficulty with the actual reality of the implementation of this proposed initiative. ACT Labor in general has a history of opposing merit-based pay for teachers. It has always been a Liberal Party policy to support this concept. This is another mighty backflip from our minister for education from 2006, when he was opposed to a merit-based pay system, to 2009, where he has reinvented himself as the champion of the so-called merit-based pay system.

This government is making a half-hearted attempt at introducing this initiative. As is usual with Mr Barr, there is a lot of spin on this topic but precious little substance. This government has a history of bringing its teachers to the absolute brink of despair. In 2006, most ACT teachers were at their wit's end, in the face of having to deal with a backlash to school closures. Their morale declined dramatically, numbers dwindled and, as I understand it, ACT education took a massive blow as a result of the Costello functional review, as around 60 teachers left the system. We have seen again only this year the Stanhope-Gallagher government renege on a pay deal with teachers that had already been agreed to in the previous budget. Teachers in the ACT have every right to be sceptical of this government's commitment.

Today we have Ms Burch bringing us this grandstanding motion, which is short of substance yet full of motherhood statements that state the obvious, with that final kicker about merit-based pay for teachers. What the government have really said about merit-based pay is that it must have a limit; there must be a quota for it to be affordable. The minister himself has said that it will prove difficult to increase the salaries of teachers in the current climate. We saw only this year the inability of this government to even make good on their initial agreement with teachers, let alone make any increases on this. The minister has said that, while he wants to introduce a merit-based pay system, it would be necessary to cap the number of public school teachers eligible for this new pay packet. The minister, on 23 May in the *Canberra Times*, said:

> Putting 200 teachers onto the higher wage in the program's first year would be difficult.

According to the government's own figures, about 1,500 teachers have reached the top pay rate. In order to move 100 of these teachers to a merit-based higher wage, it would cost the department an additional $2.6 million in salary costs. Another 50 would cost $1.3 million. Even 25 higher salaried teachers would cost the ACT government an additional $600,000. If this was the case, less than one per cent of the entire teaching population would be eligible for this performance pay. We must also remember the difficulty facing initial teacher recruits from other regions, who are being put off due to the long and arduous selection process.

In conclusion, whilst I certainly accept the motion's intent, I do have a great deal of difficulty with the actual reality and the implementation of this proposed initiative.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.39): The ACT Greens have, as one of their key education principles, a belief that learning is a life-long process fostered in both formal education and informal settings from early childhood through to adult life. Therefore, in relation to parts (1)(a) and 1(b) of Ms Burch's motion, we acknowledge the importance of the role teachers play in influencing a child's education. In recognition of this important role, we also agree that we should have the best and most experienced teachers filling this role.

The education children receive from preschool through to their teenage years is a critical step in their development, and the best learning environment and teaching standards are vital in this process. Our highest priority needs to be that every student, regardless of background, receives the best possible education by learning or developing the skills and values that will enable them to enter the workforce in a rewarding vocation.

Research shows that the most effective way of achieving better educational outcomes for students is to improve the quality of teaching. One of the measures in the ACT Greens policy commits to reviewing pay, conditions and career opportunities of ACT education professionals to develop a comprehensive strategy addressing their recruitment and retention.

Earlier this year, the Business Council of Australia had staff at the Australian Council for Educational Research write a paper for it on quality teaching. That paper focused on what needs to be done to raise the quality of teaching in all schools for the benefit of every student.

The paper identified five reforms that were needed: firstly, recruiting the most talented, capable and committed people into the teaching profession; secondly, developing a new national certification system that recognises excellence in teachers and provides a basis for a new career path for the profession; thirdly, a new remuneration structure that rewards excellent teachers and which demonstrates that as a society Australia values the teaching profession; fourthly, a comprehensive strategy that supports teachers to continue to learn and to improve their teaching throughout their careers; and, finally, the introduction of a national assessment and accreditation system for teacher education courses.

This paper recognises that remuneration is not the only issue that needs to be considered in seeking to improve the quality of teaching. It is a combination of things. Remuneration is, however, important, as Ms Burch's motion suggests. Indeed, the Business Council of Australia last year proposed that the best classroom teachers should have the opportunity to double the average teaching salary in return for meeting specific criteria for an accomplished or leading teacher.

Present arrangements in teaching do not encourage, reward or require further professional learning. It seems that any merit-based pay system should include a

combination of performance and learning. It has been determined that teachers will eventually leave the profession if the salaries and working conditions are unsatisfactory. Salaries are competitive for teachers but plateau after about eight years, at a time when salaries in other professions tend to rise.

Compared to most OECD countries, our teachers rapidly rise to the top of the incremental scale. The Committee for Review of Teaching and Teacher Education in 2003 produced a report for the commonwealth Department of Education, Science and Training. It found evidence of a largely hidden resignation spike after eight to 10 years of teaching, which coincides with teachers reaching the top of the various salary scales. Therefore, it is important that any initiatives that the ACT government or the federal government develop to improve pay and retain teachers take into consideration the exit rate and options to retain our experienced teachers.

We note that there is broad support for a performance-based system for recognising and rewarding teachers. The Australian Education Union’s policy statement, *Professional pay and quality teaching for Australia’s future*, proposes a professional standards-linked career reform to recognise and enhance the high-quality teaching which students need to meet the challenges of the future. Under the policy, teachers gaining higher standards would be rewarded through salary increases, not one-off cash bonuses. Teacher unions have long sought reform of career structures with the purpose of providing recognition and reward aimed at retaining highly accomplished teachers in the classroom.

The Council of Australian Governments has also identified the need to further recognise and reward quality teaching and to assist in the development of a national partnership between the commonwealth and state and territory governments. They are all committed to funding research to inform effective ways to achieve this.

The Australian Labor Party’s policy statement, released in 2006, also committed the government to enrich teacher career paths through negotiated awards or collective agreements and additional payments for teachers who meet higher standards. Of course, that policy is still in place. Professor Geoff Masters, author of the paper *Education: some policy considerations*, which was prepared for the Business Council of Australia in 2007, noted the necessity for the establishment of a pay structure for teachers that attracts able young people to teaching as a career.

ACT Greens education measures support the review of pay, conditions and career opportunities of ACT education professionals, as I have said earlier. This is a commitment we have held for a long time and will continue to hold. In the commonwealth Senate yesterday, Greens Senator Christine Milne, when speaking on the education revolution, said,

> … it is time as a society we thought much more about the place of schools in our community and about how we value teachers in our community and the job that they do. The whole society must recognise the value of teachers and what they bring to the classrooms.

Because it is neither desirable nor practical to pay differential amounts to teachers other than by an accountable system of promotions or to encourage teachers into

positions that are difficult to staff—for example, in remote communities or disadvantaged schools—we must be very cautious as to how any merit-based system may link to schools or school scores.

In February 2007, Lawrence Ingvarson, a national expert in measuring teacher quality and a research fellow at the Australian Council for Educational Research, was commissioned by the federal government to research performance pay for teachers. One of his conclusions was that student results provide an invalid base for identifying high performing teachers for pay rises. It is worth noting that in a recent survey of parents conducted by the Australian Parents and Citizens Council, parents ranked teacher quality much higher than the school's results in public tests or exams.

While we support the spirit of Ms Burch's motion, at this stage we do also want to state that there is a lack of detail in the initiatives being considered. We look forward to seeing what detailed measures the ACT government, in consultation with the commonwealth, puts forward in relation to this important area.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (10.47): I thank Ms Burch for raising this matter today and Ms Hunter for her very thoughtful contribution. It is an important issue for the Assembly to debate and it is indisputable that quality teaching is at the core of improving educational results. So today I would like to take a little time to discuss the importance of teacher quality, outline the ACT's new teacher quality institute and to discuss in some detail initiatives to develop merit-based promotion systems and pay our best classroom teachers six-figure salaries.

I have considered the evidence and taken the best advice on the importance of teacher quality. The latest research from eminent academics such as Professor John Hattie and the late Dr Ken Rowe shows that teachers do make the most significant difference to student learning and performance. A recent report released by consultants McKinsey and Co assessed international research, OECD data, interviews and school visits to establish what makes great schools. The report concluded that recruiting, retaining and training the best people to become teachers made all the difference. Put simply, the main driver of variation in student learning at a school is the quality of the teachers.

This is why we are hiring an additional 21 literacy and numeracy specialists to train all ACT teachers in our public system in the important building blocks of education—reading, writing and arithmetic. We do want the best teachers in our classrooms. And to get them there and to keep them there, we need to pay top salaries. Parents will see that their kids' best teachers get the pay and promotion that they deserve: six-figure salaries for the best classroom teachers; seniority out and merit in. The era of promotion by exhaustion is over.

Teachers will have a clear merit-based career path to encourage innovation and flexibility and to reward effort and excellence. Teachers who do excel must have the opportunity to advance through the promotional structure more quickly. Under the government's agenda to improve teacher quality, if you are good you will be

rewarded. As I say, we want the best teachers in the classroom teaching. This is why the government is also reviewing our school-based management system to reduce administrative burdens on executive teachers so that they can focus on curriculum development, the school's literacy and numeracy outcomes and lesson plans. All school leaders are educational leaders and quality teachers.

So how will we achieve these ambitious reforms? How will we make sure that the ACT leads the country in teacher quality? First, we will establish a teacher quality institute. The institute will be responsible for teacher registration, ensuring teacher qualifications meet new minimum national standards, accrediting teacher training courses delivered in the ACT and delivering leadership standards. The institute will make sure that every teacher in every government, Catholic and independent school across the ACT meets the new national standards for training and experience.

This is another great example that the old public-private debate is over. The institute will also work collaboratively with our new school centres of teacher education and excellence. These centres will promote better practice and enhance creativity in teaching practice. The institute is scheduled to open in 2011. Consultation in 2007 and 2008 made it clear that parents want teacher registration and measurable professional standards for ACT teachers. The teacher quality institute delivers on this.

Secondly, through our smarter schools national partnerships, we will work with the commonwealth to develop a set of nationally consistent professional teaching standards. These standards will provide a framework for recognising and rewarding high-quality teachers. I am pleased to report that these reforms have been embraced with a high level of goodwill, cooperation and enthusiasm by the public system, the Catholic Education Office and the Association of Independent Schools. I believe that this represents a tremendous opportunity for a collaborative working arrangement on this broad range of reforms to improve teacher quality in all ACT schools.

Thirdly, the ACT government is already establishing strategic partnerships with local universities to improve the quality of teacher education and pre-service training. Fourthly, we have a more targeted approach to the professional development of our principals and school leaders. We are emphasising the importance of succession planning in our public schools and training our deputy principals to be innovative and energetic leaders. Fifthly, a teacher education committee will be established to provide advice and proposals on the development of alternative pathways into the teaching profession.

The government values the passion and commitment that our teachers have, and the best teachers should be rewarded for their efforts. Across our ACT education system I hear many stories of young, energetic teachers developing lesson plans for their entire teaching departments. It is great training for new teachers, but as soon as those teachers start to feel like they are carrying the load for others without any additional support or recognition, quality teaching will decline.

A recent Gerard Daniels report *Rewarding quality teaching* states, "Well-structured rewards are a critical factor in retaining good teachers and building the status of the teaching profession." Through qualitative research with key education stakeholders,

this report makes recommendations on possible merit-based pay models for the teaching profession. It proposes a range of reforms to remuneration and career structures that keep great teachers in the classroom.

Specifically, the report considers analogous collaborative professions that use merit-based pay models, such as the public service, health professions and the armed services. The Gerard Daniels report also reviewed existing merit pay models for the teaching profession in Scotland, England, Denver and Western Australia. The report concluded that there is an appetite for improved rewards for high performing teachers.

This is an important step forward for teacher quality. The development of a merit-based pay model should be very closely linked to a sophisticated approach to national teaching standards. We intend to work closely with the commonwealth and states and territories in developing these national teaching standards. A merit-based pay model for the teaching profession should focus on recruiting, retaining and rewarding high performing teachers in classrooms.

At this point, it is worth noting that this approach to a merit-based pay system is where there is a massive deviation in federal government policy from what was the case under the previous government. They were more interested in merit-based pay systems based on votes of students and parents, based on taking money away from other members of staff to reward teachers, based on that sort of merit-based system.

There is very little research or any actual evidence base behind the particular proposals that the previous federal Liberal government put forward in this area. That is why not just the ACT but all states and territories rejected the previous approach to merit-based pay. This is not to say that the issue itself does not have the capacity to generate some more innovative responses from jurisdictions. This is what the commonwealth and the states and territories are engaged in at this point in time.

I return to where I began. Our best classroom teachers should be paid six-figure salaries—top salaries for our top classroom teachers. This is not some pie in the sky number; it is a practical target that the government is working towards. The enterprise bargaining agreement that teachers will soon be voting on will outline the process towards moving to this particular goal. Teachers vote on that in the next few weeks. The AEU will be recommending support for such an agreement.

In closing, I again reiterate the government's view that education is a powerful force for change in our society. It obliterates old class divisions and boundaries. It is the great equaliser and a great driver of excellence and achievement. It prepares children, not just for tests and exams, but for lifelong learning. As Ms Burch says in her motion, outside the home, teacher quality is the most important factor in a child's education. It is teacher quality that inspires and it is teacher quality that gets results.

MRS DUNNE (Ginninderra) (10.56): There is no doubt that much of what Ms Burch says in her motion has a ring of truth to it. Teacher quality is an important element in the range of things that will assure good educational outcomes for students. But it is interesting that from time to time educational researchers hang their hat on one item or another. I recall that at the time when national testing was first mooted and when

the ACT introduced ACTAP back in the mid-1990s, the view was that the best determinant of educational outcome for children was the socioeconomic background of the school that they attended. There is a lot of merit in that argument as well. It is true that there are a lot of determinants in relation to the educational outcomes of children in our schools. Probably the most important determinant is the support that those children get in relation to learning from their homes.

I need to congratulate the minister on the quality of his rhetoric and the quality of the high-sounding principles that he talks about in this, but there has to be much more to this than just good rhetoric. On basically every holiday long weekend for the past two or three years we have seen the minister for education. He went through a children and family day process; then we got past the children and family day, and every holiday weekend there was a press release about how important it was that the best teachers be paid six-figure sums. I am glad he used the term "six-figure sums"; he said that we would get there.

But there is nothing in what the minister has said that actually has a signpost. It is still aspirational. He is still talking about the aspiration. Surely, in due course, inflation will mean that teachers get paid six-figure sums. There is still nothing to be heard from this minister except the notion that on every holiday Monday there will be a press release and an article in the *Canberra Times* about how Andrew Barr thinks that it is important that the best teachers get paid six-figure sums.

I am hoping—perhaps this will be a self-denying prophecy—that on 5 October, the next Monday long weekend, we will see that story. And next year, during the September-October school holidays, when we have two long weekends one after the other, the minister will be able to run that story twice. In the meantime, good teachers are not being paid and are not being rewarded in the way that this minister says that he thinks they should be.

There are real issues in the teaching profession about keeping people fresh and engaged and feeling as though they are rewarded. There are real issues in this country about having teachers valued for what they do provide. It is pretty much the case that, for probably the best part of a century, teachers were highly regarded in the community. They were the pillars of the community. There was the bank manager, the mayor, the local policeman and the local teacher. And the teachers were at the pinnacle.

We have been through a process—and the factors that contribute to that are many and varied—where teachers have not been given the same value and received the same recognition from the community at large. In addition to that, their remuneration has fallen. There is much more to be done than just writing a pay cheque. There is much more to be done than just ticking a box. What I am concerned about is that we will end up with tick a box: you go to a course; yes, you can get more money.

The minister spent a lot of time criticising the approach of the previous coalition education minister, but there was much more to what was being proposed at the time than he cares to acknowledge. It may not have been a perfect system, and when I was the shadow minister for education I was from time to time critical of some of the

approaches. But we need to be very careful that we do not move from one approach which looks at test results and whether or not the teacher is perceived as being a good teacher to the other tick-a-box approach where you have done a course and that will get you your pay rise.

It has to be a much more sophisticated approach. We do not see any sophistication from this minister except in his line of rhetoric. We have seen it here again today. Again, he wants to talk about it but he does not want to talk about the detail. Let us see the detail. Let us see Andrew Barr get on with paying our best teachers six-figure sums.

MS BURCH (Brindabella) (11.02), in reply: I thank Ms Hunter and Mr Barr for their contributions. I will make some comments on Mr Doszpot's contribution. He seemed to focus on merit pay. He seems to have dismissed merit-based pay out of hand, but I am sure he has not really looked at the evidence. There may be many possible models for the teaching profession. Merit-based pay for the profession has been considered in a number of recent reports. For example, merit-based pay was canvassed in the Australian Council for Educational Research performance-based research rewards for teachers report, in the 2007 Australian Senate inquiry into the quality of school education and in the House of Representatives committee inquiry report *Top of the class*. Mr Doszpot assumes the worst without knowing the facts. He plays on fear—the fear of politics. I must admit that I would like to see his policy, his plans and his agenda for teacher quality in the ACT, because they seem to be missing in action.

I want to get back to this government's policy, what the ACT Labor government is doing. We know that, outside the home, teachers are the most important factor in influencing a child's education. That is why it is so important to recruit and reward the best and most experienced classroom teachers. Teacher quality is why it is so important to develop a merit-based pay and promotion model for ACT teachers. We need to pay the best classroom teachers $100,000 salaries and reward excellence, hard work and innovation. Teacher quality does matter.

Early this year, Geoff Masters' report on improving literacy, numeracy and science learning in Queensland primary schools stated:

> … the most effective way for education systems to improve achievement levels … is to improve the quality of classroom teaching.

We know we are on the right track in the ACT. A survey of parents, carers, students and staff reveals high levels of satisfaction with the ACT schools and classrooms. Between 2005 and 2008, there was an improvement in satisfaction across all sectors, with over 70 per cent of parents satisfied with the ACT's primary schools, high schools and colleges. Ninety per cent of students in the primary schools were satisfied with their school; 98 per cent of parents and carers were happy with their child's preschool experience and early intervention programs.

It also comes to mind that when Mr Doszpot came in here he raised the school closure issue again. Perhaps he needs to reread his statements in the *CityNews*. When he came to this place, he declared that the school closure debate was over. Perhaps others within his party are telling him and feeding him dorothy dixer lines.

Despite the doom and gloom of Mr Doszpot and the ongoing harping, I would like to go again to satisfaction and say some more words about students and parents around satisfaction. Following the announcement of Towards 2020 decisions and the closure of three preschools and several primary schools, the annual satisfaction surveys of staff, parents and students showed continuing high levels of satisfaction with the public schooling in the ACT. Nine out of 10 primary school and eight out of 10 high school parents and carers expressed satisfaction with their children's school and education. In addition, nine out of 10 school staff expressed satisfaction with their workplaces.

It is important to note that almost half of the primary schools surveyed that year had enrolled students from schools or preschools that closed at the end of 2006. One survey included a school that was closing at the end of 2007 and four schools had changed or were to change their year-level structure or amalgamate with another school.

So let me just say that Towards 2020 satisfaction gets nine out of 10, eight out of 10 and nine out of 10 from students, parents and staff. These are the people within our school communities. It is a survey from the school community itself, reporting extraordinary, overwhelming satisfaction with the ACT system.

Whilst we do have a comprehensive policy and program in place, there is always room for improvement. That is why we are delivering 70 new teachers to lower average class sizes to 21 and to promote individual learning. That is why we are delivering 21 new specialist literacy and numeracy teachers to train and coach all teachers in the ACT. That is why we are increasing the number of Indigenous student and teacher assistants working in ACT schools. We are delivering more teachers to assist students with English as a second language and we are providing each school cluster with a quality teaching contact teacher.

Parents know it: quality teachers are a significant factor in their children's education. The quality of the school cannot exceed the quality of the classroom teacher. There is plenty of work to do. The ACT Labor government will continue to deliver quality teachers to all ACT public schools.

Personal explanation

MR DOSZPOT (Brindabella): Madam Assistant Speaker, I seek the right of reply under standing order 47. I have been misrepresented by Ms Burch.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Doszpot.

MR DOSZPOT: Misrepresentation seems to be a contagious syndrome in the right faction of the Labor Party. The fact is—

MADAM ASSISTANT SPEAKER: Mr Doszpot, can you please just stick to the facts at hand rather than giving an essay.

MR DOSZPOT: I am very disappointed about Ms Burch's outburst and about her claims that I gave no attention or support, that I was anti the merit-based pay system. You did not listen to what I said, Ms Burch. I in fact endorsed what you have said. I accepted the motion's intent, including the merit-based system. I did not speak against it. We did support that. What I said was that I had a great deal of difficulty in accepting the reality of the implementation of this proposed initiative. There was a lot of spin and there were a lot of motherhood statements, but there was no reality. I backed up exactly—

Mr Barr: On a point of order, Madam Assistant Speaker: he is now debating the matter.

MADAM ASSISTANT SPEAKER: Mr Doszpot, thank you very much. You have probably now given the explanation and there is no need for a debate on it. Thank you for your explanation.

Motion agreed to.

Water—security

MRS DUNNE (Ginninderra) (11.10): I move:

That this Assembly:

(1) notes the need to secure Canberra's future water supply;

(2) supports the construction of the enlarged Cotter Dam as announced by the Minister for the Environment, Climate Change and Water in March 2009;

(3) notes:

(a) the decision of the Minister for Planning, announced on 26 August 2009, to exercise his call-in powers in relation to ACTEW Corporation's development application for the enlarged Cotter Dam; and

(b) with concern:

(i) the announcement by ACTEW Corporation on 3 September 2009 that the cost of construction for the enlarged Cotter Dam had blown out to $363 million; and

(ii) the anticipated increased costs for the Murrumbidgee to Googong transfer project;

(4) expresses its concern at the lack of capacity of the ACT Government and its agencies, including Territory-owned corporations, to manage capital works; and

(5) calls on the Chief Minister, on behalf of the shareholders of ACTEW Corporation, and any ministers having an involvement in water security

> projects to provide to the Legislative Assembly by close of business on Thursday, 17 September 2009 in relation to both of the Cotter Dam enlargement and the Murrumbidgee to Googong transfer project:
>
> (a) a full accounting of the factors leading to the cost blow-out; and
>
> (b) a chronology of advice given to the shareholders, individual ministers, Cabinet or any government agencies in relation to the cost blow-out.

On 3 September 2009, Mr Sullivan from Actew announced that the cost to enlarge the Cotter Dam to 78 gigalitres had blown out by almost a quarter of a billion dollars to $363 million. That is a far cry from the $120 million that was promoted in the future water options paper in 2005. But before I delve a little further into the cost explosion that surrounds the Cotter Dam, let me put on the record once again that the Canberra Liberals have long been in support of improving Canberra's water storage capacity. We support the principles of securing Canberra's future water supply, and we have said this many times. We do support the government's approach to the enlargement of the Cotter Dam as part of this strategy. I think it is important that, in commencing this debate, we reaffirm that support.

What we do not support is the Stanhope government's management of the project to date. It is worth once more giving a chronology of the cost increases. In 2005, the water options report indicated that we could build an enlarged Cotter Dam for $120 million. Announcing the major water security projects in 2007, the Chief Minister said the Cotter Dam enlargement would now cost $145 million. On 18 May, Actew Corporation's Managing Director, Mr Sullivan, told the estimates committee that Actew was working on a figure 30 per cent higher that would take the figure to $188.5 million. On 30 May, less than two weeks after the estimates hearing, the same Mr Sullivan said that the cost would be 50 to 70 per cent higher. That would take it to $246 million. Barely three months later, on 3 September, Mr Sullivan announced that the cost would now be $363 million. On this basis the cost of the project to enlarge the Cotter Dam has increased by more than 200 per cent or, in dollar terms, more than a quarter of a billion dollars since 2005.

On 18 May, Mr Sullivan said to the estimates committee:

> We tend to always have a low estimate at starts, despite people trying to encourage it to be as reasonable as possible. We have a peer review to have it confirmed. Then, by the time we get to this target out-turn cost, the TOC, we generally see a fairly large increase.

Well, it seems that the definition of a fairly large increase is now a minimum 200 per cent increase.

The 2005 water option report said that the cost estimate for the enlarged Cotter reservoir to 78 gigalitres was $120 million. There was no warning to say that this was a rough estimate. There was nothing to say that geotechnical reports might mean that the cost would increase. There was no mention of contingencies for costs of materials, and not even any suggestion that the final target out-turn costs might result in a fairly large increase. In fact the words "target out-turn costs" do not appear at all in that

report. Simply put, the cost was promoted at $120 million, and the people of Canberra accepted that figure in good faith.

The only qualification directly made against the estimate was for the cost of catchment remediation, which the report in the very next sentence said would be additional to these costs. Incidentally, so far there has been no discussion or announcement about what these additional remediation costs will be. In the context of fairly large increases, I do start to wonder what they might be.

I have previously outlined in this place the Chief Minister's state of denial over whether or not new water storage facilities will be required. I can refer members to those comments, but I do not think we need to dwell on them here. Let us move on to 2007 when the Chief Minister eventually saw the light, and in October that year he proudly announced that he would be proceeding with three major water security projects, of which the enlargement of the Cotter Dam and the Murrumbidgee to Googong transfer were two.

At the time, the cost of the Cotter Dam was going to be $145 million. I am sure the people of Canberra thought: "Well, $120 million in 2005, $145 million two years later, that's a 20 per cent increase, and maybe it's a bit over the odds, but perhaps we'll give them the benefit of the doubt. At least they're doing something." The government and Actew sold it at $145 million, and I think the people of the ACT accepted that in good faith. There was no mention of rough estimates, target out-turn costs or anything else that would indicate that the Cotter Dam estimate might suffer a fairly large increase.

Then we have the revelation from Mr Sullivan in the estimates committee this year that the cost of the dam would go up by 30 per cent or more. This was the first time we started to hear anything about low estimates at the outset and fairly large increases or target out-turn costs. After four years, suddenly the qualifications started to emerge. On 30 May, the cost of the dam had grown to $246 million, more than 100 per cent over the 2005 estimate. That was a fairly large increase, but by 3 September, $246 million had become $363 million. That definitely is a fairly large increase—more than a 200 per cent increase on the 2005 figure.

The question is: when did the alarm bells ring? It was not in 2007, when the cost was $145 million. It was not during the estimates, when the costs looked like they might reach $118.5 million. It was not two weeks later, when Mr Sullivan told Mr Downie of the *Canberra Times* that we would be looking at $246 million. It was only on 24 August this year that we heard about the fairly large increase in excess of 200 per cent, as the Treasurer advised in question time yesterday. That is when, according to the Treasurer, the shareholders of Actew Corporation were advised by the Actew board of the cost blow-out—24 August. That is when the alarm bells started to ring for the Treasurer and for this government.

It is an important question to ask. The Chief Minister said on 3 September on ABC radio, after Mr Sullivan had dropped his bombshell, stating:

> Suffice it to say, the government is disappointed. The government received the news over the last week with significant surprise—

well, complete surprise—

> and significant concern.

The alarm bells were not just ringing; they should have been clanging loudly with all their might. But it was only when Actew came to the government in cabinet that they started to take any interest. It is worth noting that on that day and yesterday in question time the government said that they would be keeping a "keen eye" on the costs from now on. To use the vernacular, the ACT taxpayers and water consumers are asking themselves, "Why the bloody hell weren't they doing it a lot earlier than this?"

Let me return briefly to the date on which the Treasurer and the Chief Minister heard about this cost blow-out—24 August. Just two days later, the Minister for Planning issued a media release announcing that he would use his call-in powers in relation to the development application. Yesterday in question time, the Treasurer denied discussing the cost blow-out with the planning minister prior to his announcement about the call-in. Given the proximity of these two dates—24 and 26 August—one could be forgiven for wondering whether, in fact, this is the case. The advantage of the minister using his call-in powers is that it avoids public scrutiny of and consultation on the application. It means the government can push it through, regardless of all that is smelly about the whole project. No doubt the facts will emerge in due course, but only after the people of the ACT have paid dearly.

I have to mention the Murrumbidgee to Googong transfer project as well, and I think that that is very important. In 2005, the future options report recommended that this project proceed at a cost of between $35 million and $40 million. In the Chief Minister's 2007 announcement that the project would proceed, he indicated that it would cost about—about—$70 million. Given the definition of "a fairly large increase" being more than 200 per cent, one wonders how "about" might be defined.

In estimates this year, Actew's Managing Director said that the ICRC had accepted a figure of $96.5 million. Mr Sullivan went on to say that they were working towards a figure 30 per cent higher than that, putting it at $125 million. At the same time that he announced the quarter of a billion dollar blow-out in the Cotter Dam costs, which was a fairly large increase, he also said that the Murrumbidgee to Googong transfer would now cost $150 million, up from $30 million to $40 million. While the definition of "a fairly large increase" is 200 per cent, the definition of "about" is, in fact, 275 per cent.

In percentage terms, the cost of the Murrumbidgee to Googong transfer has increased by more than the Cotter Dam since 2005. So let us add the two together—the Cotter Dam enlargement and the Murrumbidgee to Googong transfer. The cost of this package has increased from an estimate in 2005 of $160 million to the princely sum of $513 million—that is more than half a billion dollars since 2005, more than half a billion dollars in four years.

This massive blow-out has taken the government by complete surprise, but they do admit that they are significantly concerned about it. That the government was

completely surprised is a surprise to me, and it is a surprise to many of my constituents. It is a surprise to me, because another critical element of the sorry saga is Actew's development application, lodged with ACTPLA in early July 2009. That application is voluminous and contains many quite detailed design drawings. Many of these drawings are dated late May and early June this year. It is a surprise to me, therefore, that the so-called target out-turn costs were not known in more detail at that time. It is a surprise to me that the Managing Director of Actew would tell the estimates committee on 18 May that the costs could blow out by 30 per cent and then tell the media two weeks later that the costs might be higher by between 50 and 70 per cent. These are major failures for this government, and they are major failures perpetuated on the people of the ACT.

Who is going to take the rap for these failures? No-one. No-one takes the rap for this. The government and the Treasurer blame Actew. Actew blames the ICRC. If that does not work, they will all blame the consultants that were brought in to evaluate the final costs. No doubt, Actew feels that the blame could be justified. These consultants, according to Actew, are the best and second best in the country.

There is more to this story than meets the eye. Today's motion is just the start of a process that simply must be followed so that the people of Canberra can get to the bottom of what has been a sorry tale from start to finish, and we are not actually finished yet. The infrastructure still has to be built. People have made guarantees that the costs will not increase, but I would not want to hold my breath. Quite frankly, I do not believe that the costs will not increase again.

We will hold the Chief Minister to his undertaking given to the people of Canberra during his radio interview on 3 September when he said:

> There are aspects perhaps of communication in relation to this and perhaps in the cost estimates that, on reflection, need a deep review.

This government owes it to the people of Canberra to provide a full accounting of the factors leading to this unprecedented and massive cost blow-out totalling well over a quarter of a billion dollars for one project alone. This government owes it to the people of Canberra to give a full accounting of the history of these projects, including the information flow between the government, its agencies and Actew Corporation. This government owes it to the people of Canberra to demonstrate the cost-benefit analysis for these projects, given the cost blow-out. It owes it to the people of Canberra to show that these projects represent value for money and a viable proposition for them as taxpayers.

In short, this government needs, for once, to be honest with the people of Canberra and provide to the people of Canberra the whole range of documentation so that they can see for themselves how this project has been mismanaged.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.24): I move the following amendment to the motion:

Omit paragraphs (3)(b), (4) and (5), substitute:

"(3) (b) the announcement by Actew Corporation on 3 September 2009 that the cost of construction for the enlarged Cotter Dam had increased to $363 million; and

(c) the anticipated increased costs for the Murrumbidgee to Googong transfer project;

(4) notes that the management of the project is being undertaken by the Board of Actew Corporation, consistent with the provisions of the T*erritory-owned Corporations Act 1990*; and

(5) requests that the Minister for the Environment, Climate Change and Water request that Actew provide to the Minister, to present to the Legislative Assembly by close of business on Thursday, 17 September 2009, in relation to both of the Cotter Dam enlargement and the Murrumbidgee to Googong transfer project:

(a) a detailed accounting of the factors leading to the increase in costs of the projects; and

(b) a chronology of when Actew advised the Government of the variation in costs and details thereof in relation to the projects.".

The government welcomes this debate today on what is an important project for the Canberra community and an important project in assisting in securing water security for the ACT into the future.

Canberrans want water security. They recognise that it is an important issue and one that they want to see the government acting on. That is why this government has acted to deliver on two important projects to improve water security for the ACT. The first is the Cotter Dam expansion project and the second is the Murrumbidgee to Googong transfer project with the purchase of water from the Tantangara Dam. I will speak on both of these projects in more detail in a moment, but I would like to start by illustrating the circumstances that we face and why these issues are significant.

Every year since 2002, with the exception of 2005, the ACT has received less than its long-term average rainfall. Minimum temperatures have also risen over this period. Stream inflows have dropped considerably, such that inflows over the past seven years are 63 per cent below long-term averages. Inflows into our storages for 2006 were 26 gigalitres; in 2007, 66 gigalitres, and in 2008, 56 gigalitres. These inflows are not covering our normal gross extractions of 65 gigalitres per year for urban water use. For 2009, the ACT's inflows are the lowest on record.

These are the very real facts that we are confronting when it comes to water security. And that is why in 2004 the ACT initiated the think water, act water strategic water plan. This is easily forgotten, particularly by our critics, but, at the time, the plan placed the ACT ahead of the rest of Australia in addressing water supply, water usage and integrated water planning on a large urban scale.

It is worth reminding the Assembly of the strategic framework we put in place back in 2004: targeted per capita potable water reduction of 12 per cent by 2013 and a 25 per cent reduction by 2023; an increase in recycled water use from five per cent to 20 per cent by 2013; a range of actions to reduce the demand on potable water; the implementation of water-sensitive urban design in new developments; and the introduction of guidelines on the use of grey water.

The government also acted immediately by providing for the development of a capacity to draw water directly from the Casuarina Sands on the Murrumbidgee River near the Cotter confluence and for the upgrading of the Mount Stromlo water treatment plant to be able to take that water directly into the ACT reticulation system.

We hear the commentary from those opposite that nothing was done. But, very clearly, a set of actions was taken back in 2004 and 2005 to address what was an emerging and serious issue.

With innovative engineering, Actew also developed the capacity to take excess water from the Cotter catchment and transfer it to Googong Dam for storage and later use. This initiative both addressed the declining performance of that supply system and reservoir in the worsening drought and made effective capital use of existing infrastructure and its connection to the reticulation system.

In 2005, Actew completed its assessment of the ACT's water supply options for the future and from that work the government agreed to detailed assessment of the following projects: the enlarged Cotter Dam, the Murrumbidgee to Googong pipeline and a complementary scheme of purchasing water rights in New South Wales and diverting that water to Googong Dam at Angle Crossing.

So in 2005 was the government asked to proceed with the development of these projects by Actew? No, it was not. And that is the big lie perpetrated by those opposite. The lie is that the government was asked to proceed with those projects in 2005.

Mr Seselja: I raise a point of order, Madam Assistant Speaker.

MR CORBELL: I withdraw. I withdraw that, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Thank you, Mr Corbell.

MR CORBELL: That is the big myth perpetrated by those opposite. They suggest that in 2005 the government was asked by Actew to proceed with the development of these projects. But that is wrong; that is not what the government was asked. In 2005, Actew sought the government's agreement for detailed assessment of these projects, and in 2005 the government agreed. The Liberals have simply got it wrong on that issue.

In 2007, Actew reported to the government and provided its recommendations on which projects should proceed and those were the enlarged Cotter Dam project and

the Murrumbidgee to Googong pipeline project. The government agreed in October 2007 to Actew's recommendations that these two projects be further developed for the next stage, which we are now at today.

So that is the history of the government's action: no delay, no refusal to confront reality; instead, a detailed and comprehensive plan, dating back to 2004, to reduce potable water use, to seek alternative sources of supply, to create better use of non-potable supply sources and to establish long-term targets to manage our water use into the future. That is the government's record. It is a comprehensive one, it is a far-sighted one and it is one which has continued to deliver strong policy to manage our water into the future.

I would now like to turn to the amendment that I have put before the Assembly. The government agrees that there is real concern about the increased cost of these projects. But the government also believes that Canberrans want to see these projects delivered. Canberrans want to see improvements in their water security and we know that augmenting the supply options is just one part of doing that. It is important, it needs to be done, but it is not the only element. We also need to further improve demand management. We need to further improve use of non-potable water and re-use of water. But supply augmentation is part of the policy response. The government accepts that there is concern about the cost but the government also believes that these projects are supported by the community and they must proceed.

It is important to note that the ACT consumer is not subject simply to the whims of Actew when it comes to the costs of these projects and the pass-through of those onto water bills. The fact is that any pass-through of costs from these projects to water consumers must be approved by the ICRC, by the Independent Competition and Regulatory Commission. They must be satisfied that these costs are reasonable in the circumstances and that Actew has taken every possible step to make sure that the costs are reasonable and proportionate to the projects that are proposed. That is the protection that is available to consumers, and unfortunately it is a fact that is lost in this debate.

The ICRC have already approved a pass-through of costs associated with these projects. If Actew believe that that pass-through is insufficient, they must go back to the ICRC and seek the ICRC's approval for further costs to be passed through. That seems to be ignored in all the commentary we get from the Liberal Party, but that is the very important protection that is available to consumers, and it must not be forgotten. In the event, of course, that the ICRC does not approve pass-through, that is a cost that will have to be worn by Actew, as a corporation. So those are the facts before us in this circumstance and they must not be forgotten. The consumer is protected through the ICRC framework.

The amendment that I am putting forward indicates, amongst a number of things, that in terms of the administration of this project the detailed management of the project, the detailed financial assessment of the project and the ultimate contractual arrangements are between the board of Actew Corporation and the relevant parties they have engaged to develop the projects. That is consistent, of course, with the provisions of the Territory-owned Corporations Act. It is not the shareholders or the

government that micromanage these projects. That is why we pay a large number of board members a large amount to manage the affairs of Actew.

Mr Seselja: How much? "A large amount," he says.

MR CORBELL: Those amounts are, of course, on the public record, as Mr Seselja knows. The payments of board members are entirely on the public record and it is the board that is responsible under the Territory-owned Corporations Act, and indeed under relevant Corporations Law, for these matters. It is important that the government reiterates that point and that the Assembly understands the governance arrangements that are in place and have been accepted as being appropriate by successive governments.

The government believe that it is entirely reasonable for the Assembly to request a detailed accounting of the factors leading to the increase in the costs of the projects, and I am suggesting in my amendment that I, as the responsible minister, ask Actew Corporation to provide that information to me so that I may present it to the Assembly by the close of business tomorrow.

The government also agree that a chronology should be made available and we are happy to do so. The government have nothing to hide in relation to this project. We are happy to agree to the provision of those elements of information that Mrs Dunne seeks. My amendment simply indicates that it should be me, as the appropriate minister, making that request and providing it to the Assembly, once I have received it from Actew.

These are issues of significant importance to the Canberra community. In summary, it is important to remember that the consumer is protected. The consumer is protected through the provisions of the Independent Competition and Regulatory Commission. The ICRC must be satisfied that the costs are reasonable—otherwise, they will not be passed through in water bills—and the community expect these projects to be delivered. The community want to see these projects delivered. At the end of the day, there can be criticism about the costs. But is anyone seriously suggesting that these projects should not proceed? Is that what the Liberal Party are saying? I do not think it is what they are saying.

The Canberra community want these projects to proceed. The government is happy to provide full scrutiny on these matters. The government is happy to seek the information that Mrs Dunne is requesting in her motion and the government is happy to provide that to the Assembly because the transparency around these projects is important and the government will always seek to provide for that transparency.

These are important projects. Water security for the future is essential for the ACT. The ACT has acted on these issues consistently as a government since at least 2004, when it became clear that rainfall was not being restored.

Mrs Dunne: In 2004 you wanted to put it off.

MR CORBELL: And again Mrs Dunne perpetuates the lie.

Mrs Dunne: You had an investigation.

MR CORBELL: Again Mrs Dunne perpetuates the lie.

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

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Corbell—

MR CORBELL: I withdraw that.

MADAM ASSISTANT SPEAKER: Thank you, Mr Corbell.

MR CORBELL: Again, Mrs Dunne perpetuates the myth, and the myth is that the government did nothing since—I do not know whatever it is, whatever year she chooses lately—I think, 2004. It is simply wrong. I have outlined in detail what the chronology was, what requests were made of Actew, when, and what the government did. Each and every time, the government acted in a timely fashion in response to Actew's advice and recommendations. To say otherwise is simply misleading and an attempt to make a cheap political point.

MR RATTENBURY (Molonglo) (11.40): Firstly I would like to move the amendment circulated in my name, and I will speak to that shortly.

MADAM ASSISTANT SPEAKER: I believe, Mr Rattenbury, we can only deal with one amendment at a time. I guess you are foreshadowing that this will happen.

MR RATTENBURY: I foreshadow that later on I will come back with an amendment. You would think that, as Speaker, I would understand the standing orders.

This process of choosing the path to achieve water security for Canberra has been a considerable one and while the Greens would also like to see the government take very seriously urban water management and efficiency measures, particularly in the development of our new suburbs and precincts, with the tremendous opportunities that exist for grey-water implementation in our new suburbs, we do acknoweldge the need to secure the supply side of Canberra's water security. That is probably where the Cotter Dam project fits into the equation.

Actew and the government undertook a series of studies to investigate which of the major infrastructure projects would be the best option for the ACT, with decisions made on the basis of cost, environmental impact and, of course, rainfall patterns in the immediate region. They settled on two significant investments for Canberra's future: the Cotter Dam extension, to increase of the capacity of the Cotter reservoir from four gigalitres to 80 gigalitres, and the Murrumbidgee to Googong pipeline, to fill the Googong reservoir using water bought from the Snowy Mountains scheme. They are the two options we have settled on.

We are well aware that Canberra faces significant water challenges. We have seen a significant reduction to our inflows over recent years, as the minister has outlined

this morning, and we have of course experienced ongoing water restrictions over a considerable period of time. Even with significant investment in the water security projects, the two that we have talked about, we know that, with projected population growth in the region, for some time to come we will be facing signfiicant water challenges again. The two projects, to extend the size of the Cotter Dam and build the pipeline to the Googong Dam, based on the documents that my office has looked at from Actew, will deliver us water security until around 2035.

What that does is underline that there is an ongoing issue of water security for the ACT. If we continue to increase our population, if the projections of climate change come through, which they do seem to be, and with the continuing signfiicant fall in inflows, we are not talking about the answer forever and it underlines the fact that these water security projects are not the be-all and end-all.

Out of the range of major projects put on the table by Actew, the expansion of the Cotter Dam did seem to be a sensible one. The Cotter catchment is one of our better ones in terms of rainfall, and the aim of having two catchments, one in the east and one in the west, seems sensible.

To be clear here, the Greens are not opposed to the Cotter Dam expansion. However, it remains important to put the development of the Cotter into the context of a comprehensive water policy. That comes against a background of diminishing inflows, as I said, pressure on the Murray-Darling system, increasing costs for the high-security water permits that the Googong project relies on and the growing population in Canberra. Living in a river city, we face quite different issues to what a coastal city might face and we have to think about this very carefully.

The Greens, as we said probably the other week, were concerned at the use of the call-in power for this development. The Minister for Planning has still not been clear about his reasons for using the call-in power and perhaps when he finally does table the statement of reasons on that call-in power—perhaps that will be today, perhaps a little later—we can be a little clearer about why he thought a call-in was required.

It seems nonsensical to have a project such as this one, which has had significant planning time and is going to be significant in its construction time, rushed through the planning system, which removed some of those opportunities for checks and balances. I wonder whether, in light of what has been revealed about the project in terms of its cost, my colleagues on the opposition bench might have some regrets about so willingly supporting the use of the call-in power on this project.

By now, we are all familiar with the cost blow-out pathway, and I think Mrs Dunne has elaborated a time line quite clearly this morning. But in 2005, when Actew first put it on the table, we were sold on it at a cost of $120 million. It is important to note that this price did not include catchment remediation, which would have already implied that extra costs be factored into that initial cost. So right from the start, the price tag we were given was not an accurate one.

In 2007, the price was confirmed at $145 million. This was a price that the ICRC had confirmed, though that was already expected to rise by 30 per cent. However, by

December 2008, the estimated cost of the Cotter Dam had gone up to around $250 million, and this was indeed the figure that was considered valid right through until May this year, when the managing director of Actew, replying to a question on notice, indicated that the price of $145 million was expected to rise by 50 to 70 per cent, putting this in the region of $217 million to $246 million.

The reasons given at this stage for the cost increases were broad. I quote: "Significant increase in cost of labour, concrete and other materials, and also due to the nature of the rock found." That was in May this year. So even at that point, Mr Sullivan indicated in his answer, and I quote again:

> There is still considerable uncertainty on costs due to impacts on labour and materials from the global financial crisis and the substantial level of construction within the Australian water industry.

I guess it could be fairly said, as the Treasurer indicated yesterday, that perhaps we were warned. The equivocal and vague answers provided in response to questions about increasing costs indicated trouble on the horizon but I also suspect that no-one was expecting the next and supposedly most accurate bill to come in at $363 million. That is a 250 per cent increase on the first amount quoted. It is also a one-off hike of $118 million from the last amount mooted by Actew—$118 million in one single step.

It is not just the impact of inflationary or economic factors on products or services. I do not know but is the impact of this GFC driving labour costs up or down? I assume that the implication of the number of projects being developed in the Australian water industry is that labour costs might go up due to a shortage of labour but what is the impact of the GFC? Has the price of concrete gone up or down as a result of the GFC? Presumably with the tailing-off of some projects and the well-stated concern by government that we face economic crisis in the signficant stimulus of the economy, what is going on?

This is really the point. We do not know and we have not yet been given clear information about why the bottom line cost for this project has blown out to such a level. What is that $118 million a direct result of? The whole thing raises questions about a process by which we, the Canberra community, have been locked out of—an honest debate about our water infrastructure, infrastructure that the community is investing heavily in and that the community will continue to pay for for many years. For me, this raises questions about the process and common practice employed by consortia or alliances that deliver large major infrastructure projects to governments.

It became obvious in the estimates hearing in May that Actew had an expectation that costs would go up from the original cost that was quoted. Indeed, the managing director of Actew stated quite clearly that this was accepted practice. Whilst Mrs Dunne has touched on this point already this morning, I would again like to pull out the quote from estimates, because I think it is a fascinating insight into how the costing of these projects takes place. The managing director of Actew said:

> We tend to always have a low estimate at the start, despite people trying to encourage it to be as reasonable as possible. We have a peer review to have it confirmed. Then, by the time we get to this target out-turn cost, the TOC, we generally see a fairly large increase.

I think that is an incredibly telling quote. Basically what we are saying here is that we go out, we sell the community on a project, we convince them it is a good idea. We say it is going to cost $120 million but we know right at that point, right at the beginning, that that is not going to be the ultimate price. Frankly, I find that a dishonest way to have a community debate about what is the right infrastructure for the ACT.

Where does this leave us all? What I am wondering here is why we base decisions about public spending on such flimsy information as that it can be subject to price increase 2½ times the original price. Was somebody just guessing? We are doing back-of-the-envelope estimates at the start and we seem to be saying, "Actually this is what the community might cop; so let us put that down as the price."

It worries me that we hear from Actew, for example, that, while they knew there was going to be a dam wall, they actually did not know how much it was going to cost, nor did they expect to. Again, I quote from Mr Sullivan, Actew's managing director, in the estimates process:

> For instance, with the dam, when you look at two abutments and say that we are going to put a concrete wall between those two abutments, at that stage you do not understand the geology of those abutments as well as you will before you build them. You will see escalation, for instance, in dam prices as a result of the geology of the abutments.

In effect, we knew there was going to be a dam wall there but we actually did not know how much it was going to cost because we did not understand the geology of the abutments on which it was going to be built. Why did we pretend that we did know the cost?

The lesson here for all of us is that estimate costs are invalid as any kind of reflection on the final cost the community will pay. But while time and lack of information may explain the difference between $120 million and $245 million, I am still determined to find out what explains the difference between $245 million and $363 million.

It seems clear that the actual geology of the area where the dam wall was to be built was not fully understood when early costs were provided to the government and to the community. I am no engineer; so I have to confess that I am just running off the public statements that have been made about the construction and the geotechnical investigations by the managing director of Actew, as well as the EIS and the development application. So I make that, I guess, rider on these comments.

But Mr Sullivan was clear on radio a couple of weeks back that the reason for the cost blow-out was that the dam wall needed to be nine metres deeper, resulting in an extra 120,000 cubic metres to be both excavated and then filled with concrete. But I suspect that Mr Sullivan knew that these cost increases were coming well before the start of September. I am not clear on the chronology yet of what was known and what was said but it is something that I hope we can clear up in the weeks ahead.

Certainly in May this year, with 38 boreholes drilled, Mr Sullivan indicated that Actew knew "a whole lot more" about the nature of the area. Maybe inaccuracy of the

estimate costs of the dam can be attributed to the fact that only four boreholes that Mr Sullivan says were originally drilled gave somewhat limited information about the geology.

But, no, when I read the environmental impact statement dated February 2009, it is clear that geotechnical surveying had been undertaken since 2007. Indeed, preliminary site investigations were carried out in 2007 and more extensive site investigations were completed in 2008, using helicopters to lift small drill rigs onto the steep abutment slopes. Investigations have included geological mapping, the establishment of test pits and boreholes, material sampling, chemical and physical testing of rock, percussion drilling and seismic survey works. In fact, at the main dam site, by February 2009, there had been 16 diamond-cored boreholes drilled, comprising a total length of 948 metres of rock, as well as seismic refraction surveying.

I hope somebody understands what all of those things mean. As I said, I am no engineer but I would appreciate some clarity on when Actew really knew about the latest impending cost blow-out, given this level of geotechnical information, and perhaps even some sense of why this was not made clear to the Chief Minister and the Deputy Chief Minister as shareholders and made clear to the people of Canberra as early as possible so that public debate could be informed. I am also looking forward to getting a breakdown of those cost increases.

It was raised in the Assembly yesterday that members would like to be informed of that information. The Treasurer did indicate she was willing to provide that, and I look forward to that. For example, is the $418 million to fund the extra nine metres of wall or were there other costs that Actew and its alliance partners, ActewAGL, John Holland Engineering, Abigroup engineering and GHD, forgot to include the first time around? Does it cost $118 million for all those cubic metres of concrete or are there other costs padded in here? And is this the final cost?

Mr Sullivan seemed prepared to bet his career on it the other day; so I suspect this is the cost at which the contracts will be drawn up for. Have those contracts already been signed, and what kind of margin is being built in to make Mr Sullivan so very confident that the costs will not increase? It is clear now, reading between the lines, that Actew knew full well that some such cost blow-out was on the way. The statements issued in the public domain by Actew did leave the door plenty open for this eventuality.

The bigger question still remains as to why this process is considered to be a suitable one for deciding on public spending for major infrastructure projects, why the original estimates were so badly out and whether we can improve the process for accountabilities for such investments so the people of Canberra can be very sure that we are getting value for money.

There is some discussion to go in this debate today. I understand we are going to adjourn this until after lunch so that we can actually sort through some of these amendments, because I think it is important that we get the wording of this motion right today.

MR SESELJA (Molonglo—Leader of the Opposition) (11.55): I would like to touch on some of what Mr Rattenbury had to say before I deal with Mr Corbell's amendment and some of the contribution he made to the debate.

Mr Rattenbury raised a number of good and important issues in terms of the cost blow-out and the detail of it. One issue that he may have touched on—I did not quite hear him—was: has there been mismanagement that has actually led to cost blow-outs? That is going to be difficult to get to the bottom of. We do not know.

All of these questions have to be asked because there are cost blow-outs based on underestimation, there are cost blow-outs based on increases in materials or changes in scope, and there are also potentially cost blow-outs as a result of not managing the project well—spending money on administration when you should not be. That is unclear at this point. We do not have the inside knowledge on that, but the government should. They should be asking a lot of questions about the management of this project because it is such a monumental blow-out. We are not talking about a little bit of extra concrete, a little bit of a delay or a little bit of an increase in the cost of materials. We are talking about a threefold increase. We are talking about a project that was going to cost $120 million and that is now costing $363 million and counting.

It is interesting to look at Mr Corbell's contribution to this debate. In fact, even the fact that it is Mr Corbell who is contributing on behalf of the government is interesting. The government is now desperate to move this away from a management issue, from a cost blow-out issue, to a debate about water. He is trying to create a false debate, because what we have had is the government finally coming on board regarding the need for water security. So there is no debate between the major parties at least on the issue of more water storage in order to create some water security for the territory. Mr Corbell would like to make it about that, to try and shield Ms Gallagher and Mr Stanhope from their responsibilities in particular as shareholders, and, indeed, Ms Gallagher as the minister responsible for the operations of Actew. This is a management issue.

In talking about water, Mr Corbell displayed some embarrassment, and we saw the defensiveness in Mr Corbell's presentation. He seemed to spend most of his time talking about the opposition rather than the government. And that is not surprising, given the terrible record on securing our water supply that we have seen from this government in recent years. Everything has been done reactively. Mr Corbell talks about the fact that they did this and that in 2004 and 2005, but that was all about putting off the inevitable decision. All of those things were about putting off the inevitable decision that we all knew we would get to, but which has now been delayed by years and years—and, indeed, it is now blowing out by hundreds and hundreds of millions of dollars.

We saw what the Chief Minister had to say on the issue. He summed up what these other measures were about: they were stopgaps; they were not solutions. Just three years ago, he said that the strategy was to—and I quote:

> … put off for as long as we possibly can … the construction of another dam. If we can put it off forever, what a fantastic achievement by the ACT government that would be.

I repeat: he said, "Put off for as long as we possibly can the construction of another dam." That has been at the heart of the problem of this government's attitude to water security. It has been putting off the hard decisions; it has been putting off the significant decisions. It is a matter of saying, "If we just hope that it rains, if we could just wait for it to rain again, we would not have to make any of these hard decisions." But we have known that we have had a growing region and a growing population, and water saving measures, on their own, were never going to be enough.

We cannot expect that Canberrans will not be able to even apply the most basic amounts of water to their gardens indefinitely. It is a reasonable expectation in the community that they would be able to have some ability to use potable water on their gardens in a reasonable way. By delaying making these important decisions, Canberrans have had to suffer through many years of this—and, indeed, there will be a few years left.

The question now becomes: how much will we pay for that privilege? How much will we pay for the privilege of being able to water our gardens occasionally, of being able to have some form of water security, of not ever, hopefully, facing the prospect of going to stage 4 or stage 5 restrictions, and not finding ourselves in the position of Goulburn? How much will we have to pay? This is the fundamental question that is being addressed by this motion.

If you look at the amendment to the motion that Mr Corbell has proposed, a couple of obvious questions come to mind. Obviously, we see a very clear attempt to say: "It's not our fault. It's not our problem. It's Actew's. It's got nothing to do with our oversight. It's got nothing to do with the fact that ministers are here to serve the public interest, to protect the public interest, and there are publically owned corporations for which ministers have a very important role." Clearly, that is part of this amendment.

But the other part, when we go to paragraph (5), is really about dumbing down or having less analysis and less accounting. If you compare what is in Mrs Dunne's original motion—I commend her for bringing it forward—you see that a far more detailed account is being asked for. Mrs Dunne's motion reads:

> (5) calls on the Chief Minister, on behalf of the shareholders of ACTEW Corporation, and any ministers having an involvement in water security projects to provide … by close of business … in relation to both of the Cotter Dam enlargement and the Murrumbidgee to Googong transfer project:
>
> (a) a full accounting of the factors leading to the cost blow-out; and
>
> (b) a chronology of advice given to the shareholders, individual ministers, Cabinet or any government agencies in relation to the cost blow-out.

Mr Corbell seeks to limit that, and we do need to ask why. Why not go for the fullest possible accounting? Why not go for the fullest possible chronology? That is what we are asking for here. That is what today is about. Mr Corbell will try and make it about all sorts of other things, but this is a fairly straightforward motion. It gives a factual account of where we have got to.

The only other part—and this is worth noting—that Mr Corbell's amendment changes is to get rid of the words "with concern". The government is not concerned, apparently, about the announcement that the cost of construction has blown out to $363 million. That is not a concern, according to this amendment from Simon Corbell. That is a reflection of what this government thinks about major projects and what this government thinks about economic management.

This dwarfs all of the other blow-outs that we have had in capital works projects in the history of the territory—a quarter of a billion dollars. This government, and anyone who accepts this amendment, is saying: "We're not concerned about that. We're not concerned about a $243 million blow-out in the cost of this project."

We will not be supporting this amendment. I understand there is some wish to adjourn this matter, although I think the lunchtime suspension will be occurring as well. We will not be supporting this amendment as it stands because, firstly, it does not give as detailed a chronology as we need. There should be a full account of what is known and of all of the detail of how this cost blow-out was allowed to happen and what were the factors that led to it.

Mr Rattenbury has raised a number of issues. They are all important. We need to look at how much of it is about the delay, how much of it is about additional costs of materials, how much of it is about an underestimation of the scope and how much of it is about internal management factors—how much of it is about not administering it properly. All of those things are possible factors that have led to this $243 million blow-out.

When you have such a massive blow-out, when you have a blow-out that is so significant—$243 million—you would have to assume that all of these factors have gone into it, and that it could not simply be that they underestimated the amount of concrete. It could not, surely, simply be that it was really about concrete. It defies credibility that that is all there is to the blow-out. So all of these things need to be put on the table.

Mr Corbell's amendment should not be supported because it gives less accountability, it gives less detail, and, indeed, it excuses this massive blow-out and takes away the word "concern". The Assembly should express its concern that we have seen the largest cost blow-out for a capital works project in the history of the territory. We will not be supporting the amendment. I commend Mrs Dunne's motion.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (12.05): In October 2007, after appropriate consultation with the voting shareholders and the government, Actew committed to the enlarged Cotter Dam project. At that time, the government was provided with detailed information on a number of water security options, economic and financial analyses, climate change scenarios and preliminary cost indications.

The estimate of $145 million to enlarge the Cotter Dam provided by Actew in October 2007 was based on preliminary information that was available at the time,

and a range of assumptions about the extent of works required. It was recognised that these costs were preliminary assessments, and that further and more detailed work was necessary to confirm the actual costs. This work included, but was not limited to, detailed engineering, quantity surveying and geotechnical advice. The final design needed to be settled based on this work. Prevailing market conditions would also need to be taken into account.

The voting shareholders were aware that Actew was undertaking, as part of the Bulk Water Alliance, a detailed costing and engineering exercise for the delivery of the enlarged Cotter Dam. It is a long and complex exercise, necessary to enable the corporation to get a firm and detailed understanding of all the components of what is a very significant project.

Mr Corbell: On a point of order, Madam Assistant Speaker: could you ask members, if they want to conduct negotiations, to go out to the lobby.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Corbell makes a very good point.

MS GALLAGHER: This was to be finalised around the middle of this year, and it was disclosed in the budget papers, on page 438 of the 2009-10 budget paper 4, that Actew had consistently advised that the cost of delivering the enlarged Cotter Dam was expected to be much higher in the final analysis than the preliminary estimate of $145 million, due to a range of factors, including increases in the price of labour and materials. Indeed, to provide additional reassurance on the project, Actew sought independent expert verification of the costs and designs to reconfirm that the costings were robust and that the design was appropriately specified. This was a necessary and important step in order to validate the final costs.

The corporation provided the voting shareholders with appropriate information when the final facts and positions had adequately crystallised to allow us to consider the final situation. In considering our position on the matter, we took into account the following factors alongside the detailed costings: the ongoing effects of climate change and the extended drought conditions which still need to be countered; the need from a climate perspective, which remains as strong today if not stronger than in 2007; the outlook for this year, which is shaping up to be the driest on record, with the prospect of stage 4 water restrictions being imposed sometime in 2010, unless conditions improve; current disappointing weather forecasts, with recent predictions of an emerging El Nino weather pattern unlikely to provide any relief; and stage 4 water restrictions, which have been estimated to cost the community $324 million annually. This is almost as much as the total project to enlarge the Cotter Dam.

Although we were expecting a much lower final total project cost, the government realises that it is not unusual for final costs on complex major projects of this type to vary considerably compared to initial estimates. For example, I have been advised that a recent news item commenting on BHP’s proposed expansion of the Olympic Dam copper-uranium-gold mine in South Australia said that it was expected to cost between $17.4 billion and $23.2 billion, yet the initial cost estimate released several years ago was in the order of $7 billion.

The shareholders, through cabinet, have sought and received assurances that the enlarged Cotter Dam project remains economically viable. We have also been assured that Actew has undertaken all necessary steps to provide us with confidence that the board had appropriately scoped the project and thoroughly costed the works. We also sought and received assurances that Actew could adequately manage the risk of the project, and that the board had adequately considered issues such as alternatives to this project or undertaking a smaller project.

All of these factors persuaded us not to intervene in the actual board decision making on this project. While we were very much taken aback by the quantum of the increased costs—which I think is a view shared by Assembly members—and conveyed in the strongest terms our concern, the government realised that the project must continue to proceed. We recognise and share the concerns that the public will have, as this will result in further water price increases for consumers. We have made it clear to Actew that we will require regular and detailed reports on the progress of the dam and other water security projects.

I would like to reaffirm some comments I have made earlier. The enlarged Cotter Dam remains economically viable and it will continue to provide a net economic benefit to the ACT community. The costing of the dam is no longer an estimate but an agreed contractual price between Actew and its contractor partners in the Bulk Water Alliance. The costing has been based on many months of detailed work and has been validated by independent experts.

Of course, the total project costs will be subject to further scrutiny by the Independent Competition and Regulatory Commission, with the assistance of expert consultants. The ICRC undertakes a full review of Actew's capital works program to ensure that expenditure is prudent in determining the regulated prices to enable Actew to recover its efficient costs only. In addition, Actew's agreement with its contractors provides incentives for bringing the project in under budget.

The enlarged Cotter Dam, as with other major water security projects, will be paid for by borrowings to be undertaken by Treasury on Actew's behalf. The cost of these borrowings will be spread over the life of the assets, so the cost will be borne not just by the current generation of users but also by future generations, who will benefit from these assets.

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

Sitting suspended from 12.12 to 2 pm.

Points of order

Ruling by Speaker

MR SPEAKER: Members, yesterday during question time, I undertook to review *Hansard* following a point of order raised by the Chief Minister in relation to an interjection made by Mr Hanson while the Minister for Health was answering a question without notice asked by Ms Bresnan about concerns, within the sale of

Calvary Hospital, re Clare Holland House. Mr Hanson is recorded in *Hansard* as interjecting, "A sweetener for a secret deal."

Standing orders require members not to use offensive words against any member or the judiciary. Standing orders also stipulate that imputations of improper motives and all personal reflections on members should be considered highly disorderly. I do not believe that the interjection made by Mr Hanson contravenes either of these standing orders.

Mr Seselja also raised a point of order that, in making his point of order, the Chief Minister had made a very serious claim against Mr Hanson: that he made an allegation of bribery which was, in Mr Seselja's opinion, a very serious allegation. I am not sure what Mr Hanson meant by his interjection, and to rule on Mr Seselja's point of order would require me to decide whether or not an allegation of corruption was made by Mr Hanson. Therefore, I do not intend to take any further action on the matter.

However, I would remind members of continuing resolution No 7, which draws members' attention to the need to exercise their valued right of freedom of speech in a responsible manner.

Questions without notice

Cotter Dam—cost

MR SESELJA: My question is to the Treasurer. Treasurer, Actew Corporation's managing director told the estimates committee on 18 May 2009 that the cost of Cotter Dam could be 30 per cent higher than the 2008 estimate of $145 million. That would take it to $188 million. He said in the *Canberra Times* on 30 May 2009 that the cost would be higher by between 50 per cent and 70 per cent. That would take it up to $246 million. Treasurer, what changed in the 12 days between 18 and 30 May 2009 to bring about that cost increase?

MR CORBELL: Mr Speaker, I will take that question, as the minister responsible for water. Actew has outlined in its documentation previously the range of factors—

Mr Seselja: Why don't—

MR SPEAKER: Order! Mr Corbell is answering the question.

Mr Smyth: Point of order, Mr Speaker.

MR SPEAKER: Order! Stop the clock.

Mr Smyth: Under the AAs, the Treasurer is the responsible minister for Actew, and this is a question about Actew and things that its CEO said. I would be curious to know how the minister is responsible for this answer.

MR CORBELL: I am responsible for water policy and for—

Mr Smyth: Are you responsible for Actew?

MR SPEAKER: Order! Mr Corbell has the floor.

MR CORBELL: carriage of the government's interactions with Actew when it comes to the development of water security projects. That is why I am answering the question.

Mr Smyth: On the point of order, Mr Speaker: the question is about the administration of Actew. The Treasurer is responsible for the good administration of Actew under the administrative arrangements, unless the Chief Minister has changed it.

MR CORBELL: I think the fact is that the Chief Minister has appointed me as the relevant minister to ensure the implementation of water security projects, and the interaction with Actew is part of that. I am responsible for those matters. I am the minister that takes those matters to cabinet to seek cabinet agreement on those matters. That is why I am answering the question.

MR SPEAKER: Thank you, Mr Corbell. There is no point of order. It sits with the government to determine who has responsibility for matters, and Mr Corbell has given a clear explanation.

MR CORBELL: Thank you, Mr Speaker. Actew have outlined the range of factors that they believe were potential risk factors for the cost of this project. They outlined that in documentation that they provided at the time of their decision to proceed with the development of this project following the government's agreement, and those risk factors indicated a range of issues that could lead to an escalation in costs. Mr Sullivan's comments were an estimate in response to a question he was asked during an Assembly committee hearing. The full range of issues that were at play were outlined in detail by Actew in the documentation that they provided when they were developing their costings for this project. They also outlined the costs and the risk factors—

Opposition members interjecting—

MR CORBELL: Do you want an answer or not? You are just not interested in an answer. I am trying to genuinely answer the question and all we hear is this petty, negative sniping from an opposition that clearly are trying to have it both ways on a vital water security project for the ACT. They are happy to have a fight about it, but then they say, "We support the dam but we still want to have a political fight about it." At the end of the day, this is just petty political point scoring from the Liberal Party. That is the issue.

Mr Seselja: Point of order, Mr Speaker.

MR CORBELL: I am trying to answer their question, Mr Speaker.

Mr Seselja: The point of order is on relevance, Mr Speaker. It is specifically about what happened between 18 May and 30 May that those estimates changed so significantly.

MR SPEAKER: I think Mr Corbell was goaded into it, but, Mr Corbell, can we return to the topic.

MR CORBELL: Yes. I am happy to, Mr Speaker. The point I was seeking to make was that Mr Sullivan attempted to provide an estimate but he made it clear that it was an estimate to the Assembly committee. The full range of factors that were potential risks in terms of cost escalation were outlined by Actew in relation to documentation they provided to the ICRC and documentation that is provided publicly elsewhere.

Those are the factors that Actew had regard to, and they disclosed those factors well in advance of the final decision being taken in relation to costs for the project.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, at that time what questions did you ask of Actew Corporation as to the causes of those cost increases and what answers were given?

MR CORBELL: The decision in relation to cost was made by the Actew board, as I understand it, about two weeks ago. I was away overseas at that period, but my advice is that the government became aware of these matters, and I as the minister became aware of these matters when Actew advised cabinet approximately a week ago. That is when the actual cost—the actual final determined cost—was brought to my attention.

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: A supplementary question on Cotter Dam: could the minister please detail to the Assembly the importance of the Cotter Dam project in relation to the ACT government's broader water security strategy?

MR CORBELL: I would like to thank Ms Burch for that question. This is a very important project for the ACT. What is surprising, of course, is the Liberal Party's duplicity on this issue because, on the one hand, they like to say, "We support the dam; we support the need for the dam," but then they do not miss any opportunity to get into a process of besmirching the entire project and its value and its importance to taxpayers. It is important to taxpayers and important to citizens.

The Cotter Dam project will provide the ACT with the second largest reservoir in the ACT's network of dams. Only Googong Dam will be larger in terms of its capacity. It will deliver 78 gigalitres of water compared to the current four gigalitres. At a time when inflows to our dams are at their lowest level on record, it is needed more than ever. That is why today I have welcomed the decision my by colleague Mr Barr to give his approval to the project, exercising his powers under the Planning and Development Act. That decision means that we have certainty for this project and that this project should proceed in a very short order of time. That is needed, because inflows to our dams are 90 per cent below the long-term average. Our worst year on record was 2006, with 26 gigalitres of inflows. This year we currently are at 11 gigalitres. That is worse than 2006, and that is why this project is so important.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Has the government undertaken a cost-benefit review of its water security major projects in light of the significant increases of costs for both the Cotter Dam project and the Murrumbidgee to Googong pipeline?

MR CORBELL: There is no need to conduct a further cost-benefit review. The reason for that is that the only alternative to constructing Cotter Dam and proceeding with Murrumbidgee to Googong is to develop a water purification plant for the ACT. The cost of that plant is significantly higher—significantly higher—than the development of the Cotter Dam and significantly higher than the purchase of water from Tantangara. So the clear cost-benefit still weighs in favour of Cotter and Murrumbidgee to Googong.

The other point that should be made, of course, is as the Treasurer outlined in her speech to the Assembly earlier today. The average annual cost of stage 4 water restrictions to the Canberra community is in the order of $350 million every year that we have stage 4 water restrictions. It is important to stress that the development of the dam is about the same cost as one year of the cost to the community of stage 4 water restrictions. That is what we want to avoid. That is why the dam is still very good value for money for the community.

Cotter Dam—cost

MRS DUNNE: My question is to the Treasurer. Yesterday in question time you described the original estimate for the Cotter Dam enlargement as "a very rough estimate". Minister, why did you and your colleague shareholder approve the Cotter enlargement project on the basis of a very rough estimate?

MR CORBELL: Mr Speaker, the cabinet approved it.

Mrs Dunne: I have a point of order, Mr Speaker. The Territory-owned Corporations Act makes it clear that the shareholders approve. My question is to a shareholder and the minister responsible for Actew. And because she is a shareholder, the Territory-owned Corporations Act requires the shareholders to sign off on an acquisition, not cabinet. I would therefore like the minister to answer the question.

MR SPEAKER: Thank you, Mrs Dunne.

Members interjecting—

MR SPEAKER: Order, members! On Mrs Dunne's point of order, in the intervening time between the questions, we have had a chance to pull out *House of Representatives Practice*, which notes that "a minister may transfer a question to another minister and it is not in order to question the reason for doing so". On that basis, there is no point of order, Mrs Dunne.

MR CORBELL: Thank you, Mr Speaker.

Mr Seselja: Mr Speaker, on the point of order: we actually have not heard from the Treasurer on that. We actually have not heard from the Treasurer.

MR CORBELL: It sounds to me like they are not interested in getting the answer, Mr Speaker; they are just interested in making some sort of political point.

Mr Seselja: If the Treasurer is transferring the answer, we would like to hear from the Treasurer.

Mr Hanson: She needs to stand up and transfer it.

MR SPEAKER: I don't think she needs to give a speech to do it, Mr Seselja.

Mr Seselja: Has she done that or has Mr Corbell just stepped in?

MR SPEAKER: I presume she has.

MR CORBELL: Thank you, Mr Speaker. What this really shows is that this is just petty political point scoring from the Liberal Party. They are not interested in the facts; they are not interested in getting information. They are interested in some petty political point scoring. To answer the question—

Members interjecting—

MR SPEAKER: Order! Mr Corbell is going to come to the question now.

MR CORBELL: To answer the question, the government did a detailed cost-benefit analysis of these projects. It was not based on some rough estimate. There were detailed assessments undertaken over an extended period of time, but there were nevertheless a range of significant risk factors around cost escalation. Those were detailed in the documentation that Actew provided to the ICRC. They were put on the public record and they were made clear, in all the comments from Actew, that they were potential risks in terms of the cost of the project. And there is no surprise in that, when you consider the magnitude and scale of this project.

This is the single largest engineering project in the ACT for many years. It is a major engineering task to build a dam of this nature. It requires detailed investigations throughout the course of the development of the proposal. You do not have all of this information on day one; you do not have all of that information at the commencement. It is an iterative and developing process as further investigations occur.

What is most surprising is that those opposite fail to understand how you build major infrastructure projects. They seem to believe that these matters are all determined on day one. They seem to believe that all of the facts are known on the day of the commencement of the analysis of investigation. I do not know what world they are living in, but the fact is there have been detailed investigations. These risks were identified up front and publicly by Actew at the commencement of that process, and it is those factors that have come into play and resulted in the difference in the cost

compared to previous estimates. But an estimate is just that—it is an estimate. It is subject to change, it is subject to further investigation, and that is what occurred.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Minister, was the Treasurer wrong yesterday when she said that these were rough estimates and how much can we guarantee the current price?

MR CORBELL: No she was not, and I have just answered that question.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, what are you doing to ensure the costing of major projects is more rigorous in the future?

MR CORBELL: You mean water security projects, I presume?

Opposition members interjecting—

MR SPEAKER: Order! Let us hear the answer.

MR CORBELL: The government has indicated that we will continue to pay close attention to the development of these matters. We will continue to expect regular reports from Actew on the implementation of the project and we look forward to seeing the results of those reports.

MR SPEAKER: Mr Smith, a supplementary question?

MR SMYTH: Thanks, Mr Speaker. Minister, was it appropriate to only advise the community of the extent of the blow-out in this project after the government had called in the DA?

MR CORBELL: Well, the two matters are not in any way associated. I saw this absurd suggestion made by Mrs Dunne earlier today during the debate on her motion where she suggested that the call-in was designed to hide information. Now, I do not know whether Mrs Dunne understands how the call-in process operates, but the issue—

Mrs Dunne: I mean, I know that you might be a bit jet-lagged, Simon, but you at least have to listen to what people say.

MR CORBELL: You do not like it when you get caught out, Mrs Dunne. That is the problem. But the issue is that, of course, the call-in process relies on all of the information publicly notified to the planning authority by the development proponent. Mr Barr has taken his decision based on that information. It is public information. All the documentation is on the public record, available publicly from the planning authority. So to suggest there is any link between the cost of the project and the approval of the project is simply absurd.

The development assessment process is completely separate from the government's considerations around cost. When the planning minister gets an application from any other developer or when the planning authority gets an application from any other developer, they do not care about the budget. They are just ensuring whether or not the development application meets the obligations of the Planning and Development Act. It is no different in this instance.

Schools—reporting

MS HUNTER: My question is to the minister for education. Minister, on 24 June 2009 the Assembly carried a motion which the ACT Greens put forward in relation to school league tables. Among other things, the motion called on you to advise the Assembly what action you would take with your state and federal colleagues to limit the publication of data based on national literacy and numeracy tests and attendance rates. Minister, can you update the Assembly on progress with this?

MR BARR: I thank Ms Hunter for the question. Yes, I can advise the Assembly that the ministerial council—now renamed MCEECDYA and incorporating early childhood development—has met and will continue to meet in relation to the principles and protocols for the reporting on schooling in Australia. A teleconference was held last week and there will be a further meeting at the end of this month and then another one in November to finalise those principles and protocols.

Let me again state that simplistic league tables are not part of this government's agenda, nor are they part of the Australian government's agenda. However, it still remains my view that the league tables debate, both for them and against them, are a distraction from the real issues in education. What we need to ensure is that in reporting school results we protect students' privacy, that we ensure that the reporting is in the broad public interest and that the data that is released is valid, reliable and detailed to enable accurate interpretation and understanding of the results.

In the context of media coverage in relation to the recent national assessment testing, it is important to note that there is an obligation on the Australian media to fairly and accurately report. Governments will not be creating league tables. That has been made very clear by the federal education minister and by me. Neither the ACT government nor the federal government will be party to the creation of simplistic league tables and they will only occur, as they can only occur now, if a media organisation goes and creates one of their own accord.

The information that is currently available through testing and that could be accessed through a freedom of information request under the existing arrangements could be used by a media organisation to develop a league table. It would be a league table of their making. They would have to justify how they went about developing such a table. In the context of this debate the question is: what actually constitutes a league table?

I think Ross Solly recently had an interview with Mr Cobbold, where he created a league table by suggesting that one particular school in Belconnen would perform better than another school. Now, the league table only comprised two schools, but

nonetheless it was still a direct comparison in his mind between one school and another.

That is how perverse this debate can get. That is why it is important that we ensure that the data that is publicly provided is, as I say, valid, reliable and detailed so as to ensure that parents and students are appropriately informed and that we are able to have a constructive debate about the performance of schools and our education system. That, I believe, the ACT government believes and the Australian government believes is important for the future of education in this country.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Thank you, Mr Speaker. Minister, part 6 of that motion calls on you to outline, and hopefully in detail, how the performance monitoring system will operate and how privacy will be protected and harm not caused to school communities through the publication of league tables by the media. Given that legislation to prevent the publication of league tables in the media has already been introduced by two states, why wouldn't you consider doing the same?

MR BARR: I have considered the matter. Certainly, my view is that it is a restriction on freedom of speech and it would be ineffective in the ACT context in that we cannot control the publication outside of the territory of information in relation to ACT schools. I think it is just a fundamental issue of principle. Whilst I would love to be able to control everything the media say in all of my portfolios, I respect that we have freedom of the press. Whilst it would be very tempting for every minister, every government official and every government department to seek to be able to control how the media report and what they are able to say, it is a fundamental principle of our democracy, and I have major concerns with seeking to limit the freedom of the press.

But I do stress that the media have a responsibility here as well in their reporting of school results and of the results and relative merits of educations systems and education policies to be accurate in their reporting. So it is my view that the best way forward in relation to this specific matter is not a legislative response but appropriate education. Simplistic league tables can only thrive in a vacuum of information. If there is real, rich, reliable information out there, there will not be the scope for media outlets to create their own simplistic league tables. I repeat: this government and the Australian government will not be creating simplistic league tables.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Minister, will you be using league tables to assess the possibility of future school closures?

MR BARR: As I think Mrs Dunne would be aware, there is a continuing resolution that was agreed to unanimously in this Assembly that there would be no further school closures, other than those that were previously announced, in this term of the Assembly.

MR SPEAKER: A supplementary question, Ms Bresnan?

MS BRESNAN: Thank you, Mr Speaker. Minister, two states—Queensland and Tasmania—have already had league tables published in the media, yet two recent parent surveys indicated that the great majority of parents did not want schools named and shamed by school performance tables. Minister, why are you as education minister putting scores and performance before other factors such as student safety, teacher retention and school culture?

MR BARR: I am not, and in response to Ms Bresnan, perhaps to close this matter, this is a national approach. All states and territories are engaged with the commonwealth in a detailed set of discussions in relation to the principles and protocols of school reporting. A discussion paper has been released and is publicly available. Over the next six to eight weeks, ministers and jurisdictions will finalise those national reporting principles and protocols. They will be made publicly available. Data will be available on the ACARA website that, I think, will be www.myschool.edu.au.

That website will go live in the middle of December. That will occur, but there will be principles and protocols in place to ensure, as I have indicated, that students' privacy is protected, that the reporting is in the broad public interest and that the data is valid, reliable and detailed enough to enable accurate interpretation and understanding of that data. It is an important part, but one of many elements, of both this government's and the Australian government's approach to reforming education. As I say, it is one of those elements but, nonetheless, an important one.

In relation to the particular polling that was undertaken, I have seen that particular survey. Far be it from me to comment too much on the sorts of questions and polling that might be utilised, but when the question is asked, "Do you think it is a top priority or not a top priority?" I was interested that more than a third of the respondents actually believed that it was the top priority in education—ahead of investing more in teachers, ahead of lower class sizes, ahead of upgrading school facilities. Nearly a third said it was the issue in education. I do not believe it is "the issue", but it is one of about half a dozen.

Planning—Giralang shops

MS LE COUTEUR: My question is to the Minister for Planning and concerns ACTPLA's recent rejection of a development application for a large supermarket at Giralang shops. Will ACTPLA now enforce the lease conditions requiring that a number of small shops are operational again on the site so as to give the local residents local shops again?

MR BARR: As members would be aware, there was a development application lodged to consolidate blocks 4 and 5 at Giralang into a single block. The application sought approval to vary the crown lease and to construct a new supermarket that would be operated by Woolworths. The proposed GFA for the development was very large for a local centre.

The site, as members will also perhaps be aware, was the subject of a previous development application lodged in March 2008 that, again, was not supported by the

Planning and Land Authority. In that instance, that development application was predominantly proposed to be a residential development with a very small commercial component.

What we have seen over the course of two development applications is one that, frankly, did not provide enough retail on the site and the subsequent one that went so far, frankly, as to overload the site in terms of what would be appropriate for retail at a local centre level. ACTPLA did indeed refuse that development application on 3 September.

ACTPLA is still meeting with the applicant in an attempt to find a middle ground whereby a development application can be lodged that will indeed provide Giralang residents with a local shopping centre that will be of an appropriate size for a local group centre. Those discussions are ongoing.

Ms Le Couteur: On a point of order, Mr Speaker: I asked about lease conditions, not development applications—enforcing the lease conditions rather than the history of the development applications.

MR BARR: I think it is appropriate, in that I have four minutes to answer the question, to provide some context as to what is happening. The enforcement of the lease conditions is indeed something that ACTPLA has applied through this process. Of course, with a live DA, there are considerations that the Planning and Land Authority has to put in place. It is not as black and white as simply the Planning and Land Authority being able to click their fingers and, magically, shops will appear. There must be a development application lodged in order to see that shopping centre redeveloped.

It is, I acknowledge, unfortunate that both of the development applications that the owner of the shopping centre has put forward have not met the requirements of the territory plan or have certainly been outside what could be approved by the Planning and Land Authority. Nonetheless, the authority continues to work with the applicant. In my view, this is the preferred way to get a redevelopment occurring quickly on that site.

That said, the proponent has chosen, as is his right, to lodge development applications at either extreme. Certainly it would appear to be testing the boundaries of this assessment process. The Planning and Land Authority will continue to exercise its powers and responsibilities in accordance with the law in relation to this site.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Minister, will you consider changing the planning code so as to allow higher residential dwellings above shops, which would, hopefully, increase the viability of the shops below and make it more profitable for the developer?

MR BARR: The provisions of the territory plan in relation to that particular site will allow for that. Essentially the first development application was for exactly that. The problem with that first development application, and it was strongly opposed by

Giralang residents, was that it did not allow for enough retail. It was predominantly a residential redevelopment that would have seen three shops, and three very small shops.

As I said, it is unfortunate that in the first instance the developer went for such a small retail component and then, in response to a rejection of that, went for what everyone, or nearly everyone, has observed to be perhaps a ridiculously large proposal for a major Woolworths in a local group centre. That was the subject of considerable community concern. I recognise that there are arguments on both sides, but I do not think the Greens could argue that there were not people opposed to that particular development.

We are now sitting down with the developer and seeking to find a middle ground that will see this issue resolved once and for all.

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: A supplementary on planning and shopping precincts: could the minister tell the Assembly of his approach in ensuring that there are shopping precincts of a broad diversity which are relevant and which meet local needs?

MR BARR: I think Ms Burch has raised an important point.

Opposition members interjecting—

MR BARR: It is good to see that Ms Burch, through her incisive questioning, is able to elicit such a response from those opposite. I do, indeed, thank her for coming forth with such a question. But, seriously, Mr Speaker, it is worth noting that we do have a retail hierarchy within the ACT. In the context of local, group and town centres, we have a well-established hierarchy. There is a degree of flexibility, though, within that hierarchy, recognising the different levels of retail development over the nearly 100 years of development of our city.

Ms Burch is correct to identify the need to have appropriate local facilities, appropriate group centre level facilities and also larger retail facilities in town centres. In the context of this particular issue around Giralang, the reason that the Planning and Land Authority has taken the position it has is to ensure that a viable local centre is re-established in Giralang, and that means getting the balance right. Unfortunately, neither of the development applications that have been lodged to date has achieved that balance.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: A supplementary, thank you. What is the minister doing about other suburbs in Belconnen which currently do not have local supermarkets operating at them, such as McKellar, and will you work to enforce lease conditions in these other suburban shops?

MR BARR: Yes, the Planning and Land Authority, as is its statutory authority, applies the law in these instances. Of course, we need to recognise that there are

market forces at play as well, that not every small business will succeed all of the time, and that from time to time it can be a matter of the entrepreneurial skills of a particular supermarket operator or a particular retail operator in a local setting that will determine whether they are successful or not. No planning system can account for those market variations. Of course, the Planning and Land Authority will continue to administer the planning and development system and our leasing system in accordance with the law.

Cotter Dam—cost

MR COE: My question is to the Treasurer. As an Actew Corporation shareholder and responsible minister, were you surprised to learn of the quarter of a billion dollar blow-out in the cost of the enlargement of the Cotter Dam?

Mr Hanson: Gee, she's on her feet—excellent. Do you want to pass it over?

MS GALLAGHER: Thank you for that usual patronising interjection from Mr Hanson. I am going to continue to respond to them and I will actually read out your interjections into *Hansard* because they are getting to the point where they are just becoming so patronising and offensive that I think we do need to record them. In actual fact, Mr Hanson is not on his own there; there is the entire opposition. I am even surprised they turn up to question time when you could easily have this huddle in your own offices and laugh at each other and entertain each other, because it obviously is not at a point where you are actually genuinely interested in the answer.

The answer to the question is yes. The way the government is handling question time in relation to this, because the opposition still do not seem to understand and it is fairly straightforward to everybody else, is that as Treasurer I have certain responsibilities for TOCs in the ACT. You will also note, because I am sure particularly Mr Smyth will no doubt have them in front of him, that under the AAOs that have been tabled in this place the responsibility for water policy very clearly sits under the portfolio of the Minister for the Environment, Climate Change and Water. In fact, the department has water in the title.

Mr Hanson: It wasn't a water policy question. It was about your own statements. It was about your decisions as a shareholder—and you wouldn't answer it.

MS GALLAGHER: I have answered the question. Indeed, I answered a number of questions yesterday. I have answered Mr Coe. But, if you are genuinely interested in the answers around water security projects and water policy in general for the government, then it is entirely appropriate that you ask those questions to the responsible minister, if you are genuinely interested in the information. If what you are after is trying to have a go at me, then just stand up and be up-front about that.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you. Treasurer, why were you surprised, given you said yesterday in question time that you were being kept up to date at regular intervals?

MS GALLAGHER: As I said yesterday, we were updated on a number of occasions. I don't know what you don't understand about the fact that the final figure was arrived at towards the end of August. We were given that figure. It was bigger than the last figure we received—

Mr Stanhope: Surprisingly bigger.

MS GALLAGHER: and we were surprised.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Yes, Mr Speaker. Treasurer, why did the Chief Minister claim that the shareholders, which include you of course, greeted the news with "surprise and concern" when you claimed yesterday that the shareholders received the board minutes and you were kept "updated at regular intervals"?

MS GALLAGHER: This is getting silly.

Mr Stanhope: Because from the last regular interval there was a surprising change in the number.

MS GALLAGHER: Maybe I have not been as clear and concise as the Chief Minister then, but the updates were these: "We are finalising the cost; we are finalising the cost; we are going through some processes; there are a number of caveats on this; the costs are increasing." They are the updates. The final figure which gave the shareholders, Mr Stanhope and me, some cause for surprise were determined in late August, several days before that information became public.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Treasurer, why, following Actew's announcement of the cost blow-out, was it reported that the government would keep a keen eye on costs in relation to the Cotter Dam? Treasurer, should not governments keep a keen eye on the costs of all major projects all the time?

MS GALLAGHER: Yes, and we do.

Mrs Dunne: But you were surprised.

MR SPEAKER: Mr Smyth.

Ms Gallagher: Sorry, could I just respond?

Mr Smyth: No, you sat down.

Ms Gallagher: No, I probably should not. I should not respond to interjections.

Bushfires—controlled burns

MR SMYTH: My question is to the Minister for Police and Emergency Services. Minister, this morning on ABC radio 666 you commented on preparations for the bushfire season by saying, "The ESA and our land managers have conducted comprehensive back-burning activity over the last six months." I think you meant fuel reduction loads, but that is okay. You concluded, "Indeed, 19 out of 20 controlled burns were completed, burning a total of 373 hectares." Minister, why did the ESA and the land managers conduct controlled burns for such a small area of the ACT in the lead-up to the 2009-10 bushfire season?

MR CORBELL: Mr Speaker, it is not a small area in terms of hazard reduction overall. This is the extremely disappointing element of the Liberal Party's question on this.

Mr Stanhope: How much was done in 2001 by your mob? How much was done in 2001 under Mr Smyth?

MR SPEAKER: Order, Mr Stanhope!

MR CORBELL: The Liberal Party are deliberately scaring the ACT community. They are deliberately scaring the ACT community. This is why—

Members interjecting—

MR CORBELL: Do you know how many hectares were affected by fuel reduction this year? It is 12,000 hectares of fuel reduction activity this year, including slashing, grazing, chemical treatment and hazard reduction burning—12,000 hectares.

Mr Smyth can trot around his 300 hectares figure as much as he likes. Fuel reduction, including grazing, slashing, physical removal and hazard reduction burning in the ACT is 12,000 hectares. I am happy to put that record against Mr Smyth's record of fuel reduction for all the time that he was emergency services minister.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Minister, as you said this morning that controlled burns were sometimes only needed every four or five years, how much area should be burned in control burns each year?

MR CORBELL: That is determined by the strategic bushfire management plan, and I refer Mr Smyth to that. But Mr Smyth has been caught out on this issue. Twelve thousand hectares of fuel management activity has been undertaken. It has to be said that Mr Smyth is deliberately and wilfully misleading and scaring the ACT community on this issue. He is attempting to portray a situation where there has basically been no hazard reduction activity. That is the claim he is making.

He is saying that there has not been enough hazard reduction activity and he is using a figure of 300 hectares when he knows and has been told that the total amount of fuel

reduction activity for this calendar period has been 12,000 hectares. That is made up, Mr Smyth, of 4,000 hectares of grazing, 6,200 hectares of slashing, 700 hectares of prescribed burns, 300 hectares of physical fuel removal and 750 hectares of chemical fuel management.

That is the government’s record. It is a record which shows we are serious about hazard fuel reduction. Mr Smyth should stand up in this place and apologise for his scaremongering and for his deliberate misleading of the Canberra community when it comes to this issue.

MS BURCH: A supplementary on bushfire management: could the minister please detail to the Assembly the importance of endorsing the new national framework for bushfire warning systems in the context of the broader bushfire management strategy?

MR CORBELL: The new bushfire management—

Mrs Dunne: On a point of order, Mr Speaker: I know this is early days but I seek your ruling. The original question was about hazard reduction. Ms Burch’s question was about the warning system and the national approach. I am asking you to rule on whether that is directly relevant and the extent to which it needs to be directly relevant.

Ms Burch: The question was in the context of the broader bushfire management strategy which fuel reduction is part of.

Mrs Dunne: Mr Smyth’s question was about hazard reduction and it was about hazard reduction in preparation for this year’s bushfire season.

MR SPEAKER: Thank you, Mrs Dunne. Members, the new rules for question time require a little interpretation. It is my expectation that we will stay fairly close to the original question. I think there is a threat that we end up spreading out too far. I will allow this question on this occasion but I will be keeping a close eye to ensure we do not wander too far.

MR CORBELL: The new rating scale for bushfire warnings has been endorsed by all state and territory governments. It adds two new categories to the rating scale: severe and catastrophic. It also combines the low and moderate rating into a single category. These changes are important to communicate to communities the potential seriousness of extreme bushfire activity.

Prior to these changes, we had to rely simply on the very high or extreme ratings. The difficulty with the extreme rating is that it can comprise fire activity which, whilst serious, may not have the same impact as the type of fire activity you saw, for example, in 2003, on 18 January, in Canberra or the fires earlier this year in Victoria.

To better communicate the severity of the threat, state and territory governments and the commonwealth have agreed on a weighting scale that we believe should be implemented uniformly. I announced yesterday that the ACT will be implementing that, as will all the other states and territories around the country. I think it highlights the value of a coordinated approach, of a national approach. Particularly as people

move between jurisdictions, they should not have to deal with different systems in different circumstances.

Indeed, it is in marked contrast to the approach adopted by the Liberal Party in this place that wants to adopt some sort of stand-alone, different approach to warnings compared to what the rest of the country is doing. That will just lead to confusion; that will just lead to more problems than it solves.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you. Minister, in relation to hazard reduction burning, why was such a small area of land subjected to controlled burns in 2009 when you have subsequently described the upcoming bushfire season as "the most serious fire weather season we have experienced in the last two or three years"?

MR CORBELL: I do not consider 12,000 hectares of hazard reduction activity small, Mr Speaker.

National Folk Festival

MS BRESNAN: My question is to the minister for the arts and concerns the recent decision to provide $90,000 over three years to the National Folk Festival for fringe arts performance. What questions did the arts minister ask or what information did he seek about the agreement made between the Minister for Multicultural Affairs and the Folk Festival, and can that agreement be tabled in the Assembly?

MR STANHOPE: I thank Ms Bresnan for the question. Ms Bresnan, the funding of the Folk Festival was a decision of the Minister for Multicultural Affairs in relation to an allocation of funding that was relevant to his department and his departmental responsibilities. Certainly, the Folk Festival might be described as an arts festival subject to festival funding. The Multicultural Festival might be a festival that might be subject, in a broad interpretation, for festival funding, but it is not. The Multicultural Festival is funded separately from the festival's arrangements, the festival's structure and the festival's appropriation.

The appropriations that the Minister for Multicultural Affairs receives for the purposes of the delivery of the Multicultural Festival are funds and responsibilities which the Minister for Multicultural Affairs pursues. He discussed some of his thinking around the future of the Multicultural Festival, including the Fringe Festival, with me, but at the end of the day Mr Hargreaves made decisions in relation to funding allocated to him and that had been utilised previously to support the Fringe Festival as an arm or as an extension of the Multicultural Festival. The decisions that he has subsequently taken and announced were decisions taken and announced by him in the context of his responsibilities as Minister for Multicultural Affairs.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. What development outcomes will be required of the National Folk Festival to justify the investment?

MR STANHOPE: I must say that I am not privy to any detail in relation to that, Ms Bresnan. At the end of the day, the decision taken in relation to the fringe festival probably relates to a similar issue. There was no formal agreement with the fringe festival in its previous operation. There were no formal outcomes required as a result of the previous funding in relation to the fringe festival. As has been previously recorded in this place—I am not entirely sure of the final funding arrangements made in relation to the most recent fringe festival—but I understand that over $100,000 was expended on the delivery of this year’s fringe festival. Mr Hargreaves might nod if I am roughly right. Am I right?

Mr Hargreaves: You’re right.

MR STANHOPE: This year, roughly $100,000 was expended on supporting the fringe festival as a part of the Multicultural Festival. That was done without a formal agreement. It was a festival, as I have previously announced, that essentially grew organically out of the Multicultural Festival. It received significant support and funding through the Office of Multicultural Affairs from multicultural funding. In this most recent year, it was funded to the tune of $100,000 without a written agreement, without a formal requirement for certain deliverables. It was in that context that Mr Hargreaves quite rightly and appropriately took decisions in relation to the need to formalise funding and arrangements in relation to that particular festival.

I think you do need to understand some of the context in relation to both the Multicultural Festival and the fringe festival and the decisions that have subsequently been taken in relation to them.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Thank you, Mr Speaker. Chief Minister and minister for the arts, do you think it is regrettable that Mr Hargreaves did not bother to consult the person who owned the name “fringe festival” before he went public on this decision, or were you just surprised and disappointed?

MR STANHOPE: In the context of requirements that have been made by me of all ministers and all departments, particularly in the current financial circumstance, to ensure, to the greatest extent that a minister can ensure, that departments operate within budget, Mr Hargreaves had absolutely no option but to seek to bring the Multicultural Festival back into budget. The Multicultural Festival has a budget of somewhere less than $500,000—it is $400,000. The Multicultural Festival—

Mrs Dunne: Relevance, Mr Speaker.

MR STANHOPE: It is entirely relevant to your question that I have expectations of my ministers and of their departments that they operate, to the greatest extent that a minister can demand of a department, within budget. The Multicultural Festival, in this last year, exceeded its budget by almost 100 per cent. That is simply unacceptable to me, unacceptable to the minister and unacceptable to this government, in an environment where we have, out of this last budget, imposed a significant efficiency dividend on all departments.

I would imagine a first step by any minister and any chief executive in relation to an efficiency dividend that has been imposed is that they bring their budgets in. To have one particular aspect of your budget being exceeded by 100 per cent is simply unsustainable and intolerable. It is unacceptable. And Mr Hargreaves moved, and moved appropriately, to deal with that cost overrun. Mr Hargreaves has just passed me a note—and this is the difficult issue in asking a minister who is not directly responsible for a matter questions on it—saying that there was an agreement or a contract of some order between the Office of Multicultural Affairs and Mr Gardner of the fringe festival in relation to the fringe festival.

MR SPEAKER: Order, Mr Stanhope!

MR STANHOPE: So I correct—

MR SPEAKER: Mr Stanhope!

MR STANHOPE: I am correcting a previous answer that I gave. I am acknowledging that there was an agreement of some sort, and I do not know the details of that, between the Office of Multicultural Affairs and Mr Gardner. So I correct the record and a previous answer.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Thank you, Mr Speaker. Can the arts minister assure the Assembly that, in fact, overall arts funding has gone up by $30,000? Does this decision set a precedent so that every department can decide it wants to have an arts project which will then be administered by artsACT?

MR STANHOPE: Well, Ms Le Couteur, if you are asking should I actually insist that the Multicultural Festival become part of the Chief Minister's Department and administered as part of the festival fund, then, no, I will not give that assurance at all.

In the nature of the arrangement we have, the Multicultural Festival is not actually funded through the festival's fund. It is the ACT's major festival. In the context of the administrative arrangements, it is our major and most significant and arguably our most successful festival. It certainly is the festival that is supported by a greater number of Canberrans than any other festival, but it is not managed as part of the festival fund or the arts infrastructure. To suggest that I draw into artsACT or the Chief Minister's Department all of those activities that might be identified or characterised as a festival or an arts function, the answer is no, I will not.

Emergency services—warning

MR DOSZPOT: My question is to the Minister for Police and Emergency Services. Minister, this morning on ABC Radio Triple 6, you commented on bushfire warnings. You said that Victoria will be the lead state developing the national telephone warning system and will undertake the procurement. You said that the ACT will adopt the system as soon as it is available.

Minister, why has the ACT decided not to adopt the warning system that has been developed in Western Australia and which has been subject to successful trials in that state?

MR CORBELL: This has been a matter of some significant discussion amongst all states and territories about which system should be adopted. What has been decided is that the states and territories will seek procurement of a system, and that system will get access to the national telephone database, which is held by Telstra.

The Western Australian government has, for a number of years now, had its own system. It would appear that the way that system operates access to the telephone database works differently from the arrangements that would be available through a national approach. For that reason, we—and by that I mean every other state or territory—believe that we should adopt a system based on the procurement process being undertaken by Victoria and that the Western Australian model is not sufficient to meet the needs of the other states and territories.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, have you left the national warning system "in the hands of the Victorian government" when the coroner's report into the 2003 bushfire disaster, in December 2006, recommended that this action should be taken?

MR CORBELL: I think the coroner's report recommended that this issue be investigated, and that is what the government has done. It is highly ironic to get this criticism from the Liberal Party. The reason for that is that this matter was discussed at the police ministers council and emergency services ministers council for the last three to four years. And what was the reason that it did not proceed earlier? It was because the then commonwealth government refused to provide access to the integrated telephone database held by Telstra. They refused to pass legislation in the commonwealth parliament to allow access to the integrated telephone database. That is why this system has not been implemented earlier. And it took the Victorian bushfires for the commonwealth parliament to finally agree to pass legislation to allow access to the integrated telephone database. Let us make it clear: a telephone warning system only works if you have—

Mr Doszpot: Six years ago, Simon.

Mr Hanson: So was it Conroy?

MR CORBELL: They are not interested in hearing this, Mr Speaker. But this is the key issue, and this has been the key issue for many years now: without accessing the central telephone database which is controlled by Telstra, you cannot have a telephone warning system of adequate size and scale. The commonwealth government, the previous Howard Liberal government, refused to legislate to allow the states and territories to access that database and refused to legislate to allow Telstra to provide that information to the states and territories. So perhaps the Liberal Party should look in their own backyard before they start making those sorts of absurd accusations.

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: Could the minister share with the Assembly the reasons for the commonwealth Liberal Party not supporting a telephone forewarning system, and what could that tell of their commitment to forewarning?

Mr Seselja: On a point of order, Mr Speaker: I do not think the minister actually can give an answer as to what was in the minds of the former Liberal government.

MR SPEAKER: The question is out of order. A supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, why are you only hopeful that the new bushfire warning system will be available within the next three or four months when the need for this system has been discussed for so long?

MR CORBELL: If the Liberal Party were so unanimous about the need for this system, why did they fail to legislate in the commonwealth parliament for year after year after year to allow access to the integrated telephone database? If they want to point the finger on this issue, perhaps they should reflect on the activities of their federal colleagues who for the last three years that they were in government nationally refused to legislate to allow access to the integrated telephone database.

I was very pleased when my colleague Mr McClelland moved legislation earlier this year and got the commonwealth parliament to agree to the access to the integrated telephone database. As a result of that, we finally have action on this issue.

Cotter Dam—enlargement

MS BURCH: My question is to the Minister for the Environment, Climate Change and Water. Can you please inform the Assembly of the basis for the ACT government's decision to enlarge the Cotter Dam?

MR CORBELL: I thank Ms Burch for the question. It is important to reiterate the seriousness of the inflow situation we are currently facing. Inflows since 2002 have been well below the historical average. In 2006 we had inflows of 26 gigalitres, which was 60 per cent below the long-term average.

Ms Gallagher interjecting—

Mr Hanson interjecting—

MR CORBELL: As of today we have had 11 gigalitres of inflow, which is 90 per cent below the long-term historical average.

Mr Coe interjecting—

MR CORBELL: This is a matter which should be of real and serious concern to everyone in our community and it underpins why we need to continue—

Mr Coe interjecting—

Mr Hanson interjecting—

MR SPEAKER: Members! Mr Corbell, one moment please. Mr Coe, Mr Hanson!

MR CORBELL: Clearly the Liberal Party are not interested in water security, Mr Speaker, because if they were they would be paying a lot more attention.

These issues that we face in relation to inflows mean that we must augment our supply, we must continue with our demand management, we must continue with our reuse strategies, and all of these are being pursued by the government at this time. But the Cotter Dam plays a particularly important role.

Despite the significant reduction in rainfall and inflows into our dams, the Cotter catchment is still performing better than the other main catchment, which is of course the Googong catchment. We know that a large amount of water still is discharged from the Cotter Dam because it only holds four gigalitres and that is well in excess of environmental flows, particularly when there is good rainfall. So the opportunity to capture and store more rainfall exists with the expansion of the Cotter Dam, and that is why this project is particularly important.

This has been assessed in detail by Actew. Actew completed a comprehensive review of options in 2007, and that review was endorsed by the government later this year. In combination with a range of other developments, we are moving towards a strong basis for ensuring water security well into the future. Of course it has been this government which has negotiated a long-term lease over the Googong Dam. It has resolved the question of ownership of the Googong Dam, which has been an unresolved question ever since self-government. We now have a 150-year lease over that dam.

We have resolved the cap diversion issue through the Murray-Darling Basin agreement, which means that we have a greater opportunity to access water through the interstate water trading arrangements, and that is particularly important in light of the decision to purchase water from Tantangara and to divert it to the Googong Dam via the Murrumbidgee at Angle Crossing.

These projects, all combined, ensure better water security for the ACT and the region. We want to establish a situation where wise and prudential water use remains the norm but where long-term water restrictions are the exception to the norm. That is the situation we are seeking to achieve and that is why the Cotter Dam is so important.

MR SPEAKER: Ms Burch, a supplementary question?

MS BURCH: Minister, can you please tell the Assembly what are the other benefits of the development of an enlarged Cotter Dam?

MR CORBELL: There are a number of other benefits aside from the issues associated with improved water security. During the construction of this project, we

will see 400 jobs per year being delivered from that project. That is a very important element in terms of economic activity in the city. We will also see improvements in water quality overall. Indeed, the work that Actew is doing now in relation to managing endangered fish species in the Cotter reservoir is being recognised as nation leading and is significantly contributing to the improvement of the overall water quality and the habitat for that fish species.

Actew have also undertaken a range of measures to improve and manage the sustainability issues associated with this project. In particular, the very detailed work they have undertaken to mitigate the carbon emissions associated with this project is very much a leading-edge development and something which will demonstrate to other major infrastructure providers how carbon emissions can be dealt with as part of these projects.

So there are a range of other benefits that are also being undertaken. That is important. It is part of the government’s commitment to sustainable development activity as well as assuring water security for the ACT.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: In relation to the enlarged Cotter Dam, minister, we have seen that the capital costs have blown out to $363 million. Does that include the cost of remediation, and what are the ongoing running costs for an enlarged Cotter Dam?

MR CORBELL: Costs for remediation, if I recall correctly, are included in that overall figure, but I will confirm that for the member. In relation to the running costs, I will take that question on notice and provide that information.

MR SPEAKER: A supplementary question, Ms Hunter?

MS HUNTER: Given that Actew’s water future analysis shows that the two major water security projects, the Cotter Dam and the Googong pipeline, are only estimated to provide Canberra with water security until 2034, does the government support public statements made by Mark Sullivan that indicate that Canberrans can go back to growing grass and replenishing gardens?

MR CORBELL: The intention of these water security projects, as I have just said, is to move away from the need for the water restrictions regime that we have had in place over the last few years. It is not to say that we can go back to a situation where we just use water willy-nilly, without any regard for the need to conserve it and to use water wisely. Indeed, the government has put in place permanent water conservation measures which are the equivalent of the old stage 1 and stage 2 water restrictions. So they are now permanent measures that will not change, regardless of the development of the Cotter Dam or other water security projects.

I think what Mr Sullivan was attempting to say was that we should be able to irrigate our playing fields, we should be able to irrigate our parks and open spaces and we should be able to water our gardens wisely, without suffering water restrictions. I think that is absolutely what the goal should be, and that is the objective that the government is working towards.

Emergency Services Authority—headquarters

MR HANSON: My question is to the Minister for Police and Emergency Services. Minister, the Auditor-General reported recently on the relocation of the ESA's headquarters. The auditor reported that the cost of this project had blown out from $11.6 million to $75.3 million and that the headquarters will now be located on three separate sites. Minister, why has the cost of this project increased by more than 500 per cent and what action are you taking to constrain the cost of this project?

MR CORBELL: These costs have increased given the period of time that has been involved since its inception to its final delivery. The reason—

Mr Seselja: Five hundred per cent.

MR CORBELL: Well, they asked the question, Mr Speaker. I am giving an answer. The reason for that, of course, is that following 2006 and the review and reorganisation of government services that occurred in 2006, the scale and scope of the ESA as an agency changed. There was a need to readjust the nature of buildings to ensure that they met the needs of the ESA. There was a subsequent need to renegotiate the contractual arrangements that had been entered into by the ESA as a statutory authority with the Canberra International Airport.

Opposition members interjecting—

MR CORBELL: I think I might conclude my answer, Mr Speaker. They are clearly not interested in the answer.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, why do you attempt to blame the former authority for this mess when the auditor reports, in paragraphs 5.21 and 5.40, that it was your government that made the key decisions for this project?

MR CORBELL: The auditor also highlighted that the ESA, as the statutory authority, was the organisation providing the advice to government in relation to this project. There is no doubt that the auditor's report confirms that the former statutory authority failed to provide effective and detailed advice to the minister and the government about this project. That was a clear problem with the development of this project.

Ministers have to act based on the advice they receive from their officials. On this occasion, the advice that the minister was receiving was from the Emergency Services Authority. The authority failed to provide effective and detailed advice to the government. For that reason, the government acted to remedy the situation to bring the ESA back within the justice portfolio for the purposes of better project management, better coordination of services, better integration and better financial management overall.

Those were the reasons why the ESA was brought back within the ACT Department of Justice and Community Safety. It was an important decision that has brought better

project management and better financial management to that project. There is no doubt that there were mistakes made and problems with that project. Since that time we have acted, and I as minister have acted, to fix those problems. We now have detailed coordinating and oversight provisions and mechanisms in place to ensure that the project remains within budget and on time. And that is what is occurring.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Yes, thank you, Mr Speaker. Minister, what will be the final cost of the ESA headquarters project given that the auditor concludes in paragraph 4.9 that the final costs of this project "will be much higher"?

MR CORBELL: It will be the amount as appropriated in the budget.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Minister, why will the new ESA headquarters now be located on three sites when the initial objective was to co-locate all headquarters functions on a single site?

MR CORBELL: Unfortunately, the previous Emergency Services Authority failed to take into account some fairly important factors. One of those was the need for hot-fire training for fire-fighting services. Of course, hot-fire training involves smoke, and it is simply not desirable for smoke and hot-fire training to occur close to an airport runway, for fairly obvious reasons.

Members interjecting—

MR SPEAKER: Order! Mr Corbell has the floor.

Mr Hanson: The clear answer is—

MR SPEAKER: Mr Hanson!

MR CORBELL: It was simply not feasible to locate those training elements on the existing site. The government has chosen an alternative site. But this does not in any way operate on the ability of the ESA to perform its functions as an integrated and coordinated agency. The functions that occur at the training centre are quite discrete and separate from the functions that occur at the headquarters area, and there is no need for those two functions to be co-located.

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

Mental health
Paper and statement by member

MS BRESNAN (Brindabella): I present the following paper:

> *My Life, My Community—Journeys to recovery through Community Services for mental health*, prepared by Fiona Tito-Wheatland, Enduring Solutions Pty Ltd for the ACT Greens, dated July 2009.

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

Leave granted.

MS BRESNAN: I thank the Assembly for this opportunity to formally place on the public record an ACT Greens discussion paper on mental health reform. People living with a mental illness deserve assistance not only to survive a crisis but also to maintain their wellness. If governments are able to deliver mental health services that are sustainable, they are wise to invest in the recovery of their clients, thus preventing a revolving door usage of mental health hospital beds.

The ACT Greens propose that it is time to reform mental health services by addressing the underfunding of mental health services and delivering a greater percentage of funding towards prevention and recovery services via the community sector. The strong engagement of communities through the expanded use of community sector services characterises the world's most innovative and progressive mental health systems. These principles of action are reflected in the parliamentary agreement the ACT Greens made with the ALP after the 2008 election. *My life, my community* provides proposals on how we can move towards the goals in the parliamentary agreement of 12 per cent of health expenditure being for mental health services and 30 per cent of the mental health expenditure going to community-based and community-run services.

The paper identifies current gaps in ACT mental health services that when filled will assist in providing a mental health service that focuses on the consumer and promotes their mental health. Areas for action include housing, daily living support, health services, community-based crisis assistance, economic and social participation, advocacy and legal assistance, advance agreements, assistance for carers and wrap-around care.

The paper was developed partly in response to the ACT government 2009-10 budget. Fiona Tito-Wheatland of Enduring Solutions undertook consultations, first, with the Mental Health Consumers Network and the Mental Health Community Coalition of the ACT. On 19 June 2009 we held a public forum on the issue, which was attended by around 50 people passionately interested in a better mental health system for the ACT. With the feedback from that forum and using further research, the paper was prepared.

My life, my community drew together the Greens' vision for mental health reform with a vast body of policy and research from across Australia and the world. Most particularly, this paper sought to reflect the express views of consumers and the mental health community sector. Since the paper was launched in July we have had a second release of the ACT government's mental health plan. I welcome the plan on its release, given its consistency with the ACT Greens' principles for mental health reform.

The overarching focus of the government's plan on prevention, recovery, peer support and better integrated services appears to reflect the work that the Greens have been

doing with carers, consumers and community services. But the plan on paper shall only be successful if we see positive outcomes on the ground. From here on in, the direction shall be set by the strategic oversight group and the Minister for Health.

The strength of the ACT government's latest mental health plan is due in part to the Labor-Greens agreement. I was pleased to see that some of the statements made in the ACT Greens mental health discussion paper appear to be echoed in the ACT government's mental health plan.

In conclusion, I thank the Assembly for the opportunity to table the Greens' paper. I look forward to working with my fellow MLAs to improve the lives of those affected by mental illness.

Alcohol
Paper and statement by member

MR RATTENBURY (Molonglo): I present the following paper:

> *Reducing Alcohol Related Violence: A New Framework for the ACT*—A paper by the ACT Greens, dated September 2009.

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

Leave granted.

MR RATTENBURY: I table today an ACT Greens paper entitled *Reducing alcohol related violence: a new framework for the ACT*. This is a paper that sets out nine proposals for a safer and more vibrant Canberra night-life. We have issued the paper and invited comment from all members of the community up until 20 November this year. We believe that the issue of alcohol-related violence is a real one for people in the ACT and something they are concerned about. What we have set out in the paper are positive steps the ACT could take to spark a cultural change when it comes to the serving and consuming of alcohol. We need to work towards a more responsible drinking culture where our streets are safer for everyone.

The Greens are conscious of the fact that the ACT government has conducted a review of the Liquor Act and believe our paper adds to the ongoing debate about alcohol-related violence. One key proposal contained in the paper is a revision to the existing licensing fee structure. This represents an overhaul of the liquor licensing system that will provide financial incentives for licensees to comply with existing regulations and to ensure good venue practices are adopted. The overhaul will also ensure that the cost of compliance activities undertaken by the Office of Regulatory Services is recovered from licensees.

This proposal is about rewarding good operators in a bid to reduce alcohol-related violence. Each of the proposals contained in the paper has that same aim. They are broad-ranging proposals and they need to be to best address this issue. The proposals cater for encouragement of good licensee behaviour, as well as legislation inhibiting dangerous practices and they extend from within venues to the surrounding space outside.

In conclusion, our paper picks up on an area of significant community concern and sets out proposals the ACT could adopt for a safer and more vibrant Canberra night-life. We have attempted to engage with the community and have retained an open process for people and organisations to make comment. In the paper I have listed my contact details and I have also placed the paper on the ACT Greens website.

Alcohol-related violence is an issue that has the potential to affect all people in the ACT, whether they are patrons, pedestrians, commuters, passers-through, licensed venue workers or owners. It is on that note that I encourage members to look at our proposals and to engage in this important and ongoing debate.

Water—security

Debate resumed.

MR SMYTH (Brindabella) (3.22): Madam Assistant Speaker, one enters this debate with far more fear and trepidation after question time, when we actually found out that Mr Corbell is in charge of the project. Mr Corbell is going to answer all the questions on this. Based on that long litany of delivery of capital works projects on time and on budget from Mr Corbell, the people of the ACT should be very scared.

First, we had the GDE. Do you remember that one—the election promise "on time, on budget"? How long did it take—two years late, 2½ years late, three years late? It went from $55 million. It is now at $120 million and it will be about $240 million by the time it finishes based on the current trend.

That is Mr Corbell's record of delivery on time and on budget. Then, of course, we have the prison. It was going to be on time and on budget. But along the way we lost about 74 beds, we lost the gym and we lost the chapel. But it was on time and on budget, except that when it opened it did not work. It did not have an X-ray machine; so now we have got drugs and razor blades going into the prison. Of course, they are still resolving the problems but it was on time and on budget.

Now we have the ESA headquarters that, according to the Auditor-General, had started at about $11.6 million, currently is about $75.3 million and, according to her estimates, will come in at a much larger cost. That project started in 2003 and when are we going to have it? It will not be this fire season. It will be December 2010.

I think the people of the ACT will have a big question mark hanging over the delivery of probably one of the largest, if not the largest, capital works project ever in the ACT as to whether or not Mr Corbell is the man that should be running it. It is actually interesting. Despite his record on the delivery of capital works projects, they actually gave it to Mr Corbell because they did not want Ms Gallagher running it. It says a lot about what the Labor Party thinks about the Treasurer running a project of this nature. That is their decision. We will see who ends up running it.

It is interesting that the figure started at $145 million. We are told it will not go above the $363 million that is touted. We are told there are arrangements, there are

contractual obligations. We will see. I have been told by some in the industry that they have grave concerns about the work that was done before this went ahead.

I have spoken to a couple of the firms that deliver big capital works projects in the territory. I said, “If your project manager came back and said it was $145 million and then it was $200 million and something, and now it is $300 million and something, what would you do?” They said: “We would just sack them. It is incompetence; you cannot be that wrong.”

The problem, as I understand it, is the nature of the rock that we are digging into. One person, when commenting on it, said that they had found the rock is contaminated with sulfur, which decreases the strength of the rock. Rock is gauged normally on a strength of one to five. But the bedrock that we have got to get down to now is so much deeper than first expected that it is causing all sorts of problems.

This morning Mr Rattenbury asked, “What has this mammoth increase, this almost 200 per cent increase, come from?” The Treasurer, in her answer to a question on Tuesday, said,

> The costs were to do with construction costs, fish preservation management and other spent costs which had not been included in the previous estimates; they were costs incurred by Actew.

“Other spent costs which had not been included in the previous estimates”—well, that is interesting. I note that the minister actually said:

> I can certainly provide the Assembly with a breakdown of those costs; in fact, I think it is a matter that the Assembly is dealing with tomorrow, where that information is also being sought.

It would have been good to have that information now so that we can have a discussion about it based on the facts. But the Treasurer has failed to provide that information. I look forward to it being provided at some stage.

Of course, it does get back to rough estimates. I think there is a view on the part of the government that an estimate is just an estimate—we make it up on the back of an envelope; it is just an estimate. There are estimators. It is a profession where people actually do these costings based on the details given to them. It is not guesswork.

We know the Treasurer thinks that estimates are guesswork, based on her initial interview when she became the Treasurer. She said, “I guess it is just guesswork.” Well, it is not guesswork. There are rules, there are formulas and there are many things that guide the costs. There are professionals who do this.

For me, the real question is: when did Actew know and did the Actew board comply with the Territory-owned Corporations Act in their duties to inform their shareholders? For those that were not here at the time, we had a very interesting case called Rhodium some years ago. The shareholders, who have certain duties, did not fulfil their duties.

But boards have duties as well. I am sure the Treasurer could correct me if this is not the correct interpretation but section 16(1)(f) of the Territory-owned Corporations Act states that a territory-owned corporation or a subsidiary must not, without the prior written consent of the voting shareholders:

> … acquire, dispose of, mortgage, or give security over, a significant asset …

This relates to acquiring a significant asset. According to Mr Corbell during question time, cabinet approved it. But the question is: is cabinet entitled to approve it because the act actually says the shareholders must give the written consent? So who is in charge here? Is it that the cabinet does not trust the two shareholders or is it that the two shareholders are seeking to shift the blame?

At the end of the day, paragraph (4) of Mr Corbell's amendment notes that the management of the project is being undertaken by the board of Actew Corporation, consistent with the provisions of the Territory-owned Corporations Act. The question is: have they been consistent with the Territory-owned Corporations Act?

It is in paragraph (4) of Mr Corbell's amendment—the Mark Sullivan memorial carry-the-blame amendment—that we see a pattern here. Yet again we have two ministers who refuse to take responsibility for the management of this project. They are responsible under Westminster—and the Chief Minister is very keen at quoting Westminster—to this body for the good accounting of those areas in their portfolios. It will be interesting to see which minister is actually responsible for this whole sad, sorry saga.

The other interesting thing is that the board has a responsibility under section 16A. It has an obligation to tell the shareholders about significant events. Subsection (1) of 16A states:

> This section applies if the directors of a territory-owned corporation or subsidiary become aware of any significant event that affects, or seems likely to affect—
>
> (a) the value of the corporation or subsidiary; or
>
> (b) a significant part of the assets of the corporation or subsidiary; or
>
> (c) the performance of the corporation …

I would be saying that a blow-out from $145 million to $363 million would certainly affect the value of the corporation. It is going to affect a significant part of the assets of the corporation and it will, indeed, affect the performance of the corporation.

So the question is: when was the board first given the number 363 and when did they first tell the shareholders, as they are obliged to under section 16A? Subsection (2) of section 16A states:

> The directors of the corporation or subsidiary must—

I emphasise "must"—

> as soon as practicable after becoming aware of the event, tell the voting shareholders about the event.

It goes on to deal with what is significant. It is significant when interpreting in accordance with the accounting standard relating to materiality ordinarily used in Australia at the time, a document published by the corporation or subsidiary or a memorandum, and it goes on and on.

So it really is about compliance with the law. It really is about making sure that the government controls the organisations which it is responsible for—in this case, shareholders on behalf of the people of the ACT. It really is about making sure that we get this right.

The extraordinary exhibition today of lack of confidence in the ability of the Treasurer by the Labor Party in switching all responsibility and seeking to attempt to have Mr Corbell answer all the questions on this issue showed the lack of confidence the ALP have in their own Treasurer, or it truly revealed that there is more to come out on this issue. There are many questions to be answered here, Madam Assistant Speaker.

It is interesting to note that one of the answers yesterday was that they were estimates pending further work being done. It actually sounds like they were estimates pending all the work being done. The Treasurer said:

> That work has been done and has been finalised, and those costs are now known as the final costs quite separate to estimates.

Well, that is interesting. I would have assumed that some work that got you close—at least into the ballpark—would have been more desirable. I do not think $145 million versus $363 million is in the ballpark.

There are a number of different pieces of correspondence that will be asked for and I will make some things quite clear: the shareholders wrote to the board. I think we need to see that letter. Ms Gallagher said yesterday, "We have received a response from the board." I would be interested in seeing that letter. Ms Gallagher said that she can provide the data on the detail of the cost. Well, let's see that as well. And there are a couple of other documents. Ms Gallagher said yesterday:

> I have certainly done my job in terms of reviewing the evidence that Actew have put forward and taken advice from my own agency …

Let us see that data about their views on these costings and, indeed, the views of the independent reviewer. It would be good if that data was included in the documents that the Treasurer be requested to table. *(Time expired.)*

MR DOSZPOT (Brindabella) (3.33): The motion brought to us by Mrs Dunne today reinforces some of the issues covered yesterday during the matter of public importance debate concerning this government's inability to manage and keep track of

the cost blow-outs of territory-owned corporations. This government refuse to acknowledge their responsibilities as major shareholders. Had they chosen to honour this responsibility, we may not be facing the massive cost blow-outs that we currently are.

Let me remind the government again of the history—the history that they must take responsibility for. The government denied for years the need for increased water security of any sort. In 2005 the Chief Minister said:

> If we can put it off forever, what a fantastic achievement by the ACT government that would be.

That is from *Hansard* of 21 September 2005.

The bottom line is that the government can claim responsibility for failures and successes equally as the major shareholders. There is a litany of cost blow-outs and debacles associated with territory-owned corporations for which the government must uphold its shareholder responsibilities and take responsibility. Take this comment by Mr Stanhope:

> If we can put it off forever, what a fantastic achievement by the ACT government that would be.

Chief Minister, I would hardly call it a fantastic achievement. Even the Chief Minister would have to admit that it is a frightening achievement. And it did not take forever—just four years.

In these last few weeks our attention has been drawn to the massive cost blow-out of the Cotter Dam project—the massive $243 million cost blow-out of the Cotter Dam project. In 2005 Actew estimated that the cost of the dam would be about $120 million. In 2007 the Chief Minister announced the major water security projects and the figure magically turned into $145 million. This year, on 18 May, the Managing Director of Actew Corporation told the 2009-10 budget estimates committee:

> We are working on an estimate of costs that we warned in that report could be 30 per cent higher than that again. I do think it is going to be something that the Actew board, which I am very interested in—is just trying to understand where the movement in costs occur across these major projects and taking it forward to understand and to work through where the answers are and, if there are deficiencies, where the deficiencies were in terms of the planning process.

That is from the estimates *Hansard* at page 177.

Seven days after this, on 30 May, the cost had gone up yet again, to $246 million. And just three months later, on 3 September 2009, the announcement was made that the cost would now be $363 million. That is more than three times the first costing in just four years.

And after years of delay, all of a sudden we see in the space of months the planning minister use his call-in powers to get the Cotter Dam project underway. Then there is

the revelation that ACT taxpayers must foot the bill for the enormous cost blow-out, to the tune of an average $100 extra on their water bill.

After years of delay, years of procrastination, we are down to this. This government are always performing the most extraordinary backflips. The government have said they will keep an eye on the cost from now on. This is not good enough. Why were they not monitoring the cost of one of the largest infrastructure projects in the ACT from the word go?

I totally endorse Mrs Dunne's call on the Chief Minister, on behalf of the shareholders of Actew Corporation, and any ministers having an involvement in water security projects, to provide to the Legislative Assembly, by close of business on Thursday, 17 September 2009, in relation to both the Cotter Dam enlargement and the Murrumbidgee to Googong transfer project (a) a full accounting of the factors leading to the cost blow-out and (b) a chronology of advice given to the shareholders, individual ministers, cabinet or any government agencies in relation to the cost blow-out.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.37): I am going to ask leave of the Assembly to move an amendment to my amendment. I have not circulated it, but what I wish to do is simply insert the words "ministers and shareholders" after "government" in paragraph 5(b).

Mrs Dunne: Could I suggest that I speak to your amendment while you are doing that and circulating it.

MR CORBELL: That would be great. Thank you.

MRS DUNNE (Ginninderra) (3.38): The opposition will not be supporting the minister's amendment.

Ms Gallagher: Amendment or amendment to the amendment?

MRS DUNNE: I do understand—the amendment as he has currently moved it. And, in anticipation of his amendment to that, we will not be supporting that either. It is an improvement on what is currently there, but what the opposition is asking for, on behalf of the people of the ACT, is a full accounting, with the Chief Minister, as the head of the government in the ACT, taking responsibility for that.

The words being used in the minister's amendment are nothing more than blame shifting and trying to deflect attention away from the government and onto the territory-owed corporation. Yes, Actew is the body actually building the dam, but Actew is doing this at the request of the government. The government could, if it wanted to, build that dam itself. It is doing it this way for a variety of good and bad reasons. Most of them are good. But the fact that Actew is doing this does not mean that the government does not have any responsibility for this. The notion encompassed in the minister's amendment is really about deflecting responsibility back onto Actew.

At the end of the day, irrespective of which way this motion goes, I think that the people of the ACT will start to see an accounting for what has gone on and why there has been such a horrendous blow-out in costs in this project. It is time that the government started to take responsibility. Through the language that they use in the way that they approach answering these questions and the way they approach motions like this, it is clear that the government is, as far as possible, trying to deflect all responsibility onto Actew and keep the issue at arm's length.

This is something that is fairly and squarely in the court of this government. This is something that the government has said that it wants to do. The Deputy Chief Minister and the Chief Minister, as the shareholders, have to sign off on this. They have to be aware of what is going on. They cannot deflect it. They cannot move it over to someone who is not a shareholder and say, "He's looking after it because he's the person responsible for water."

There are real problems here. Because of this, the opposition will not be supporting this amendment, even in its amended form.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.41), by leave: I move:

> In proposed paragraph 5(b), after "Government" insert ", shareholders and Ministers".

The reason for this is to respond to some concerns raised with me by Mr Rattenbury about the need to ensure completeness and to make sure it is clear that the chronology relates to advice provided by Actew to the government as a whole as well as to shareholder ministers and other ministers as appropriate.

The government is happy to do that. The reason for that is that the government has nothing to hide on this issue. The Liberal Party can say as much as they like about what they think is a conspiracy, some attempt to hide the facts or whatever it might be, but the bottom line is that the government has got nothing to hide on this issue.

The government has received advice from Actew about the final cost of this project. That advice was received in the time frames that I, Ms Gallagher and Mr Stanhope advised the Assembly of in question time today and yesterday. We have nothing to hide on it. We are happy to make that available; indeed, we think it is entirely appropriate that, with a project of this size and scale, in terms of its cost, in terms of the factors relating to its cost, it should be made available to the Assembly.

Actew is a territory-owned corporation. It performs activities consistent with its charter on behalf of the territory. The territory and the people of Canberra are the shareholders in that organisation. They deserve and are entitled to know what the costs of the project are, how those costs have been arrived at and what the variation is. The government is very happy to provide that information.

The government is not seeking to water down or change the intent of this motion at all. I have moved these amendments simply to provide some clarity around how it should be structured so that it is clear what is being asked. That is what the intent of my amendment is. For that reason, I commend this amendment to members. I note that Mr Rattenbury has foreshadowed an amendment which he has circulated. The government will support that amendment. We do not have any objection to that amendment.

It is of course a matter of concern when a project increases in cost as this project has increased, but at the end of the day this dam needs to be built—I think that is recognised by all parties in this place—and at the end of the day it is still a cheaper option than other options. Another option is the water purification project, which is much more expensive than the Cotter Dam or the Murrumbidgee to Googong transfer. We know what the other options are—they have been assessed as well—and we know the benefit of this project: that it is still very favourable in the overall scheme of things.

As Ms Gallagher said before, and it is a very telling figure, the cost for just one year of stage 4 water restrictions on our community is $350 million, the total cost of this project. And building this project is a one-off cost compared to a cost for each and every year that we are in stage 4 water restrictions.

The cost-benefit analysis stacks up very well. Members should not forget that. The government is happy to provide the information the Assembly has requested.

Question put:

> That **Mr Corbell's** amendment to his proposed amendment be agreed to.

The Assembly voted—

Ayes 10		Noes 5
Mr Barr	Mr Hargreaves	Mr Coe
Ms Bresnan	Ms Hunter	Mr Doszpot
Ms Burch	Ms Le Couteur	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja

Question so resolved in the affirmative.

Amendment agreed to.

Question put:

> That **Mr Corbell**'s amendment, as amended, be agreed to.

The Assembly voted—

Ayes 10		Noes 5
Mr Barr	Mr Hargreaves	Mr Coe
Ms Bresnan	Ms Hunter	Mr Doszpot
Ms Burch	Ms Le Couteur	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja

Question so resolved in the affirmative.

Amendment, as amended, agreed to.

MR RATTENBURY (Molonglo) (3:50), by leave: I move:

> Add:
>
> "(6) expresses its concern at the increase in the cost of the project and the importance of accurate assessment of costs for major public infrastructure projects so as to provide for informed public debate.".

I have circulated a short amendment. This simply is to reflect the point that I was making in my earlier speech around my concerns and the Greens' concerns that the significant change in price from the initial description of the project to the significant increase at the end is a poor way to be able to publicly discuss these important infrastructure matters.

MRS DUNNE (Ginninderra) (3.51): The opposition will be supporting this amendment. It does actually add a little. One of the important things that it does is this: Mr Corbell's amendment took out the notion that the Assembly was concerned about the exploding costs in relation to the Cotter Dam enlargement and the Murrumbidgee to Googong transfer. Mr Rattenbury's words reinsert that important issue.

This Assembly, at least it seems to me, by the level of questioning of the opposition and the crossbench, is concerned about the blow-out in costs. A couple of times today the government has tried to say, "Really, they are not interested in building the project." We are interested in building the project; we are absolutely committed to building the project. What we have to do is ensure that it is done in the most cost-effective way possible. So far this government has let the whole thing run riot and, in the process, deceived the people of the ACT. What we are proposing to do today is help take some control of the costings in this project.

This case of building the enlarged Cotter Dam highlights in a very stark way what I have been contesting for a long time and what the opposition has maintained for a long time: we in this place do not have enough control over public works. This is a very large public works project. One of the reasons it becomes such a large public works project is that this government has let the costs blow out. It has become the biggest project in the history of the ACT simply because the costs have blown out. They have blown out on Jon Stanhope's watch.

Mr Smyth is right when he says that the people of the ACT should be concerned about this. They have given the management and the oversight of this project to the person who has the worst track record in the Stanhope government—"Mr on time and on budget GDE" himself, Mr Simon Corbell. That is what he guaranteed in the 2000 election: it would be on time and on budget. This is the man who built the prison that blew out in costs—and we ended up with substantially less than what we originally started with. This is the man who, together with his colleague "puss in boots", Mr Hargreaves here, has—

Mr Hargreaves: Madam Assistant Speaker, I ask Mrs Dunne to withdraw the stupid comment. I have not said a word to her today; I would like her to do the same for me. It was uncalled for.

MADAM ASSISTANT SPEAKER (Ms Burch): Yes. Please withdraw.

MRS DUNNE: Okay.

Mr Hargreaves: Louder. I didn't hear you.

MRS DUNNE: I have withdrawn the comment. What we have here is a minister who has a track record of not being able to manage projects. We have the ESA headquarters as another example.

What we are doing today is putting on the record for the people of the ACT and for the Stanhope government that the members of the opposition, and I presume the members of the crossbenches, are deeply concerned about the blow-out of these costs. We will be watching this very closely. Mr Rattenbury's amendment does actually add more of that flavour; therefore the opposition will be supporting the amendment.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.55): As I previously indicated, the government will support this amendment. We do not have a difficulty with expressing concern about the increase in cost. It is a concern. The Chief Minister and the Treasurer have both indicated their significant concern about the increase in costs. The community is right to be concerned about any increase in costs.

But again these issues must be kept in the context of what the alternatives are. The alternative is to deliver a water purification plant at a much larger cost than Cotter Dam. The alternative is stage 4 water restrictions, which cost the ACT community $350 million per annum—the entire cost of this project for one year of stage 4 water restrictions. Members should bear those factors in mind.

But it is important to maintain an accurate assessment of costs. Obviously there are a range of variables in play—which Actew highlighted and which I referred to in question time—that have led to this increase in cost. There are nevertheless grounds for concern about any increase in costs. That is why the government will support the amendment.

Amendment agreed to.

MRS DUNNE (Ginninderra) (3.56): This is a very important motion that has been brought forward today. I thank members who have participated in this debate, because it is a very serious matter. As I have said before, I see this as the beginning of the process of the people of the ACT becoming aware of what is going on in relation to this very important issue.

Let there be no doubt about it: the opposition will be watching this closely, as we have been, over the past five years, strongly advocating for water security for the future of the ACT and strongly advocating to ensure that it is done in a value-for-money way. Let us not have any doubts about this. This is not about the alternative between an expensive dam and a more expensive water purification system. This is about the choice between having a value-for-money project and one which is allowed to have cost run-outs and cost overruns—a project where the government of the day has no control over what is going on. It is probably the most important piece of infrastructure that we have seen in the territory since the building of the Bendora and the Corin dams, and this government is out of control. Today, with this motion, we are starting to bring some control into that process.

Motion, as amended, agreed to.

Eggs (Cage Systems) Legislation Amendment Bill 2009

Debate resumed from 26 August 2009, on motion by **Ms Le Couteur**:

> That this bill be agreed to in principle.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (3:58): I welcome the opportunity to speak on the Eggs (Cage Systems) Legislation Amendment Bill, and I take this opportunity to welcome the advocacy most particularly of Ms Caroline Le Couteur and of other members of our Assembly for improved conditions for poultry. Even though our methods may vary, I believe that our aims are the same—that is, the eventual abandonment of cage egg production. The government will propose an amendment which I believe will allow Canberrans to make a more informed choice when they purchase eggs. Separate to that amendment, I will reconfirm the government's commitment to advocating for a national ban on cage egg production and improved welfare for poultry.

In 1997 the ACT Legislative Assembly passed amendments to the Animal Welfare Act 1992 to prohibit the production and sale of eggs using the battery cage system. However, in order to implement such a ban, national agreement was required under the Mutual Recognition Act 1992. National agreement has not been forthcoming, so the amending legislation has not commenced. I remain committed to raising the issue on the national agenda through the primary industry ministerial council. Indeed, I have actively done so already at the primary industry ministerial council meeting held last year.

While I do acknowledge that I have not received enthusiastic support to date, most particularly from the large egg-producing states, I have received encouragement to varying degrees from a small number of jurisdictions. The ACT's proposal moved by me at the primary industry ministerial council for a national phase-out of cage egg production did gain support from ministers of Tasmania, the Northern Territory and Western Australia. The ministers have scheduled a review of the husbandry standards in 2010, and this could be another opportunity to prosecute the case for a phase-out. The ACT government also remains committed to leading by example. That is why the ACT government sources the hundreds of dozens of shell eggs it uses each week from barn or free-range producers, with barn-laid eggs being the first choice.

This bill seeks to insert a new section into the Animal Welfare Act 1992. The new section 9A would come into effect on 1 January 2011 and would create an offence of confining a hen in a cage system—effectively banning battery or cage egg production in the ACT. The proposed offence provision works in an unusual way—a person commits an offence if they keep a hen in a cage in compliance with the model code of practice for the welfare of animals: domestic poultry. So, effectively the legislation would make complying with a code an offence. I have to say that, as a matter of general principle, crafting offences in such a manner should be avoided.

The proposed offence—the offence of complying with the national model code, if you like—is silent on the implications of keeping a hen in a cage but not complying with the model code. Presumably, the idea is that this would be dealt with under one of the other offences currently under the Animal Welfare Act.

Should a ban on cage egg production be imposed, Pace Farm has indicated that it would shut down its ACT business. Pace Farm's egg production makes up approximately almost half of the territory's primary production output in dollar terms. It contributes $3.2 million per year to the local economy and employed 56 people in the last financial year. If this bill were passed, these jobs would be lost to the ACT community. These are blue-collar workers, and I am led to believe that the majority of the workers are, indeed, women.

Under the bill, the responsible minister would also be compelled to promote a permanent national ban on keeping poultry in cage systems and take all reasonable steps to improve the living conditions for poultry under the fourth edition of the model code made by the animal welfare committee under the primary industry ministerial council. The bill also requires the responsible minister to annually present a report to the Assembly within five working days after 1 July each year to detail actions taken.

The proposed legislated requirement for ministerial action is also, I have to say, unusual. This is a case of the legislature telling the executive what to do and to hold a particular policy line on a particular matter. While I acknowledge that there is no definitively clear line between the role of the legislative and executive arms of government in the ACT, under the Westminster system, this bill represents a peculiar and, I believe, unnecessary intrusion into the responsibilities of the executive.

In addition, the requirement to advocate for a total ban on cage production is narrow and rigid in its scope, and it does fail to recognise some of the complexities of this issue. For example, there may be ways to make cage production more acceptable by the use of larger, furnished cages. The bill also fails to take into account possible changes to the fourth edition of the model code. We might have a situation where the minister is required to advocate improvements to the fourth edition of the model code after a new fifth edition of the code was adopted.

With respect, these requirements of the bill add nothing to the powers of the Assembly to critique the government's action on this matter. As on any other matter, a member of this Assembly can raise the matter in the Assembly through question time or debates, through the media or through direct informal lobbying of a minister. A member would be able to do all of that with or without this aspect of the bill.

If caged hens were banned in the ACT and our sole commercial producer left the territory, the government's ability to influence other jurisdictions at the national level could also be significantly weakened. Why would other jurisdictions listen to the ACT if we do not have a poultry industry here at all? The government's position is that we should encourage Pace Farm to continue to improve conditions at their facility and, importantly, signpost the different production methods in shops so that the public is better informed about the eggs it buys. Market forces are important to drive the industry to improve conditions for poultry.

It is interesting in this regard to reflect on some of the international experience, which I am sure will be quoted in this debate. It is interesting to reflect on the ban of cage egg production in Sweden over recent years. This ban resulted in a huge influx of cage eggs being imported to Sweden from Poland where, I am advised, minimum cage sizes are set at 280 square centimetres per bird compared with the Australian standard of 550 square centimetres per bird. It is also interesting to reflect on some of the implications and knock-on effects of the banning that has occurred in some of the western European nations, which in the main now purchase their eggs from eastern European nations where standards are significantly less than they were in the countries in which cage production has now been banned. In other words, the welfare of hens producing eggs for the majority of Europe is worse than it was before those systems were banned in places such as Sweden.

The ACT government has adopted a progressive approach to encouraging the use of non-cage eggs. In fact, we are leading by example by requiring all government agencies to source shell eggs from alternative non-cage sources. The proposed ban would shift the problem of cage hens interstate and do nothing to improve the conditions for cage-kept hens. It also weakens our ability to lobby and advocate. For these reasons, the government will not be supporting clauses which amend the Animal Welfare Act.

The bill also seeks to amend the Eggs (Labelling and Sale) Act 2001. While raising public awareness about caged hens is laudable, the bill's approach, we believe, is not the best. First, the proposed dimensions of the sign are excessive and will result in shopkeepers needing to devote an unnecessary level of shelf space to the issue. In

smaller shops, they might only have a couple of cartons of eggs on display, and the proposed sign may exceed the area used to sell the cage-produced eggs. Further, the requirement for a red border to be placed around the cartons of cage-produced eggs would be difficult for stores to implement given the need by stores to have some degree of flexibility.

The government is also concerned that the proposed signs are misleading in that they focus on one aspect of cage egg production. The proposed signage does not present a full and balanced picture on the issues around egg production. It does not treat alternative methods of production evenly. It is not correct to say, as the proposed signs imply, that all cage hens live in cages with a floor space smaller than an A4 sheet of paper. While it is true that the model code allows for floor space less than an A4 sheet of paper, the average space available, for instance and most pertinently, for hens at Pace Farm’s facility is 750 square centimetres per bird. In some cases, birds there have 850 square centimetres. While I do not dispute that much still needs to be done to improve industry standards and the conditions for poultry, that is not the point here, and the proposed signs would be misleading in an ACT context.

The scrutiny committee has made some interesting comments about human rights implications for these signs, particularly the right to freedom of expression. One argument that was used by the committee to justify the signs on human rights grounds is that they are not misleading. However, as I have just mentioned, the government believes that, indeed, the signs would, as a matter of fact, be misleading in the ACT context. If we accept the general proposition that retail signs will not amount to an infringement of the right to freedom of expression if they are not misleading, among other things, then we should aim to ensure, as the government is seeking to do, that the signs are, in fact, not misleading.

Work has been undertaken at the national level to develop agreed standards as to what constitutes cage eggs, barn eggs and free-range eggs, and on improving the national code of practice on keeping of poultry for egg production. It is expected that the revised code will go to the primary industry ministerial council in 2010, and it is likely that the revised code will require improved conditions for keeping of poultry. I will certainly be working to ensure that this is the outcome. If the ministerial council agrees to changes to the code next year, the point-of-sale sign proposed in this bill may very well further depart from an accurate description of what actually constitutes cage eggs.

Retail signs should also not be seen as the sole means of influencing consumers’ choice of eggs. The raising of awareness of welfare issues in the poultry industry is not confined to signs on supermarket shelves. Lobby groups will continue to raise issues through the media. I believe improved retail signage should help consumers make choices that accord with the attitudes that they have formed themselves about the different forms of egg production rather than instruct or cajole.

The government will be moving amendments to the provisions of the bill which deal with the Eggs (Labelling and Sale) Act to promote what we believe will be clearer identification of egg production methods through point-of-sale signage. In some respects, the government’s amendments go further than Ms Le Couteur’s bill. The

government's position is that there should be signs not only for cage eggs but also for barn eggs and for free-range eggs, and the signs should briefly describe how the birds are kept. The different types of eggs should be displayed under the appropriate sign.

Accordingly, the government does support this bill in principle, but I have foreshadowed that we will propose a number of amendments at the detail stage of the debate. As I have just foreshadowed, there are a number of aspects of the bill which the government will not support. Having said that, this is an issue on which the government has sought to show leadership, and we have. We have shown that leadership in relation to the decision taken by this government not to purchase cage-produced eggs. That was a sign of significant leadership by the government; the first and to date, I believe, the only government in Australia that has taken that step. We have sent a signal in relation to this government's stand on or concern around the need to continue to address animal welfare concerns in relation to the poultry industry.

I had also advocated on this issue, led discussions and moved motions at the primary industry ministerial council, as I have previously foreshadowed. I have been the only minister to do so. That has been without success, but I have generated debate and managed to achieve some support from some ministers, admittedly in the smaller jurisdictions and in jurisdictions where there is not a significant egg industry.

I respect and acknowledge the leadership of Ms Le Couteur and the Greens in relation to this particular debate. We do not see eye to eye on the methodology but, at the end of the day, as I have said previously, I think we have essentially the same aims but have developed a different view on how to best achieve an outcome that suits our particular community that will achieve genuine change and will impact on the welfare of hens.

We are a small jurisdiction, and this is a major sector of our agricultural industry. Just under half of our entire agricultural input is through one egg-producing facility. It is a significant income generator for the territory at over $3 million. It does employ 56 people, most of whom are female blue-collar workers for whom there is not a significant employment base within this territory. I am happy to continue to work with the Greens and with other members of this Assembly on this difficult and complex issue. It is a complex issue; it is a challenging issue—that is, the contest between the capacity to show leadership and to drive change through leadership as against the pragmatic considerations of banning eggs in an island within New South Wales. At the end of the day, that would not affect the health standards or outcomes for a single hen in Australia—not one.

It is interesting, and I have commented on this today, that in most surveys the vast majority of Australians, and a very significant majority of Canberrans, indicate that they do not support the cage system production of eggs, yet 76 per cent of us continue to buy them. There is a disconnect between views expressed, and it is in this regard that the proposals that Ms Le Couteur makes, most particularly in relation to labelling, are most important. Change will be driven by price and by consumer attitude and behaviour. When people stop buying cage-produced eggs, egg producers will stop producing as many as they currently do. That is the particular significance and strength of the proposals which Ms Le Couteur has introduced in relation to labelling,

and that is at the heart of the government's decision to support those particular proposals, though, as I say, not entirely in the form that Ms Le Couteur proposes. We acknowledge her initiative in addressing this issue that will be significant in informing consumer decision making around their purchase of eggs. I look forward to debate in the detail stage, and I support the bill in principle.

MRS DUNNE (Ginninderra) (4.14): The Liberal opposition will be opposing this bill in its entirety for most of the reasons that the Chief Minister has said he will be supporting it in principle. No bird will be saved from a cage egg system if this bill passes. What it will mean is that the 50 to 60 people who are employed at Pace Farm will lose their jobs; Pace Farm will close down their egg producing operation here and relocate their egg processing operation to another one of their facilities. They will absent the field.

A month or so ago the Chief Minister and I discussed the fact that Pace is, in fact, the single biggest primary producer in the ACT. We do have a very small primary production industry and I do not think we should be in the business of closing down such a large proportion of it. I have advocated for this on behalf of my constituents. I am not prepared to vote against the blue-collar jobs of people who are generally unskilled and earning low amounts of money. It is hard work, difficult work and dirty work. Often we find it is entry-level employment for people with non-English-speaking backgrounds who come to Australia from overseas as refugees and migrants. Many of the people employed out there would be in a difficult position.

After I read out the letter from the Pace employees in the adjournment debate a few weeks ago, I actually had emails and letters from people saying that these people could go and get another job. Well, there is a recession going on and unskilled blue-collar jobs are the ones that go first. It is not going to be easy, especially for someone from a non-English-speaking background, to go out and get another job in the ACT. That is a problem that we have in the ACT. The ACT has a narrow economic base, and I am not about narrowing the economic base.

The Liberal opposition is not opposing this bill because we do not care about animal welfare. We have taken a very considered decision on this. We have weighed the pros and cons and come up with a decision to oppose this bill on animal welfare grounds as well as on economic grounds. I think it is about time we stopped demonising a sector of this industry and actually got on with the business of improving for everybody animal welfare across the whole egg producing industry.

If you actually care to look at all the research and talk to people in the industry, they are as alive to the issues of animal welfare as are Ms Le Couteur and all those people who sent me emails from the ACT and across Australia and across the world advocating this ban. We should be continuing the good work that has been done in expanding cage sizes and addressing many of the issues of animal welfare. We have to remember that birds went into cages because the egg farmers and chicken farmers were advised to do so, on animal welfare grounds, in the 50s and 60s. One generation of farmers were told to do this on animal welfare grounds and, as a result of that, birds are less likely to die of diseases and less likely to have infestations of parasites.

Ms Bresnan: Back in the 50s—

MRS DUNNE: You may not like it, but they are less likely to predate one another and they are less likely to be predated on by other species. Every type of egg production has its pluses and its minuses, whether it is cage production or other types of production.

Mr Stanhope made an interesting point in his speech. He said that, while a large proportion of people say that they do not support cage egg production when they are surveyed on this, they go into the supermarket week after week and support cage egg production with their pocketbooks. More than 70 per cent of people in the ACT and across the country purchase cage produced eggs.

It was very interesting to listen to talkback a few weeks ago when there was a bit of brouhaha about what Woolworths was and was not doing in relation to cage egg production. People rang commercial radio stations, especially in Sydney, and said, "I'm sick of being made to feel guilty for my consumer choice." Elderly people in particular buy eggs because it is a cheap source of protein. People on pensions do not have the luxury of saying, "Will I buy the macrobiotic?" They buy the no-name, no-brand cage eggs because they are substantially cheaper than the flash, free-range produced ones that people like us in here might choose to buy instead.

We cannot go about cutting off the options of people who are less well off than we are, and this is what this bill aims to do. It will not actually achieve it, but that is what it aims to do. The thing is that if we outlaw the selling of cage eggs in the ACT, the same thing would happen here as happened in Sweden when they outlawed it there. There was a bit of an increase in the amount of free-range and barn eggs produced in Sweden, but most of the eggs sold in Sweden came from Romania and Spain where the birds were raised in cages and the animal welfare conditions were much worse than they were in Sweden. The net result was a negative for the birds. That is why we do not think it is reasonable to have a ban.

In addition to that, the second plank of this bill is a legislative requirement that the responsible minister—in this case, the Chief Minister—take up an advocacy position. I do acknowledge that Mr Stanhope in his role as the minister with responsibility for agriculture, and previously Mr Smyth in his role as minister for agriculture, have advocated for changes in relation to animal welfare in relation to cage eggs. I think that they have done a good job and I congratulate them on it, but I do not think that it is appropriate to have a legislative plank that requires such a thing.

The Chief Minister is already doing it and he has undertaken to do it again. If the Assembly thinks that this is important, the appropriate course would be for us to pass a motion in this place calling upon him to do it and to report back on a regular basis. But this legislative provision is inappropriate.

Moving on to the signage, we oppose the signage because it is so selective and it is so discriminatory. The signage the Greens have put forward in relation to egg production in the ACT is absolutely wrong. It only addresses cage egg production. It does not look at the pluses and minuses of egg production by way of barns or by way of free-range egg production.

We could not produce enough free-range eggs in the ACT if we turned over all our agriculture because chickens denude the land. Any of us who has ever owned chickens know what they do when they are allowed to get out and peck. They denude the land. It would have severe implications for run-off into our water catchments and the water supply that goes downstream. These are significant issues which are not addressed in the labelling because the Greens have chosen only to demonise cage egg production.

There are problems with barn egg production. In barns, chickens predate on one another. They get more diseases. There is more E coli in the eggs as a result of the way that they are collected and dealt with. There are problems with free-range egg production. Chickens are more likely to get diseases. They are much more likely to be predated on by cats, foxes, raptors and the like. Every one of these production systems has a problem, but the Greens are only interested in one.

If the Greens had come in here at some stage and said, “We want to have a serious discussion about animal welfare issues in relation to chickens,” I would have been happy to have that conversation. We could have had a rational discussion about everything, not just one sector of the market. We could have discussed what happens in barns and what happens in free-range production. But what we have seen here with this bill is the Greens demonising one process. We have had two months of talking about what is wrong with cage egg production. We have had two months of people demonising people who make choices—the choice to work in these places and the choice, for whatever reason, to buy the eggs that are produced in these places.

The government of the ACT should be standing up for doing these things correctly. Today, for a variety of reasons—I am not entirely sure what these reasons are—the Chief Minister is throwing a bit of a bone to the Greens. He said that everything in this bill, as tabled, after consultation for a couple of months, apart from, I think, the commencement date, is abhorrent to the ACT government, but that they are going to agree with it in principle and then gut it. They are going to gut it, and the bits that they do not gut they are going to transform out of all recognition.

I actually think that perhaps the proposal put forward by the Chief Minister in relation to labelling is a better system. It is a fairer system, it is less discriminatory and it actually is more accurate. But I do not see why the Chief Minister should be agreeing with something that he clearly disagrees with. He says he does not agree with the ban, he does not agree with the legislative requirement for him to advocate and he thinks the signage is bad, but he is still going to vote for this bill in principle.

Ms Le Couteur has tested the water. She has been told by the Labor Party and the opposition that we are not in favour of a ban, that we are not in favour of forcing by legislative means the Chief Minister to advocate in a particular way and that we have grave reservations about her proposals in relation to labelling in supermarkets. Ms Le Couteur should withdraw her bill. If she wants to come back with a labelling bill, I would be happy to contemplate it.

At this stage, the clear message to the people of the ACT is that the Labor Party and the Liberal Party support the people who are employed at Parkwood. We support the

people making their choices to buy cage eggs, if that is what their finances allow them to do. We do not support the closing down of business in the ACT. The jury is still out about what we think about the labelling system. I think the labelling system proposed by the Chief Minister is significantly better, but I do not think it is right.

Actually, what we should do now is vote this bill down. I challenge the Chief Minister to vote the bill down and go with what you have actually said you believe in. Vote the bill down, and if we want to come back and have a discussion about egg labelling, let somebody who thinks it is important bring it back and we will have that discussion. In the process we might have a discussion with the supermarket people. Whether it is Woolworths or Coles or your local IGA or your local convenience store, every one of them—no matter how big or how small—is going to be affected by this.

We have received the amendments circulated by the Chief Minister. They look a bit better than the original bill.

Ms Bresnan: When?

MRS DUNNE: This was circulated at about the time question time finished. I would like the Chief Minister to account to supermarket owners in the ACT about how much thought has gone into the impact this would have on supermarkets in the ACT. I think that there has been very little thought about what will happen to people who sell eggs in the ACT. No-one has asked them about the cost, whether they can do this or any of those things. I think that if we are going to make substantial changes in one sector of food retailing, people deserve the opportunity to comment. It is not just the supermarkets. It is every deli. Does it relate to the fresh food markets, the fresh produce markets out at EPIC or the Hall market, or any of the other markets—

Ms Bresnan: They already sell free-range.

MRS DUNNE: The Chief Minister is advocating that there should be labelling that says how free-range eggs are produced. The Chief Minister needs to answer the question: has he considered the impact that his amendments—which are, for some reason, designed to appease the Greens—are going to have on the mum and dad who have a few free-range eggs that go out to EPIC on a Saturday morning; the local deli at the Belconnen markets or the Fyshwick markets that is run by a mum and a dad or the local convenience store or the large supermarket? I think the answer is: "We have not really thought about that. We certainly have not asked anybody what the impact will be."

That is why we will be opposing every element of this bill. It does not do what the Greens want to do. It makes an unreasonable legislative imposition upon the Chief Minister. And the labelling is abhorrent. While the Chief Minister's proposal, on the surface, looks better, it has been done without any consultation with any egg retailer in this town.

MR SESELJA (Molonglo—Leader of the Opposition) (4.30): Mrs Dunne has outlined a number of reasons why this bill should not be supported, and I endorse her comments. There are a number of things going on here. We are going to have the

absurd situation where a bill is going to be passed with not one of the substantive clauses in the bill actually being enacted. We are going to have a situation where this Assembly says that it supports this bill, but it does not support any of the clauses in the bill.

The Greens bill, as put forward by Ms Le Couteur, is a bill for an act to amend legislation about keeping of hens in cage systems and the display of cage eggs, and not one of the clauses, not one of the substantive clauses, will become law. It is a ridiculous proposition. It is an absolutely ridiculous proposition.

It is not a reflection on the original bill. We have our differences. The situation will arise as a result of the government supporting in principle a bill which they do not actually support. They are not going to support any of the individual clauses. They will either oppose the clauses or they will amend them. Yet they are claiming that they support the bill. The Greens will be getting something they absolutely do not want. We will have a piece of legislation that could have been put forward by the government, because it is now the government's bill.

Given the positions that have been put forward by the three parties in this place, we can only assume that this bill will pass without any of the clauses banning cage egg production going through, it will pass without any of the clauses requiring ministerial action going through and it will go through without any of the original drafted provisions in relation to display. It is now the government's bill. We will end up with an absurd situation.

A far more sensible thing would have been to come back with labelling laws because that is what this is now about. This is what the government could have done. You would expect—

Mr Stanhope: No, you could have done that.

MR SESELJA: Well, we are not advocating it. I am not advocating it. You are advocating it now, and you are bringing it on two hours before we vote on it. This is the respect for process that they have. They are going to bring in legislation, which is now the government's legislation. Let us be clear on that. This is the government's legislation. We will have an absurd situation where not one of the clauses in the original bill will pass today. What will pass is a number of provisions which would impose obligations on supermarkets and those who sell eggs at a retail level without, presumably, any reasonable consultation with them or with this place to actually determine whether these words are right.

We do need to talk briefly about the principle of this type of legislation—display legislation which deals with warnings. We will be setting an interesting precedent when we have warnings or information about the production of certain eggs. What other animal products will we look to regulate in that same way? I do not think there is anyone here who would claim that there are not potential animal welfare issues with the production of all manner of animal products. Are we going to have retailers giving warnings in the pork section, in the veal section or when we sell lamb?

How far does it go? Does it extend to egg product? It does not here, but should it? These are the questions, and this is the precedent that has not been considered. This is what happens when you do deal with legislation in such an absurd way. We have got a piece of legislation that was put to the Assembly and considered by the Assembly, and let us be clear that that piece of legislation will be rejected by the Assembly today.

No matter how it is spun in terms of supporting it in principle, the government is not supporting it in principle. Every clause will be rejected. Every substantive clause will be rejected. We will get the absurd situation where the government, with no notice, essentially brings forward its own legislation, which presumably will be passed today. It is very poor process. It is a very ordinary way of doing things. It has no regard to the impact of the legislation.

If you were serious about this, you would consult on these amendments—which comprise essentially a new piece of legislation—to determine what impact they may or may not have and whether or not we can actually get this right. It has not been done properly. It has been done very poorly. We will end up with a situation where the government will be voting for a bill that they do not support in any way, shape or form. They will be voting for a bill while at the same time rejecting every single substantive individual clause. We will end up with an absurd situation.

We will be voting against the bill for the reasons outlined by Mrs Dunne. I put it to the Assembly that this is a poor way of doing legislation. There are always unintended consequences when you rush through legislative change without it being tested, and that is the situation we will have here.

Ms Bresnan: Okay.

MR SESELJA: Well, that is the situation because there has been no consultation on Mr Stanhope's amendments. They have not been discussed and tested and considered properly. What we have is a bill that has been considered over a period of time, but every clause will be rejected today. What will go through will not have been considered, will not have been tested and we will get a situation where we may well end up with legislation that does not work well in practice. In fact, we may well be back here soon amending this legislation.

It is a poor way of driving through legislation. It is actually quite dishonest to vote for something in principle that you actually do not support in any way, shape or form. That is the situation we have here. That will be the inevitable outcome of the vote as we have it. We renew our objection to this way of doing things and we will not be supporting this bill in principle.

MS BRESNAN (Brindabella) (4.38): Firstly, I thank Mr Stanhope for acknowledging that the Greens have shown leadership on this issue, which is very nice to hear. However, I guess he still does not allay the fact that this approach taken by the government and obviously by the Liberal Party is extremely disappointing. It is a failure for the community and for animal welfare.

This is another situation where the government is behind the community. It is even behind business. I will read out some business names: Woolworths—I do believe they are a supermarket—McDonald's. These are businesses which have moved away from cage eggs.

Mr Stanhope: No, they have not.

MS BRESNAN: We have had it acknowledged. Businesses have said that.

Mr Stanhope: Woolworths have not, Amanda.

MS BRESNAN: They have not said that? They have come out and made statements that they are moving away from cage eggs. So they are doing it. Woolworths is a supermarket, is it not? It is a supermarket. There we go.

Mr Coe: They are a corporation that owns a supermarket.

Mr Hanson: They are a massive corporation.

MS BRESNAN: And it is a supermarket, is it not? It is a supermarket. Vicki was saying, "Supermarkets have not been consulted; they do not want to do this." Supermarkets such as Woolworths are already doing it. The government's approach means support will be given to inhumane—

Mr Hanson: They do not care where their eggs come from. They import them from Sydney. They will get them from wherever they want.

MS BRESNAN: There you go. I guess they will, will they not?

Mr Hanson: They will.

MS BRESNAN: They will. Let me remind everyone again of the conditions in battery-cage farms. Ms Le Couteur has talked about this a number of times before. But the Assembly needs to hear again about the system they continue to support. There is no doubt about the physical and mental suffering caused to hens in battery cages.

The most recent major international review was the Laywel report, *Welfare implications of changes in production systems for laying hens*. It was a European Union scientific project led by the world renowned team at Bristol University. It concluded:

> Conventional cages do not allow hens to fulfil behaviour priorities, preferences and needs for nesting, perching, foraging and dustbathing, in particular. The severe spatial restriction also leads to disuse osteoporosis … The evidence from this report has in the main substantiated previous scientific knowledge that the welfare of laying hens is severely compromised in conventional cages.

The animal protection community has been united for decades, saying that this is a system of farming that severely compromises the welfare of animals.

Banning these cages is also a move that is in line with the views of the majority of Canberrans, proven by recent surveys showing that 83 per cent of ACT residents believe that battery-cage farming is cruel. That is why new battery cages have been banned since 2003 in the United Kingdom, France, Germany, Austria, Spain, Belgium, Denmark, Sweden, Italy, Ireland, Germany, Luxemburg, the Netherlands, Portugal and Greece. From 2012, none of these countries will have laying hens in battery cages at all.

Mr Coe: They are all states with large cities in them.

MS BRESNAN: California, which I believe is a state, also voted last year to phase out battery cages by 2015.

The other parties have failed to take this simple action to end battery-cage farming in the territory. They have taken a weak and defeatist attitude. The government is unwilling to lead even when leadership is clearly what we need to end cage-egg production. With its relatively small industry, the territory is in the best position to lead in Australia but the government has made arguments to defend its inaction which are not credible and which are, in some cases, fanciful.

With no real reasons not to take action on this issue, it is clear that foremost in the government's mind, and I would have to say the Liberal Party's mind, is opposing initiatives of the Greens. The government's reaction to this still is opposition for opposition's sake. We saw the same reaction with the hot-water bill when the government simply wanted to silence something because it was led by the Greens. The government does not want to give any kudos to the Greens by supporting its legislation or initiatives. It is shameful that this political approach gets priority over action that will make a real difference to the community.

The main reason I have heard from those opposing the bill is that, if we passed it, Pace would just pack up and skip over the border. This is a very weak argument indeed. Would Parkwood really close its massive farm at West Macgregor and move across the border? It is very unlikely to happen. It ignores the reality of the situation. Parkwood is using it as a threat and this is being used as an excuse.

We should think about whether Pace would really risk all that cost and inconvenience to re-establish a large business somewhere else when there is clearly a huge market trend away from cage eggs here and worldwide. Parkwood would likely see the writing on the wall. There are many incentives to stay in the territory and convert, including the cheap lease offered by the government and the fact that all government agencies in the ACT are big purchasers and are now committed to buying non-cage eggs.

The fact that Pace is unlikely to move is why we believe there would not be any problems with lost jobs. This is another reason I have heard for voting against the Greens bill: that jobs will be lost at Parkwood. We do not support the argument that jobs will be lost. Parkwood would be a much bigger and better employer if it converted its outmoded cage systems to a barn or free-range system. Barn and free-range systems create many more jobs.

According to Parkwood's own reporting to the national pollutant inventory, it has 14 employees. We have not seen information to support the higher numbers that have been mentioned in letters. It is likely that these are bolstered by including casual employees Parkwood employs for short periods when it annually slaughters the hens.

Let me also shed some light on the kinds of conditions that Parkwood provides to its workers. I will actually do this by reading from correspondence the Greens received from a former employee of Parkwood. The Assembly should consider this information when it talks about the apparent benefits that Parkwood brings to the territory. I will read from this letter verbatim:

> I did some casual work at Parkwood Eggs a number of years ago and I witnessed cruelty. I witnessed the birds being removed from the cages and placed into plastic crates with about 10 in each container. They had to endure cramped conditions inside the crates with no food or water. They were placed into the crates from 7 o'clock in the morning and would be loaded onto a semi trailer that afternoon. The truck would probably leave to Sydney at night. They would probably not be unloaded until the following morning. They could be confined to the plastic crates for 24 hours or maybe longer.
>
> I noticed the occupational health and safety standards at Parkwood Eggs to be appalling. I noticed workers had to climb over the crates stacked in rows against the cages while the cages were being unloaded. I noticed there were a number of fans below the floor without any mesh or any protection. In my opinion there was sufficient room for someone to fall in and have their leg trapped in the fans.

What the government should be doing, in addition to supporting this bill, is investigating target employment creation and supporting strategies for people on this kind of low paid employment. The government has said before that it believes its policies provide training and skills to enable low income earners to increase their productivity and move forward in the labour market to better jobs and higher wages. Here is an industry where that policy could readily be applied.

This is a bill that is largely about leadership. Will the government act on this issue when it has a chance to lead? Contrary to the claims by opponents, passing this bill would greatly improve the welfare of thousands or millions of chickens. Anyone who looks at the history of this issue in Australia and around the world will see that individual jurisdictions need to lead. When we do not lead, other jurisdictions just copy our uninspired approach. That is what Tasmania did after the ACT failed to pass the initial bill in 2007.

If we act, the minister would have real power to his words. He could lobby other states by saying that the ACT has acted. We would then have real authority and would be a genuine leader. We have done this on other welfare animal issues. We banned rodeos and animal circuses, for example. Since we did this, other parts of Australia have come on board. The Gold Coast was the most recent council to follow our lead.

I have also heard Mr Stanhope give great weight to the apparent economic contribution of Parkwood to the territory. This supposed economic benefit should be

weighed against the moral imperative of ending a cruel practice and setting the lead for Australia. That is much more admirable than defending an outmoded, unwanted business. In any case, the economic benefit of Pace has been inflated as another excuse for not supporting the bill.

With 14 employees, Parkwood would not pay any payroll tax to the territory. A business only has to pay payroll tax when it pays wages of more than $125,000 in a month. Pace pays only a token amount of $486 to the territory per year for its lease on the property. As a cage-only facility, Pace cannot even supply government agencies who are now all committed to buying non-cage eggs only. So we have to import those eggs from elsewhere.

There have also been arguments made that consumers will drive change to the egg industry. This is also flawed. Consumers often do not know what goes on behind the locked doors of factory cage farms. It is a well-known failure of the market that consumers do not have all the information or know that other factors interfere with the pure operation of the market.

There are also many consumers who believe that the government will not permit the sale of products that are cruelly produced. Consumers often think if these eggs are produced through cruel means the government will not sanction their sale. It is the job of the Assembly, as legislators, to prohibit animal cruelty.

This is an issue about basic human decency and about how we, as a society, treat all living creatures. It is time we took some simple action to right a wrong that has been overlooked for too long. It would have been quite simple for the territory to be a leader and instigate change in Australia, and it is shameful that this will not happen.

I would also like to dispute Mr Stanhope's comments in regard to Western Europe. As Western European countries have banned caged hens, the overall welfare of hens is by far much better. If we continually use the reasoning that we should not do anything because others are doing something wrong, then we would never have any progress and very little policy in program areas.

As to Mrs Dunne's statements about the 1950s and 1960s, there are many things in the 1950s and 1960s that were seen as being good practice. I believe smoking was one of them and the use of DDT. I would hope that we do not see that as a reason too often by the Liberal Party in the future.

As to the claims about having no time to look at this and there being no consultation, there was an exposure draft out for two months. It would be nice to see them make a decision on something. They say we have not consulted with anyone. Supabarn and IGA have both been consulted on this and they both support the legislation. And IGA actually provided a quote to the Greens to include in a media release. Stating that this is a poor way of doing legislation, I guess, means we can expect to see exposure drafts six months in advance from the Liberal Party, given they do not support this way of doing legislation, which I believe is how they do their legislation themselves.

MS LE COUTEUR (Molonglo) (4.50), in reply: I rise to finish the debate on the in-principle stage. I must say I had a moment of real hope and joy at the beginning of

Mr Stanhope's speech when he said he supported the eventual abandonment of cage eggs and was going to advocate their ban. But the joy was a little bit short lived. I was hoping that "eventual" might be next year, although our bill did say 2011. I was thinking of "eventual" as some time reasonably soon—not the glacial time span that the Labor Party seems to be interested in. I would also like to say to the Liberal Party that, if they think the Labor Party is taking its current view to appease the Greens, I can assure you that the Greens are not appeased. We put forward this bill with the hope and expectation that it would be supported. The Labor Party in the past has been—

Mr Stanhope: Rubbish, Caroline. You are not that naive, Caroline.

MS LE COUTEUR: As you said yourself, Mr Stanhope, only 20 minutes ago, you support the eventual abandonment of cage egg systems. Now is the time to put your ideals into practice.

Moving on to some of the other issues which the Liberal and Labor parties have talked about as to reasons to not support the Greens bill, it has been suggested that in fact the cage production systems are actually good for chickens. I do not claim to be an expert on animal welfare. But I did see, and I believe all members were sent, a link to a YouTube video of cage egg production, and it is horrifying. I know all the animal welfare advocates have been advocating for many years that it is inhumane and horrifying.

One of our jobs as legislators is to say that there are some things which are just so bad that we are not going to tolerate them any longer—and cage egg production is one of them. This is one of strongest reasons that we need to move on this. I quite strongly agree with the view that the consumers have a very important role in this. But consumers are also guided by what the legislation says. And consumers, as far as cage eggs are concerned, will figure that it must be reasonably okay or it would be illegal. Consumers know we have laws about animal cruelty. If you kept your dog or your cat in the way that cage hens are kept, it would be illegal. So consumers do not expect that hens will be kept in a worse way than are dogs and cats. But they are. Consumers are misled. So, yes, I do support labelling.

The Liberal Party think that we have not done any consultation. But, as my colleague Ms Bresnan pointed out, we actually have done a lot of consultation. We had exposure drafts out for quite a number of months. We did talk to a number of supermarkets. Woolworths, which is the biggest supermarket in Australia, has, independently of us, come out and said that its customers are finding it so confusing when they buy eggs that, on a voluntary basis, it has decided to segregate the different types of eggs in its supermarkets because it can see that consumers cannot tell what they are buying.

Mr Hanson: Oh, come on!

MS LE COUTEUR: No, Mr Hanson. Maybe you do not buy eggs, but if you go to the supermarket you will find that they are labelled "vegetarian eggs", they are labelled "omega 3 eggs" and they have pretty pictures of happy chickens none of

which are in battery cage systems. It is only if you take the eggs home, have got nothing else to do and are sitting looking at the package that you might see, in really small font, that it says “cage”.

Mr Coe: Do you think people are smart?

MS LE COUTEUR: People are smart; I agree with you, Mr Coe. But people need information to be smart with. This is one of the fundamental things of the capitalist market economy. The ethical justification of capitalism in a market economy relies on information to the consumers, and that is what, with labelling, we want to see happen.

Moving away from the labelling issue, I would like to talk about the argument that whatever we do here in the ACT will just lead to Parkwood moving over the border and nothing being improved except business moving out of the ACT. We think that is a highly unlikely event. As Ms Bresnan has pointed out, Parkwood have actually a really good deal from the ACT government. Not many people have a rent of $486 a year for 41 hectares. So I think it is highly unlikely that Parkwood would move for that economic reason. The other reason that they are not very likely to move is that we do know there is an undersupply of free-range eggs in Australia. Work done by the New South Wales Greens has demonstrated that.

So we believe that Parkwood, if this ban were to be passed, would probably go and talk to the Chief Minister and say, “That million dollars you had on offer—yes, we really would quite like it now.” They would also acknowledge what they must realise—that their current cages in fact do not, we understand, meet the cage egg code of conduct; the doors are too small. They are going to have to refurbish their facilities if they wish to stay legal anyway. Given all of that, were this ban to be passed, Parkwood would take up the ACT government’s kind offer and make a free-range egg facility, which would employ more people than are currently being employed in the cage egg facility. I should also point out that Pace, of course, do produce free-range eggs and barn eggs in other places—just not in the ACT.

There has been a lot of talk in this debate so far about leadership and a national approach. My comment here is that a national approach does require some jurisdiction to lead. The ACT is possibly the best jurisdiction to lead because we actually do in fact have only one cage egg production facility. It will not be a major impact on the ACT economy. I can quite see the arguments: when Mr Stanhope goes and talks to his ministerial colleagues and says, “I really think that you should ban eggs in your jurisdiction,” they are going to say to him, “But, if you think that, why didn’t you do it?” I cannot see that Mr Stanhope can very effectively advocate for something which he is not actually—

Mr Stanhope: No, Caroline. I said, “I will do it immediately you do. We will all do it together.”

MS LE COUTEUR: Yes, exactly, Mr Stanhope. Someone has to lead, and we believe the ACT is the jurisdiction that should lead.

In summary, I would just like to say that this is good legislation. In passing this legislation, we would only be moving ourselves up to the express views of

organisations like Woolworths and that great moral leader McDonald's. It is something which should have been finally done in 1997. Now, 12 years later, we have a chance again to make it law.

I will also say, as I have said to both the Liberal and Labor parties in the past, that if this legislation goes down, the Greens will reintroduce this legislation in four years time. This is a real, substantive problem which I hope will be going away as a result of today's vote. But, if it is not, in four years time we can do it all again.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 10		Noes 5
Mr Barr	Mr Hargreaves	Mr Coe
Ms Bresnan	Ms Hunter	Mr Doszpot
Ms Burch	Ms Le Couteur	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja

Question so resolved in the affirmative.

Detail stage

Clause 1 agreed to.

Clause 2.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (5.03): I move:

> That consideration of clause 2 be postponed until after consideration of clause 14.

I believe the debate on the commencement provisions should be postponed until the Assembly settles the substantive clauses of the bill. The government has indicated that it will oppose some clauses of the bill, will support others and will also seek to amend some. This may result in changes being required to the commencement clause, depending on how the Assembly votes on the bill clause by clause, and I think it is reasonable and practical that we postpone consideration of this clause until later.

MS LE COUTEUR (Molonglo) (5.04): I have an amendment to clause 2, which I think it would make sense to deal with now given that the government says it wishes to have a ban eventually, to make "eventually" a little bit more eventual by changing the commencement date from 2011 to 2015.

Mr Seselja: Are you opposing the amendment?

MS LE COUTEUR: I am opposing the postponement, and I am saying why I am opposing the postponement. I would prefer my amendment to be moved.

MRS DUNNE (Ginninderra) (5.04): The opposition will be agreeing with the Chief Minister's proposal to postpone debate on this clause until later.

Clause 2 postponed.

Clause 3.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (5.05): The government will be opposing this clause because we propose to oppose all amendments to the Animal Welfare Act that are contained in this bill. This is consistent with the position that I put previously.

MS LE COUTEUR (Molonglo) (5.05): We clearly will be opposing this. This is basically removing the part of my bill which would outlaw cage egg production. We have already been through the arguments. We do not support them, of course.

MRS DUNNE (Ginninderra) (5.05): The Liberal opposition will be agreeing with the government on this. It is a shame that we have got to this. I think that the Chief Minister should have taken up my suggestion and opposed the bill outright. But we will be opposing this clause because we do not think that a ban on cage egg production is appropriate for the ACT.

Question put:

> That clause 3 be agreed to.

The Assembly voted—

Ayes 4	Noes 11	
Ms Bresnan	Mr Barr	Ms Gallagher
Ms Hunter	Ms Burch	Mr Hanson
Ms Le Couteur	Mr Coe	Mr Hargreaves
Mr Rattenbury	Mr Corbell	Mr Seselja
	Mr Doszpot	Mr Stanhope
	Mrs Dunne	

Question so resolved in the negative.

Clause 3 negatived.

Clause 4.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (5.10): The government will be opposing this clause. Ms Le Couteur's bill seeks to insert a new section 9A into the Animal Welfare Act to create an offence of confining a hen in a cage system, effectively banning battery egg production in the ACT. The ban would come into force on 1 January 2011. Ms Le Couteur, I understand, has just indicated that she would propose to amend her bill now to change 2011 to 2015.

The sole commercial egg producer in the ACT is Pace Farm at Macgregor. Pace Farm is also a major producer of eggs in New South Wales. Pace advises that the facility at McGregor also serves as its egg grading, its cold storage, its packaging and its distribution centre for the entire southern New South Wales. Pace Farm has previously indicated it would close its ACT business in Macgregor. The Greens have indicated in the debate today that they do not believe that Pace is serious when it says that. I believe it is serious, should a ban be introduced in the ACT. However, it would, of course, continue to produce eggs from caged hens from its facilities in New South Wales, and the closest facility to Canberra, I believe, is Young.

That is why in my discussion in the debate on this issue I assumed that any caged hens here in the ACT, if that facility was closed, would move to Young. Other egg farms would continue to operate around the country, just as they are now, resulting in no overall improvement to the condition or welfare of caged hens nationally.

I understand that the Macgregor facility is unsuitable for free-range egg production. The advice I have received is that the site is not appropriate, not large enough, and that free-range egg production would never be pursued on that site. A barn-laid system is the most likely alternative production option for Pace Farm at Macgregor. It is in that sense that this government has offered $1 million to Pace to convert the Macgregor facility to barn production, and that offer was dismissed out of hand.

In the context of the assumptions particularly that the Greens have made in relation to the likely attitude of Pace to a ban on cage production, and the comfort which the Greens take in their position that Pace are not being serious, that they would not close it, I reject that completely. From my discussions with Pace, if cage egg production is banned in the ACT they would close that facility immediately. The government has offered them $1 million. There is $1 million on the table available to Pace Farm to convert Parkwood to barn production. Pace Farm rejected the offer out of hand—did not even debate it or discuss it; simply said, "No, it is not nearly enough." I said, "What would you need? What would catch your interest?" They said, "Millions more than that."

I think you need to understand some of the commercial realities and some of the context. I am advised, and I am advised by my officials, that free-range production could not be pursued at Parkwood on that rural lease. You need to understand, in relation to the decisions that Parkwood may or may not take in this game of Russian roulette, that you are prepared to take 56 jobs. Your bland assertion—

Ms Bresnan interjecting—

MR STANHOPE: It is; it is a bland assertion. On what basis do you stand in this place and say, "They are not serious when they say they would close the facility"? On what basis do you make that claim? They have told me they would. Why do you suggest that they are lying to me? That is what he said. On what basis do you assert that the general manager of Pace Farm was not telling me the truth when he told me that they would close that facility?

Mrs Dunne: He told me the same thing.

MR STANHOPE: On what basis do the Greens believe that Pace were lying; that he lied to me when he said that if cage production systems are banned in the ACT he will close the facility? I offered him $1 million to convert from cage to barn and he just said no. I said, "Why do you say no?" He said, "It would not go one-tenth of the way of covering the costs of conversion. It is commercially simply untenable to suggest that I would close this cage facility, convert the barn, on the basis of a $1 million support package from the ACT government. It is not as simple as that."

It is a bland assertion. You make assertions about their intentions that contradict their statements to me. You make claims in relation to the conversion of the facility to free range, when the advice to me from my officials is that it would never support a free-range farm facility. These are some of the assertions in your presentation that cannot be sustained or substantiated. You are playing Russian roulette: "Let's stare them out. Let's dare them to close it. Let's dare to suggest that they weren't telling the truth, that they have no intention of maintaining a facility here if caged production systems are banned in the ACT."

I am not prepared to assume that they were not being honest with me or to make that judgement. And I am not prepared to say, "We don't have to worry. We can go to bed tonight, certain in our view that no jobs would be lost because they are not being serious." In fact, Ms Le Couteur has just made the claim that employment would grow if they converted. They say there will be no employment; they will close the facility. You say, "No, they'll just convert the barn. They're just tricking you. They're just trying to stare you out. In fact, employment will increase." You have no basis on which to make those sorts of claims—none at all. All of the evidence is to the contrary.

Those are some of the facts. Those are some of the complexities. Those are some of the difficulties and the issues which the government, and indeed the opposition in their consideration of this issue, have grappled with and continue to grapple with. I am not prepared to just say, "They are not being honest with me; they are not being truthful," and that they will in fact grow their workforce and not actually terminate it. I am not prepared to assume that they are not being honest with me, as you are doing—to comfort yourselves to suggest that not a single job would be lost; that if we actually take this step we will grow the employment base in the egg industry. You want to give yourselves comfort so you can walk out of here feeling all good and noble, with a warm inner glow: "Not only have we grown employment; we have saved all these chooks." It is not as simple as that. It is not about the warm inner glow for no apparent advantage, the warm inner glow that you think or seek to achieve in relation to this.

We all love the old warm inner glow; but you have to be just a tad pragmatic around some of the implications of major decisions such as this. This is a major decision in relation to a significant industry and you cannot just scorn and deride and dismiss the considerations which the government, and indeed the opposition, have taken into account in relation to the positions we have arrived at in relation to our opposition to an outright ban on cage system production in this territory—a decision that would see economic growth reduced by over $3 million, that would see 56 people out of work and that would see those hens transported across the border into a cage system that would not be as large as the cage system that currently applies at Parkwood.

Those are the sorts of issues that we have taken into consideration, and I would have expected some slightly more generous acceptance of the difficulty of this issue for all of us and the fact that each of us has arrived at our position on the basis of deep thought and serious consideration of all of the issues.

MS LE COUTEUR (Molonglo) (5.18): We do support our clause and we do not support the opposing of it. In terms of what the Chief Minister has said about the economic impact, if this was to be passed—I agree it does not look like it will be—then Pace clearly will make a commercial decision. Obviously I do not know what that decision will be, but what I can say—I will repeat it—is that if the Assembly made the decision to ban cage eggs there would be a good commercial case for Pace to stay in the ACT at the very low rent it currently has. That is particularly given the fact that we know that their current production facilities do not meet the code of conduct. We understand they are going to have to spend substantial amounts of money to keep their current facilities going. So change is inevitable for Pace. If this bill is passed, that will be one sort of change. We think it is very likely that the change would be to free-range eggs in the ACT, particularly given the ACT government's generous offer of a $1 million conversion.

I am not claiming that I know what Pace will do. That clearly is Pace's commercial decision. They will take this into account, and there would be many other things that Pace would take into account. As we all should remember, Pace are a very large egg producer, and the ACT production is only part of their facilities. They do, in fact, produce free-range and barn eggs in other facilities. They certainly are not averse to doing it, and we think it is likely that, were they encouraged—a bit of carrot, a bit of stick—it is likely that this is what they would do.

MRS DUNNE (Ginninderra) (5.20): Mr Speaker, the opposition is opposing this clause for the same reasons which were very cogently outlined by the Chief Minister. I almost sought leave under standing order 47 to make a statement before, but I will make it here: I am quite aware that the Greens have consulted moderately widely on this. They have had an exposure draft out on this, and I congratulate them for their enthusiasm for and commitment to this cause. But one of the people or organisations that they did not consult with was Pace Farm. Ms Le Couteur said that she does not know what Pace are going to do. Well, I know what I was told by Pace when I asked them, and it was very much the same as the Chief Minister just outlined here.

When I deal with a constituent of any sort, I can go on what they tell us. I will not spend my time sitting around saying, "Well, if X happens, maybe they will go towards

Y." We have to actually look at it. It is not a big enough piece of land to undertake a substantial free-range farm. Yes, Pace are free-range farmers elsewhere and they actually know what is required to have a free-range farm or a barn farm, because they do that as well. They know what is required, and they know it is not viable here in the ACT. They have told us so, if we cared to ask. The Greens did not care to ask, and they are making presumptions about Pace, which I do not care to do. That is why we are opposing this clause.

Clause 4 negatived.

Clause 5.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (5.22): The government will be opposing this clause. This clause removes the current defence against a charge of animal cruelty under the Animal Welfare Act of complying with the approved code of practice for domestic poultry. The ACT has an approved code; it has been in force since December 2002 and it replaced an earlier code of practice. I think it is odd—I am sure other members would also think it is odd—to say in one breath, "Here is a code of practice which we require you to follow," and then in the next breath to say, "But if you do follow the code you've committed an offence." I just do not think it is an appropriate way of constructing an offence provision to say it is an offence if you comply with an agreed national code of practice.

MS LE COUTEUR (Molonglo) (5.23): Well, we were hoping to show national leadership, which it seems we will not be showing. I would just like to comment on Mrs Dunne's comments about talking to Pace. We did attempt to talk to Pace, but they did not wish to conduct that conversation.

Clause 5 negatived.

Clause 6.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (5.23): The government will oppose this clause. I think it is important that the Assembly not agree to this clause. This clause adds nothing to the current rights and powers of the Assembly to critique government action or to demand through this chamber action by government. Assembly members can raise the issue of poultry welfare through question time, through questions on notice, through debates, through particular debates on matters of public importance, through media pressure and through direct lobbying of ministers. Members have those powers now.

The requirement to take reasonable steps to improve living conditions for poultry under the model code is also limited to improvements to the fourth edition of the code. So if that code were to be updated the minister would still be forced to try to improve the redundant code. The model code may be considered and improved and updated,

and I hope that it is. The ACT government will take a lead in any debate at the primary industry ministerial council in relation to that in 2010.

MS LE COUTEUR (Molonglo) (5.24): We would like to keep this clause. I am very pleased that the Chief Minister has said that he will continue to advocate regardless of whether it is part of the bill. By memory, although I am not totally sure, Mrs Dunne also suggested that she thought it was reasonable that the Chief Minister continue to advocate. Given that there is agreement that the Chief Minister should continue to advocate, I cannot really see what the problem is in making it part of the legislation. I understand that there are reporting requirements in legislation covering many things where the government is required to report back on its progress on this, that and the other. This is just one of those. The government is saying it is going to do it; we are saying: "Great. Government, you are going to do it. Let it be part of the legislation. You report back every year about it." It just makes the whole position a bit stronger if it is actually part of the legislation rather than something which the Chief Minister agrees to do out of the goodness of his heart. I do applaud him for that, and I do seriously thank him for this. I know he is a chicken lover at heart. I would like to have stronger legislative backing in case we have a chief minister in the future who is not so kindly disposed towards chickens.

MRS DUNNE (Ginninderra) (5.26): The Liberal opposition will be opposing this clause. We oppose this more vehemently than any other clause in the bill, because it is not appropriate to have this sort of wording in legislation. It is, in fact, completely outside any legislation and it is also unnecessary. As I have said, if we think that the Chief Minister is not doing his job as he has undertaken to do, the Assembly is free to direct him to do so by virtue of a motion in the Assembly. That would be something that we would look at on its merits if the need arose.

Something I was looking for before, Mr Speaker—it is slightly off the mark but it does need to be put on the record—is a piece of correspondence that I received from the President of the Free Range Egg and Poultry Association in relation to the Greens bill:

> As a free range producer, I cannot support this …

that is, the Greens bill—

> Consumers should have a real choice in what they buy—including lower priced eggs. Free Range egg producers cannot produce eggs in the way the consumer expects for the prices Woolies and Coles are prepared to pay (and Woolworths are now pushing down the price of free range further).

The correspondent goes on to question whether the Greens and Animal Liberation want to stop all use of animals:

> They do not especially like free range production. They just think we are the best of a bad lot.

She goes on to say:

> If you support this bill, you will be throwing people out of work, pandering to the anti-animal farming … lobby, assisting the supermarkets to push farmers out of business and making it difficult for free range egg farmers to provide the consumer with the product they expect.

That is from the national president of the Free Range Egg and Poultry Association.

Ms Hunter: Mr Speaker, I was just wondering if Mrs Dunne could table the letter that she is referring to.

MRS DUNNE: I would have to print it off, Mr Speaker. I am very happy to do that, but I was actually reading it from the screen.

MR SPEAKER: One of the joys of laptops.

MRS DUNNE: Yes, sorry. I would have to print it off. But I am happy to provide it to members later.

Ms Hunter: Now would be good.

MR SPEAKER: Mrs Dunne, can you arrange to complete that? This is a matter with laptops that we are going to have to consider. Perhaps we can take that to the admin and procedures committee.

MRS DUNNE: Yes, okay. I undertake by close of business today to table this letter in the Assembly.

MR SPEAKER: Thank you.

Question put:

> That clause 6 be agreed to.

The Assembly voted—

Ayes 4	Noes 11	
Ms Bresnan	Mr Barr	Ms Gallagher
Ms Hunter	Ms Burch	Mr Hanson
Ms Le Couteur	Mr Coe	Mr Hargreaves
Mr Rattenbury	Mr Corbell	Mr Seselja
	Mr Doszpot	Mr Stanhope
	Mrs Dunne	

Question so resolved in the negative.

Clause 6 negatived.

Clause 7.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (5.32): With the defeat of clause 6, both clauses 7 and 8 are redundant and the government will oppose them.

Clause 7 negatived.

Clause 8.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (5.33): With the defeat of clause 6, clause 8 is redundant and the government will oppose it.

Clause 8 negatived.

Clause 9.

MS LE COUTEUR (Molonglo) (5.33): I am speaking, believe it or not, to oppose this clause. The reason I am opposing it is that this clause was predicated on the ACT actually banning cage eggs and we thought, “Okay, if we had banned cage eggs, what this clause would do is repeal the Animal Welfare Amendment Act 1997.” This obviously was passed in 1997. It was designed to ban the sale of cage eggs in the ACT.

It has uncommenced provisions which are similar to the provisions in my bill prohibiting keeping hens in cage systems. And these provisions can only commence if states and territories agree under the Mutual Recognition Act 1992 that the territory can ban the sale of cage eggs. The Labor Party agreed to this in 1997.

Because today we have no support, unfortunately, for the ban on cage eggs, my bill no longer has to remove the uncommenced provisions. We would prefer, and it would be better, to leave them intact as a commitment to the legislation which the Assembly, in its wisdom, originally passed in 1997. If we take them out now, we in fact are going further backwards from the Assembly’s earlier commitment which was to try to eliminate cage eggs. So we are actually going to be opposing the clause, even though it was part of the original bill.

Clause 9 negatived.

Clause 10.

MRS DUNNE (Ginninderra) (5.35), by leave: I move:

> That the Eggs (Cage Systems) Legislation Amendment Bill 2009, as amended, and the Government’s proposed amendments to the Eggs (Labelling and Sale) Act be referred to the Standing Committee on Justice and Community Safety for inquiry with special consideration on the impact on business.

I do so because of the issues that I raised in the in-principle debate, that the Chief Minister has come in after question time with amendments to this bill which impact on business. The Greens said that they consulted business and that some supermarkets agreed with their proposal.

What is being proposed by the Chief Minister goes much further than is currently the case, and it may be that, because it deals with free-range eggs and things like that, it will catch up people who sell eggs at markets and will catch up people in delis and things like that. I think it is reasonable, because the Chief Minister has brought this in at such a late hour, that we should basically take a deep breath and see what the impact will be on business before we go down this path.

I challenge members of the Assembly to keep in mind that everyone—from Woollies down to the mum and dad owner of the deli—will be impacted by these amendments that the Chief Minister has brought in. I do not know what those real impacts will be, and I think it is reasonable, if we are going to make laws that will have an impact on business in the ACT, that we should take a deep breath and actually ask business what they think.

In consultation with the Clerk, it seems that the Standing Committee on Justice and Community Safety is the appropriate committee because under the administrative orders the egg labelling and sale legislation comes under the minister for fair trading, the Attorney-General, and this seems to be the appropriate place. I welcome the support of the Assembly for this reference.

MS LE COUTEUR (Molonglo) (5.38): The Greens will not be agreeing to Mrs Dunne's motion. As we have said, we actually have done quite a bit of consultation on this. There was an exposure draft out for six months. We spoke to a number of local supermarkets. Woolworths, which is the biggest supermarket in Australia, has, of its own volition, said that it will introduce a system which has the major elements of what is being proposed by the Greens' original bill or the amendments, which will almost certainly be carried, that the government is introducing.

But the essential element of all of this is the segregation of different types of eggs being produced by different types of systems. This is not going to be a problem for the people in the markets. They are all selling free-range eggs. The ones at the Farmers Market, the ones at the EPIC market, the ones at the Belconnen market et cetera are basically selling all cage eggs. They only have one type of egg anyway. Part of the government's amendments says, I believe, that if you have less than two metres of eggs to sell, which is quite a lot of eggs to sell, then you do not have to do it; so the small delis will not be covered by this.

My contention is that there already has been considerable consultation and there has been considerable public support and, probably more importantly from this point of view, considerable industry support. Woollies, IGA, Supabarn, have all told us they have no problems with it. Everyone has said that as long as it is a level playing field, as long as everyone has to do the same thing, they do not mind.

Yes, there are differences in wording between what the Greens were proposing and what the government is proposing. But I do not think these differences are so great that a supermarket would have any real difficulty in conforming with them. They will have to put three small labels up. The number of labels in supermarkets is such that I cannot believe it is beyond us, that supermarkets cannot quite easily do this, and I think that there is really no need to have an inquiry into this.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (5.40): The government understand the arguments that Mrs Dunne makes but we do not accept that there has not been a significant opportunity for people involved in the retail sale of eggs to be involved and informed in relation to proposals that the Greens have produced and to seek to understand the position of the government and the opposition in relation to the issue.

In an early conversation that I had with Ms Le Couteur in relation to this issue, I took some comfort from advice that Ms Le Couteur gave me that the Greens had conversations and had consulted with retailers, most particularly supermarkets within the ACT. The government did not consult directly with retailers, basically the supermarkets within the ACT, but Ms Le Couteur did inform me at a reasonably early stage that the Greens had done that.

In addition, the government did write to both the Australian Retailers Association and the National Association of Retail Grocers, I think somewhere in the order of three months ago, in relation to their views. They are the national peak organisations that represent all retailers, all traders and all grocers in Australia. Regrettably, despite a letter from the ACT government informing them of the proposals for egg labelling at the point of sale in the ACT, neither the Australian Retailers Association nor the National Association of Retail Grocers deigned to respond to the government's request for their views on the issue of labelling at the point of sale for eggs.

I cannot now say, "We need to go out." The government sought to consult the peak bodies in relation to this issue specifically, and neither of those organisations felt inclined to even respond, which the government has interpreted as suggesting a lack of concern by the organisations representing supermarkets, retailers and grocers in Australia, let alone the ACT, in relation to this particular issue.

I think it has to be acknowledged that Ms Le Couteur is right. Ms Le Couteur tabled this as an exposure draft months ago. We have all known that it is coming; we have all known this day was about to arrive; we have known for some time it was going to arrive in September.

The government have given deep consideration to all of the issues, including the labelling issues. We have all had an opportunity, including the Liberal Party, to put our position in relation to this issue, to engage with the community. We have had six months in which to do that. And we sought, we consulted, we took comfort from the consultation which the Greens had undertaken—and it is a Greens' bill—so I think it is reasonable for us to do that.

There are issues in relation to this. It might be of some assistance to Mrs Dunne and the Liberal Party for me to advise that the government believe that the 3½ months, which there will now be before this provision is intended to commence, give the government time to advertise this new requirement. We would propose to introduce how-to-do-it information and papers in relation to the labelling requirements. We would propose to ensure that all retailers of eggs in the ACT understand the new legislative requirement in relation to the labelling of eggs.

These proposals are wide ranging, and I think it is appropriate that they are. They will apply to all shops but they will also apply to markets. So eggs at markets will need to be labelled. The issue, where there are exemptions in relation to the size of the establishment, the numbers of eggs sold, is the requirement which we propose that retailers displaying less than two linear metres of shelf space in relation to eggs for sale will not be required to use the red banding of cage-system produced eggs. So there is an acknowledgement there of the particular issue for smaller retailers.

Mrs Dunne, I think the government's attempts at consulting nationally, the consultation which the Greens have been party to, the fact that this bill has been on the table for most of the year, seem to me to militate against requirement for these particular provisions to be referred off, and the government will not support your proposal.

MRS DUNNE (Ginninderra) (5.46): It is all very well for the Chief Minister to say that this bill has been on the table for the best part of a year but these amendments have been on the table since half-past three this afternoon.

Mr Stanhope: No, the proposals in relation to labelling have been on the table.

MRS DUNNE: And the proposals in relation to labelling that the Chief Minister circulated at about half-past three this afternoon are significantly different from those which have been on the table for the best part of a year. This is why this matter should be referred. It does have an impact on small retailers; it does have an impact on people at the markets.

People at the markets sell all sorts of eggs because they try to provide for different price points. At the Belconnen markets, you can buy free-range eggs and you can buy barn eggs. I am not sure that I have ever seen barn eggs but you probably can buy barn eggs. You can definitely buy cage-eggs because they provide different price points for people and this legislation will affect those people as well.

Question put:

> That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 5	Noes 10	
Mr Coe	Mr Barr	Mr Hargreaves
Mr Doszpot	Ms Bresnan	Ms Hunter
Mrs Dunne	Ms Burch	Ms Le Couteur
Mr Hanson	Mr Corbell	Mr Rattenbury
Mr Seselja	Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Clause 10 agreed to.

Clause 11.

MS LE COUTEUR (Molonglo) (5.50): At this stage, I intended to move amendment No 3 circulated in my name; it just related to the dates. As I said earlier, my original bill talked about 2011; I wanted to change that to 2015. However, with 20-20 hindsight, given that most of it was going to be removed, I will withdraw my amendment on the grounds that it has now, I understand, become irrelevant.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (5:52): I move amendment No 8 circulated in my name *[see schedule 1 at page 4128]*.

The government agrees that improved signage at point of sale is required to better inform consumers about the choices they are making when buying eggs. However, the government disagrees with the approach proposed by the Greens. It might be thought that the current signage for alcohol and tobacco products is a suitable analogy for egg signage. However, both alcohol and tobacco are highly regulated products which are sold in separate areas of stores; eggs, on the other hand, are generally sold within the general confines of the supermarket aisles. Shopkeepers need some flexibility in arranging their shelves for the display of not only eggs but a range of other commodities. The government believes that Ms Le Couteur's proposals could be onerous for smaller retailers in particular.

In some respects, the government believes also that Ms Le Couteur's proposal could go further. The government believes not only that cage eggs should be segregated from other eggs but that, in the interests of assisting consumers to make the choices they want to make, each type of egg should be sold separately according to the method of production. So cage eggs, barn-laid eggs and free-range eggs should all be segregated and all types of eggs should have signs that appropriately describe the difference in production methods.

I think we do have to be realistic about what sized signs shopkeepers should be required to place at their egg displays. The government believes that Ms Le Couteur's bill, if unamended, would require signs that are too large. The government amendment reduces the required type size from arial 55 point to arial 50 point.

As I indicated in the debate in principle, the government believes that Ms Le Couteur's message on the signs could be misleading, and in the ACT context we believe that it would be. Not all caged hens are kept in cages smaller than A4 sheets of paper. The government proposes wording that focuses on the production methods for each type of egg but will not result in overly large signs. We see this approach as part of a larger process to educate the community about egg production.

This is not just something that the Assembly is legislating for in isolation. Lobby groups are also educating the community, awareness is growing and the government-proposed signs should be seen as working in with the growing awareness of the issue. The signs should be quite clearly for reminding consumers.

The government's proposed signs are drawn from the description in the model code of practice for the welfare of animals for domestic poultry. The amendments set out the wording for cage eggs, barn-laid eggs and free-range eggs. The government also agrees that there should be a suitable visual means of distinguishing cage eggs from other types of eggs where they are being sold. The government considers that the red border proposed in the Greens' bill could be vague in some situations. What will the border be made of? How will it be fixed to the shelving units? How will smaller shops or retail outlets displaying only a couple of cartons of eggs comply?

Instead of a red border, the government's amendment would require that the visible edge of the shelving carrying cage eggs should be red. However, to ensure that this does not impact on small shops, the government proposes that the red edge requirement should apply only to retailers displaying eggs on more than two linear metres of shelving. All the shelving carrying eggs—not just cage eggs—is to be taken into account in working out whether the retailer has to comply with the requirement.

MS LE COUTEUR (Molonglo) (5.54): The Greens will be supporting this amendment but I do note that we were first given it this morning. Given that the legislation was introduced as an exposure draft many months ago, I think it would have been useful, as I am sure Mrs Dunne would agree, if we had had this amendment a lot earlier.

The government's amendment changes how the retail signage works. Clearly we saw some advantages with our original ideas, but we certainly think that it is very important that consumers have better information than they have at present. We know that 83 per cent of people say that they would like to not buy cage eggs and we know that the proportion of people who buy cage eggs is not consistent with what people say they will do.

Mr Hanson: When they get to the reality of the price.

MS LE COUTEUR: Some of this is price driven, but some of it is also confusion driven. I will not bother repeating what I said in my earlier speech, but as a consumer it is very easy to be confused about what type of egg you actually are buying. So this is a very important part of the legislation.

And it is important from the point of view of the foundations of capitalism, as I said: good information is part of the ethical foundations of capitalism. It surprises me that the Liberal Party does not support it from that point of view, if nothing else. If people do not know what they are buying, how can they make an informed choice?

So we do support this. We think one of the government's amendments—the two-metre exemption—is probably a good idea that we should have thought of ourselves. We will support this amendment.

Question put:

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

The Assembly voted—

Ayes 9		Noes 4
Mr Barr	Ms Hunter	Mr Doszpot
Ms Bresnan	Ms Le Couteur	Mrs Dunne
Mr Corbell	Mr Rattenbury	Mr Hanson
Ms Gallagher	Mr Stanhope	Mr Seselja
Mr Hargreaves		

Question so resolved in the affirmative.

Amendment agreed to.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

Clause 11, as amended, agreed to.

Clause 12.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (5.59): The government will be opposing clause 12. I am advised that clause 12 is necessary only if clauses 4 and 5 are agreed to, and the government's amendment to clause 11, if successful, means that clause 12 is unnecessary.

Clause 12 negatived.

Clause 13 agreed to.

Clause 14.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (6:01): I move amendment No 10

circulated in Mr Stanhope's name *[see schedule 1 at page 4131]*. This amendment inserts into the dictionary of the Eggs (Labelling and Sale) Act 2001 new definitions to include barn eggs and free-range eggs to enable the amendments to clause 11 to work. The government's amendment also tidies up the definition of cage eggs in Ms Le Couteur's bill.

MS LE COUTEUR (Molonglo) (6.01): We will be supporting the amendment.

Amendment agreed to.

Clause 14, as amended, agreed to.

Postponed clause 2.

MS GALLAGHER (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (6.02): I move amendment No 1 circulated in Mr Stanhope's name *[see schedule 1 at page 4128]*.

The government amendment to the commencement provision proposes a single commencement for the bill on 1 January 2010. The bill as presented proposed a ban on keeping hens in cages from 1 January 2011 and the Greens' proposed signage requirements start on 1 January 2010 but then change on 1 January 2011. Under the government's proposal there is no need for the signs to change on 1 January 2011 and the bill as amended can commence in its entirety on 1 January 2010.

We believe, and I think Mr Stanhope has argued earlier this evening, that this is sufficient time to give retailers around 3½ months to make arrangements for the required signage.

Amendment agreed to.

Clause 2, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Leave of absence

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

> That leave of absence be granted to Ms Porter for this sitting on the grounds of ill health.

Eggs (cage systems) legislation

MRS DUNNE (Ginninderra) (6.04): Mr Speaker, during the last debate Ms Hunter asked that I table a—

Mr Barr: Laptop?

MRS DUNNE: A laptop, yes; thank you. I declined to table the laptop but I did agree to table the letter that I was quoting from. Accordingly I table the following paper:

> Battery cages—Copy of email to Mrs Dunne from Meg Parkinson, dated 26 August 2009.

Emergencies (Bushfire Warnings) Amendment Bill 2009

Debate resumed from 26 August 2009, on motion by **Mr Smyth**:

> That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.05): The government will not be supporting Mr Smyth's amendments to the Emergencies Act 2004. Firstly, I would like to thank Mr Smyth for bringing forward this bill. It is definitely an important issue to provide warnings to the community. Following the Black Saturday fires in Victoria earlier this year, it is indeed a very important and very topical issue across Australia.

However, I can advise the Assembly that, following the interim report of the Victorian Bushfires Royal Commission, the Australasian Fire and Emergency Service Authorities Council, known as AFAC, facilitated a national workshop to look at these issues. That workshop looked at a range of issues, including:

- reviewing the fire danger rating, known as FDRs;
- developing descriptors and key messages for each of the FDRs;
- identifying terms that align the key messages with the common alerting protocol;
- identifying criteria that determine the trigger points for communications to the public during existing fires;
- developing common descriptors and key messages for existing fires;
- designing a model that aligns all of the above on a national basis; and
- developing an implementation/communication plan to deliver the outputs with states, territories and agencies, including key media messages aligned with the matters I have just mentioned.

These workshops have allowed for the development of a nationally consistent approach, which, through the Australian Emergency Management Committee, has been agreed to and endorsed by all states and territories within the last couple of weeks. As members would be aware, these decisions have been announced in recent days in all the states and territories. Indeed, I announced these arrangements in relation to the ACT yesterday.

Under these new arrangements it has been agreed nationally that the Bureau of Meteorology will issue daily fire danger indexes. In addition to this, the Council of Australian Governments, at its April meeting this year, agreed to take immediate steps to enhance Australia's emergency management arrangements through the development of a telephone-based emergency warning system. This system will enable states and territories to deliver warnings to landline and mobile telephones based on the billing address of the subscriber. This initiative, which is being led by Victoria, will provide a technical infrastructure and application layer which will be utilised for emergency warning across the country.

In his Emergencies (Bushfire Warnings) Amendment Bill 2009, Mr Smyth's amendments would require the daily issuing of the fire danger indexes during the bushfire season. In addition to this, on any day of the year that the indexes are at 25 or higher, the minister must also advise the bushfire activity category, a bushfire warning level and locations or suburbs to which the warning applies. Then, as the fire danger index rises, there is additional information to add to this. Mr Smyth proposes that these be broadcast by television and radio and published in all daily newspapers.

To add to all of this confusion that Mr Smyth proposes with the minister issuing all of these above warnings, I note that under section 114 of the current Emergencies Act 2004 the commissioner, that is the commissioner of the ESA, would still be required to issue and broadcast total fire bans if the commissioner is satisfied that severe weather conditions conducive to the spread of fire exists or are likely.

So we now have two levels of decision making. Under Mr Smyth's bill, first of all the minister must do certain things, but there is still the requirement for the commissioner to make the decision about the broadcast of total fire bans. If this bill is passed today, we would see the Bureau of Meteorology issuing the fire danger indexes consistent with the national decisions and then the minister issuing fire danger indexes as well, along with bushfire activity categories and warning levels and locations. Then we would have the commissioner for the ESA issuing and publishing a total fire ban.

On top of all this, surrounding us in New South Wales there would still be warnings given by the New South Wales fire authorities under the nationally agreed framework for that region. But, of course, those warnings would be broadcast here in the ACT as well because we all know that our news agencies cover the whole region and not just the ACT.

This is a recipe for dangerous confusion. These proposed amendments are impractical, unworkable and contrary to the nationally agreed warning framework which has been developed by land managers, the Bushfire Cooperative Research Centre, fire behaviour experts, the rural and metropolitan fire agencies of all states and territories and the Bureau of Meteorology. The government believes that the Assembly should accept the advice of these national experts. The bushfire CRC, the rural and metropolitan fire agencies and the Bureau of Meteorology are the people that we should turn to and whose advice we should accept when it comes to the issue of warnings and the assessment of fire danger and risk.

The government believes that attempting to enshrine the index rating and warning messages in legislation is counterproductive for other reasons as well. These are operational reasons. Despite the very best efforts and intentions of all participants in the emergency debate, as even the events of recent weeks have shown, collective attitudes to these matters change over time, and sometimes they change rapidly. We are seeing this already in Western Australia. In the current context, when changes are required of this type to preparedness and response messaging, jurisdictions find it difficult to act if they are tied in the statutory way that Mr Smyth proposes. We need to make sure there is flexibility as the knowledge and the advice changes from our fire management and fire weather experts.

For all these reasons, I believe it is not in the best interests of the Canberra community to pass Mr Smyth's bill. If this Assembly does pass this bill, it will mean that the ACT will be an island amongst the rest of Australia, inconsistent with the national warning framework that every other state and territory has agreed to and inconsistent with nationally agreed frameworks for scaled advice and warnings to the community.

These are the important issues at play in this debate. The government has given serious consideration to Mr Smyth's bill, but if the Assembly was to agree to it today the outcome would be confusion, and dangerous confusion at that. Canberra citizens are entitled to effective warning systems. The nationally agreed framework delivers us that approach. We should stand with our colleagues in other jurisdictions. We should adopt a common warning system that everyone understands and which is utilised across all the states and territories. We should not go down this stand-alone path that Mr Smyth proposes. I urge the Assembly to reject the bill.

MS BURCH (Brindabella) (6.13): I would like to reiterate Mr Corbell's position on Mr Smyth's amendment to the Emergency Act 2004 via his Emergencies (Bushfire Warnings) Amendment Bill 2009. I believe that Mr Smyth, in bringing forward this bill in the Assembly, has the Canberra community's best interests in mind. However, it appears that Mr Smyth has not been aware of what has been going on at a national level on the matter of bushfire warnings and community advice.

I have noted that, since Mr Smyth presented the Emergencies (Bushfire Warnings) Amendment Bill 2009 in the Assembly on 26 August 2009, announcements have been made across the country that all states and territories have agreed to a nationally consistent approach to bushfire scaled advice and warnings to the community. I note that Minister Corbell announced yesterday that the ACT will be adopting this nationally consistent approach. I also note that New South Wales, Victoria and South Australia have also announced that they will be adopting this approach.

Following the devastating Victorian bushfires that we saw earlier this year, it is important that there is a consistent approach to advice and warnings to the community. I note that the interim findings from the Victorian bushfires royal commissioner recommended, via recommendation 4.1, that warnings are to be founded on the principles of maximising the potential to save human lives; that they embody the principles encapsulated in recommendation 8.5 of the COAG report *National inquiry on bushfire mitigation and management* of 2004; that they embody the principles

endorsed in the Australasian Fire and Emergency Service Authorities Council draft discussion paper *A national systems approach to community warning* dated May 2009 and that they incorporate the use of the common alerting protocol, as adopted for the Australian context.

I am advised that this new nationally consistent approach has been considered as a result of this recommendation and has been prepared by a national bushfire taskforce committee convened by the Australasian Fire and Emergency Service Authorities Council and endorsed by the Australian Emergency Management Committee. The national bushfire task force committee comprised fire services, land management agencies, fire behaviour experts for the Bushfire Cooperative Research Centre, the Bureau of Meteorology and emergency managers from across the country, including representatives from the ACT Fire Brigade and the ACT Rural Fire Service.

I am not quite sure what research or expert advice Mr Smyth received or sought in preparing his bill, but I know that the recently announced nationally consistent approach has been prepared with input from experts in their field from across the country. This new nationally endorsed and consistent approach to bushfire scaled advice and warnings to the community is particularly important in the ACT for several reasons.

The first reason is our close location to New South Wales, and Mr Corbell described the ACT as an island within New South Wales. For New South Wales and the ACT to be consistent in their approach is extremely important. It is critical, not only for the ACT but for the whole region. If the Assembly was to pass Mr Smyth's bill here today, it would be setting into legislation a different warning and advice system in the ACT from that being used in neighbouring New South Wales. The result would be different advice and warnings issued across the region.

The second reason is that the ACT has many residents that move in and out of the territory from interstate. It is important for those residents to be familiar with the advice and warnings that are being used and issued. In the case of a nationally inconsistent and adopted framework, the advice would be the same from state to state and from state to territory.

As a member of the ACT community, I would feel far more comfortable with a nationally consistent approach to warnings and advice to the community being used and I would be more comfortable knowing that the adopted system has been prepared by experts in their field from across the country, as indeed the system that we are adopting here has been. I therefore call on members of the Assembly not to pass Mr Smyth's bill today. I believe it would result in the ACT being inconsistent in its warnings and advice to the community. The members of this Assembly have been voted in by their community members and I feel that we owe it to those community members to ensure that the best researched and considered approach is adopted, and that is the one which has been recently announced by us. It is the one we endorse, not Mr Smyth's approach.

Again, I remind members that, if the Assembly was to pass Mr Smyth's bill here today, we would be setting into legislation a different advice and warning system

from the nationally consistent system used in New South Wales and the rest of Australia.

MR RATTENBURY (Molonglo) (6.19): This is a bill which attempts to address the clear need for a better way to distribute bushfire warnings and information. The Greens fully support that goal and understand that Australians have always relied on governments and fire services in times of bushfire danger. That reliance is only going to increase if our already dry continent continues to dry. We need to have the very best possible system of communicating warnings and information during the bushfire season.

That said, the Greens will not be supporting this bill today. That may seem to run counter to what I have just said, but, as members will be aware, since Mr Smyth tabled this bill we have seen a change at the federal level where Australia has been delivered a national bushfire warning system. So the Greens will not be supporting this bill—not because we disagree with what it seeks to achieve but because a uniform national system now achieves the same intent as Mr Smyth's bill delivers.

In seeking to meet that goal of better distribution of information, Mr Smyth's bill mandated that the minister must issue a bushfire warning for days when the fire danger index was rated very high and above. I congratulate and thank Mr Smyth for his work in attempting to meet the community need for better information and I welcome his initiative in acting on this issue. The Liberals saw the way forward that was required not only by the ACT but also by Australia and acted on that belief. That belief, I think, has now been vindicated.

This need to distribute information has been highlighted by the Victorian inquiry into the disastrous bushfires last summer. Time and time again we have heard stories of how people were not well enough informed and did not know the fires were going to impact on their homes, their communities and their properties. This lack of information had deadly results, which we are all very well aware of.

But, as members will also be aware, Australia has been delivered a national bushfire warning system that does better distribute information. It will do it in a uniform way across all jurisdictions, and that uniformity is very important for something as vital as bushfire warnings.

However, mandating that the relevant minister in each jurisdiction "must" send out bushfire warnings does not meet the need; rather, it sets up a national emergency warning system and plans to make use of telephone alerts through mobile phones and landlines. Such a system will communicate directly with identified individuals and communities who are in danger and in need of information. They will receive the warnings and information as they are updated.

An Australia-wide, uniform system of bushfire warnings is incredibly valuable. Something as important as a bushfire warning system needs to be set up on a national basis, in my view. It is regrettable that we had the Victorian bushfires last summer before we had been able to get a uniform national system. Nevertheless, we have one now and the Greens intend to support that fully.

The national system has only just been announced in the last week, and the exact details of each and every aspect of it are not yet available. What the Greens are conscious of is the potential for the uniformity of the national system to be confused should jurisdictions go out and legislate to move away from the system, no matter how slight the difference.

This places the onus on governments in every jurisdiction to pin down the exact details of the system as soon as possible. Because there is slight uncertainty around the fringes of what the national system will offer, legislating now in the ACT is not the best decision. That is the conclusion we have come to on this legislation overall. To legislate now does potentially confuse the uniformity that is offered by the national system, and that is something that the Greens would prefer not to risk and not to see happen.

The national emergency warning system will not override the existing communication lines open to our Emergency Services Agency in the ACT. These communication lines will remain open and will include radio, television, press, the Canberra Connect call centre and government websites. What the national system anticipates is an extension to those communication lines in the form of the national emergency warning system through the use of telephone alerts.

While I do note that the procurement of the national system is being led by Victoria, with the aim of having it up and running before this bushfire system, I would implore the ACT government to do anything and everything possible to assist Victoria in meeting that deadline. It will not be helpful for finger pointing to start if we do not meet the deadline. The deadline is not something to panic about in the ACT. As I have said, we do have in place in the ACT adequate communication lines. I think it is enough to say at this point, in the lead-up to the fire season, that we encourage the ACT government to assist the Victorians in any way possible because enhancing the system can only increase the potential for community safety—a goal I think we all share.

The minister for emergency services also flagged yesterday that the ACT will be replacing the old position of stay and defend or go early with the new slogan “prepare, act, survive”. This new slogan ties in with the updated categories that are now part of the new national bushfire warning system and recognises that in some instances the best advice the fire services and government can be giving is that evacuation is best. This recognises that what once was a defendable property may no longer be defendable in the highest categories of fire. Underpinning the new slogan is a new understanding of bushfires in Australia and what individuals will be realistically capable of during days that are rated catastrophic or code red.

The minister also committed to a community awareness campaign to ensure all ACT residents know what the new system means to them. The Greens see this as a critical step in the rollout of a new bushfire warning system. We all need to be made very well aware of what it all means and what we all need to do when our neighbourhood is issued with one of these new warnings and information.

In conclusion, the Greens are not supporting this bill today. We acknowledge that it was an extremely worthwhile and responsible initiative that Mr Smyth brought forward, but it has now been addressed to a very great extent through a uniform national system, and where a uniform national system is open for something as important as bushfire warnings it deserves to be fully adopted and supported.

MR SMYTH (Brindabella) (6.26), in reply: I have to express my disappointment at the lack of understanding of what it is that I seek to do here today. When I tabled this bill a month ago, it was in the vacuum of the failure of the states, the territories and the federal government to have a system in place for the start of this fire season. The work that I did is almost identical to the work that was announced last week.

In fact, the amendments circulated to Mr Corbell's and Mr Rattenbury's offices yesterday and to this place this morning show that, by omitting two words and adding four words, what I would propose is exactly what AFAT came up with and the states have endorsed, except for one thing. What I am proposing is that the warnings that are set out are based on 52 years of scientific knowledge to ensure that people know the true situation of what is going on in their area.

I want to go back to 2003 and February this year. In 2003, the big complaint was: we were not warned. In February 2009, in Victoria, people were saying to us as we were assisting the Victorian community, "Why weren't we warned? Why didn't we learn from what had happened in Canberra?"

I want to go back to what actually happened in Canberra on that day. The minutes of the 2003 Bushfire Operations Committee from 17 January 2003 at 1800 hours, the planning meeting—so 6 o'clock on the Friday night—said, "Saturday; the fire danger rating for highland is 62," which in the new scale would be a severe warning. In the old scale, it would have been extreme. The forecast goes on to say, "There is the potential for fire to reach Uriarra by midday tomorrow, the Cotter Pub and Reserve at 1600, and Mount Stromlo and potentially Narrabundah Hill by 2000 hours."

That is the information that the government of the day had, did not disseminate and did not warn anybody about. They knew the fire was coming. They knew the fire danger rating. And when did we issue a warning? According to Mr McLeod, the warning was issued the next day at 1.45. ESB released the first standard emergency warning signal fax at 1.45 pm. Inexplicably, ABC radio in Canberra did not receive the fax until 2.31 pm. They had the knowledge—let us see, 6 add 12 is 18—19½ hours before they sent it out.

That is all I seek to avoid by making the system automatic. That is all I am seeking to avoid. The warnings will be the same warnings now decided upon by AFAT. I might have used different words; I am not going to stand on the words. All I seek to do now is ensure that the mechanism we have put in place is actually used. I am not making, as is asserted by those opposite, the ACT an island in New South Wales. What I am doing is making it organised. What I am doing is making it efficient. What I am doing is making it automatic.

This will not be onerous. Based on the government's own report into the historical climate and fire weather in the ACT regional review, I expect we might issue 10 warnings at the very high level, probably one at the severe each season, and potentially one or two every three years in the next two categories. This is not hard.

Mr Corbell says that the total fire ban is still there. That is correct. The Bureau of Meteorology will make ratings. They do already. But Mr Corbell has that competing with him now anyway. I have not heard the government say anything about total fire bans. Is the government going to stop doing anything because the Bureau of Meteorology does? I hope they do not. In the case of an emergency, if consistent messages are going out from trustworthy sources, it only helps if they are consistent messages.

I obviously will not get to move the amendment. But what I had were four categories that met the very high, severe, extreme and catastrophic—code red. That is what the national warning system is.

Warning systems existed in Victoria earlier this year. How effective they were and how well they were used and how people understood them is covered well and truly by the interim report and no doubt will be covered further. But the problem is that it is about getting the information out in a timely fashion.

Where we know something based on scientific calculation, based on fact, backed up by more than 50 years of data collection—it is one of the longest data sets in Australia; thank you, Mr Macarthur, Mr Cheney and others, for the work you did in setting up the fuel indexes—all I am saying is: take the next logical step. Do not rely on a minister who cannot be found, a minister who will not decide or a minister who does not want to. Authorise the publication of this so it simply goes out.

We do it all the time now for cyclone warnings. It is an automatic system. The system is done so that there are five grades of cyclone warnings—one, two, three, four, five. Those warnings go out when the cyclones are approaching. Why it cannot go out—

Mr Corbell: My counterpart in Queensland does not issue those warnings.

MR SMYTH: I am working on what I have seen over the last six years, and the last 15 years as a firefighter, about the information we put out. Sometimes this information, for reasons unknown, is held very closely, and it is part of the problem this nation has with bushfires. As a nation, we have to understand them better instead of accepting that they come and they go. There is much we can do to mitigate the effect of a bushfire on us as individuals, as families, as communities.

But the problem is that we do not arm the population with the information and we do not ensure that they get it daily. In a bushfire season, every day now, we issue on the evening news the UV index. Why? Because ultraviolet radiation is a threat to people and we know that in combating melanoma we need to use all the tools that we can.

My system simply says, "The minister will issue"—and it will be the minister through his delegate—"the warning automatically." It is to give it gravity. It is to get people to

take account of it. If they also get it from the Bureau of Meteorology, that is a good thing. The Bureau of Meteorology is the most visited website in the country, and it is respected and trusted by people. It is about getting the message into people's heads that this is important.

When the national system was announced last week, I caught the end of an interview on 2CN where one of the questions was "will this help?" I think the answer was something like "it will help if it is put out, but that is up to the politicians." It should not be up to the politicians. It should simply go out when we receive the information. It is calculated every day. Often it is calculated the night before. It is put out the next morning. It should be calculated; it should be disseminated. That is all I am asking you to do. It is the national system. Have no doubt: what I propose is the national system of warnings.

What we do not have is the mechanism for automatic release. That is what I am proposing. And what we do not have is the automatic messaging system, which is an entirely different argument and something that we should get to in the fullness of time.

I think it is sad that we do not take this opportunity. If somebody wanted to move an amendment saying, "Try it for a year and then we will have a review," that might be the way out of it. But I think the system that I have set up mirrors very closely the system that was set up. Change a few words and it is exactly the same. And the onus then is to ensure that we educate people to listen for these warnings, these bulletins, this information, every day so that they can start making decisions based on fact rather than making decisions that are too late when the fire reaches their doorstep.

I think it is a worthy bill. Clearly, it will go down this evening. I think that is a shame. I think it is up to the Assembly to actually be proactive in what we do. But, instead, the minister of the day will determine what people are told and when they get told that. That is what happened in 2003. The decision was not made to release this information. The information went out at 1.45 in the afternoon. That is a shame. This is not a debate about the new national warning system; it is about using it effectively, consistently and automatically to benefit the community.

I would ask people to reconsider their voting intentions. I think it is worthy. I think it is a good step forward, based on the work that has been done. I think that in years to come people will come to appreciate that this sort of automated system will have to be put in place because, if the proponents of the theory that more mega fires will appear and that we will have larger events and more of them are correct, then we really need to educate the population of Australia about what a wonderful tool the fire danger index is in determining the level of risk and threat to themselves and to their property.

Not to educate the population, not to have a system in place that daily feeds them this information so that they can start making decisions, I believe would put people at risk. It is only effective if you have it. It is only effective if you use it and you use it consistently. That is all I am asking. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 4	Noes 9	
Mrs Dunne	Mr Barr	Mr Hargreaves
Mr Hanson	Ms Bresnan	Ms Hunter
Mr Seselja	Ms Burch	Ms Le Couteur
Mr Smyth	Mr Corbell	Mr Rattenbury
	Ms Gallagher	

Question so resolved in the negative.

Adjournment

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

> That the Assembly do now adjourn.

Australian Anglo-Indian Association Ball
Canberra Times fun run

MR SESELJA (Molonglo—Leader of the Opposition) (6.40): I just wanted to speak briefly about a couple of events. On Saturday night I, along with a number of my Assembly colleagues, had the opportunity to attend the Australian Anglo-Indian Association's Ball at the National Convention Centre. Mr Smyth was there, Mr Coe was there and, indeed, Mr Hargreaves was there. I do not think anyone else from the Assembly was there, but Senator Gary Humphries and a number of other distinguished guests were there also. It was a wonderful evening; they really do put on a good show. There was plenty of good food, plenty of good company and plenty of dancing and singing, and it was a good night all round.

I would like to compliment Joe Bailey and the Australian Anglo-Indian Association for the work that they do, not just in organising this event but in all the work that they do for their community, in serving their community and contributing to the community of the ACT. It was a sensational evening. I know that it was noted on the night that many of the MLAs come year after year. Mr Smyth and, indeed, Senator Humphries were noted particularly for that attendance. The reason for that is that it is such an enjoyable evening and that we were all made to feel so welcome. I put on record my thanks to Joe Bailey and to the association for the wonderful work they do.

I would also like to just mention briefly the *Canberra Times* fun run, which I had the opportunity to participate in on Sunday. "Fun run" is a misnomer most of the time; it is an oxymoron. Nonetheless, it is a good thing to get involved in and—

Mr Hanson: Can you put your time on the *Hansard*, Mr Seselja?

MR SESELJA: I can put my time on the *Hansard;* I do not know if they have been published yet. It was not quite the time I wanted, I have got to admit, Mr Hanson. I

was hoping to crack the 50-minute mark, but I did not quite get there. I think it was 50 minutes and 20-odd seconds.

Mr Hanson: Shame, shame.

MR SESELJA: Yes; I will have to work harder. I will be attempting a half-marathon this weekend, so that will be something else. I will have to go a fair bit slower than five-minute kilometres, I think, to get through the 21 kilometres in Sydney. I am hoping that the weather will be good. But the *Canberra Times* fun run is an institution in Canberra. I would like to congratulate the *Canberra Times* and all of the management who put a lot of effort into that. There was a hiccup at the beginning; we had to wait a little bit because of the delay in the water trucks. I understand these things happen sometimes, but there was a quick and speedy response to deal with it.

I would just like to congratulate the *Canberra* Times and all the runners and participants and, indeed, those Canberrans who go there to cheer others on. It is a great event to get people out there and to try and keep fit and promote healthy living. It is also a great community event which raises a lot of money for charity. I congratulate the *Canberra Times* and all of the organisers for that event and for giving me and many other Canberrans the opportunity to participate.

Hospitality jobs
Wellness week

MS BURCH (Brindabella) (6.43): Today I had the pleasure to launch the hospitality jobs roadshow at Dickson college. The hospitality jobs roadshow initiative is designed to promote hospitality and tourism careers through the Australian school-based apprenticeship scheme. The program is an initiative of the Tourism Industry Council with the support of the hospitality and tourism industries and the ACT Department of Education and Training.

It was good to see the tourism council working as a strong voice for the tourism industry in the ACT, and this initiative supports both the hospitality and tourism industries and also benefits young Canberrans through the creation of career opportunities. The hospitality jobs roadshow is aimed at growing employment in these industries and it is about creating career paths. The roadshow will host a range of activities including cooking demonstrations, industry representative speakers and coffee making. It was great to see year 11 and 12 students making handmade chocolates and learning how to be expert coffee makers. The ACT government is dedicated to providing further education opportunities for year 11 and 12 students, and we welcome this program from the tourism industry, which is making a positive contribution to the Australian school-based apprenticeship scheme available in Canberra.

Also this week I was at Caroline Chisholm school, which is in my electorate of Brindabella. I had the pleasure to be there on Monday when they launched their wellness week. It is week-long program focused on implementing the five ways to wellbeing framework, and I praise the school for their proactive approach to pastoral care. During this year the major focus of the pastoral care program at Caroline

Chisholm school has been on enhancing wellbeing at the school. The wellness week is the culmination of the term-long program that has seen concepts of wellbeing incorporated into the curriculum there.

The school are already seeing great results from the project, and they were recently successful in being awarded a health promoting schools grant and a values education grant to support the great work that they are doing there. When I was there, the students and the teachers were talking to me around the five ways to wellbeing framework. The five elements are connecting with others, staying active, taking note of the small things, lifelong learning, and giving. Each of us finds our own way to wellbeing. Introducing these five principles to our young folk is an excellent way to make sure they have positive frameworks and positive messages which they can fall back on as they go through their growing experience over the next few years.

The wellness week is about having practical workshops at the school. There are activities such as tai chi, cycling and chess. They are even building possum boxes for the community. They will visit art galleries and walk through the wonderful area of Tidbinbilla. The focus on the physical and mental wellbeing of our children, particularly the students of Caroline Chisholm, is a great way for them to get the most out of life. Again, I take the opportunity to congratulate the principal there, Wendy Wurfel, the teachers and executive and the students and the parents of the Caroline Chisholm school for getting the grants and thinking positively. I wish them well for their wellness week.

East Timor fundraising events

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.47): I would like to bring the Assembly's attention to an important fundraiser which will be held next Friday, 25 September 2009. It is the combined annual fundraiser of the Canberra Friends of Dili and the Ryder-Cheshire Foundation for aid projects in East Timor. This year the theme of the evening is the importance of dance to Indigenous cultures, with the guest speaker for the evening being the CEO of the Australian Ballet, Mr David McAllister.

The Canberra Friends of Dili and the Ryder-Cheshire Foundation are critical and significant organisations within the Canberra community. The Canberra Friends of Dili encourages mutual education and cultural and business connections between the capitals of Australia and Timor Leste while promoting the Canberra-Dili friendship city relationship. The Canberra Friends of Dili was formed in 2002 and is a voluntary organisation with no paid staff. The aim of this organisation is to promote awareness of the rich and varied culture of Timor Leste while assisting in the continued development of the newly independent nation.

Among the work that is undertaken by the organisation is the establishment of the Friendship School Project Council. Through this initiative, five ACT schools provide opportunities and resources for students to learn with their counterpart schools in Dili. The friendship school council, which is the unincorporated body formed for this project, also provides practical and administrative support to schools in the program.

The Canberra Friends of Dili also provide in-country support for Dili-based project officers and a local representative. They have also partnered with Engineers Without Borders to build a water supply for the primary and secondary schools, and they have financially supported students to complete schooling at the Don Bosco technical college. With a matched donation from the Canberra Lake Tuggeranong Leo Club, they have supported the development of a youth group in Matadouro, which is building a basketball court and holding English and computing classes for young people.

The Canberra Friends of Dili will continue their tireless work into the future with plan to build basketball and volleyball facilities at three schools in Dili through the mangement of an Australian government sports development grant. They will provide equipment and library materials to the East Timor institute of business, while participating in the development of a proposal for a cultural exchange program between street art groups from Canberra and Dili.

I would also like to mention the critical work conducted by the Ryder-Cheshire Foundation, which works to relieve the suffering among people who are sick, disabled or destitute, without regard to age, race or religion. Since 2000, the Ryder-Cheshire Foundation of Australia has supported a low dependency healthcare facility in East Timor. Patients awaiting or recovering from surgery, suffering from TB or malnutrition and those requiring physiotherapy are referred by Hospital National in Dili and from many health clinics. Village-based outreach programs assist children with disabilities, provide diagnosis and treatment for those suffering from TB, and offer health and hygiene training.

Because the Canberra Friends of Dili is a community-based NGO which is creating education, sporting and community links between the Canberra and Dili communities, and because the Ryder-Cheshire Foundation is run totally by unpaid volunteers and, by keeping their administrative costs to the absolute minimum all the money that is donated reaches the people it is intended for, I encourage the members of the Assembly and the Canberra community to attend the fundraising dinner on Friday, 25 September at the Federal Golf Club in Red Hill. I am sure this will be a lovely evening that will give Canberra a chance to raise money for such an important cause and also to support our sister city relationship with Dili.

Robert Gordon Menzies Walk

MR COE (Ginninderra) (6.51): I am very pleased to see that stage 2 of the Robert Gordon Menzies Walk along Lake Burley Griffin has been officially opened today. Stage 2 of the walk is a five-kilometre stretch along the northern shore of the lake, running past the National Capital Exhibition and Commonwealth Park. It is an integral part of the Canberra bike and footpath network and provides a route for community recreation around the lake. The path has been reconstructed to be a 4.5 metre wide path and also features information points about the significance of the walkway.

The walk is named in honour of Australia’s longest serving and first Liberal Prime Minister, Sir Robert Gordon Menzies. Sir Robert served as Prime Minister between

1939 and 1941. He was again the Prime Minister from 1949 to 1966. During his prime ministership Sir Robert's coalition government stood up for those whom he termed the "forgotten people" of Australia. Australia was steered successfully through the post World War II reconstruction by the Menzies government. During the term of that government, Australia's economy grew by an average of some 4.1 per cent, and unemployment was rarely above two per cent. Widespread home ownership was a particular success of the Menzies government and, along with child endowment and health insurance policies, the Menzies government ensured that the forgotten people of the past could reach their goals and aspirations.

In addition to his success Australia wide, Sir Robert made a special and very significant contribution to Canberra. Canberra, after all, became the home for him and his family for a very large part of his life. Canberra is, indeed, the city that Menzies built. The establishment of the National Capital Development Commission, which oversaw Canberra's growth during a significant period of the second half of the 20th century, was amongst the achievements of the Menzies government. Lake Burley Griffin exists today to a large part due to the energetic backing of Sir Robert and his vision for the future of Canberra.

I am pleased to see that Heather Henderson, the daughter of Sir Robert, and other family members were able to attend the official opening today. Ms Henderson recalls the many family discussions about the lack of footpaths around Canberra. Unfortunately, the quality of footpaths is still a significant issue today, and we still have not tackled our basic infrastructure across the city. Heather was also joined by other family members: Catriona Henderson, Alice Menzies and baby Nic.

Menzies, unlike other former prime ministers, said he never wanted a suburb named after him. Ms Henderson told the ABC today that her father was a prodigious walker. It is fitting, then, that one of Canberra's most special walks is named to honour the great contribution Sir Robert has made to Canberra, Australia, the commonwealth and the world. As shadow minister for heritage, I am particularly glad that for generations to come we can remember and acknowledge Sir Robert's contribution to our development.

Question resolved in the affirmative.

The Assembly adjourned at 6.55 pm.

Schedule of amendments

Schedule 1

Eggs (Cage Systems) Legislation Amendment Bill 2009

Amendments moved by the Minister for Territory and Municipal Services

1
Clause 2
Page 2, line 5—

omit clause 2, substitute

2 Commencement

This Act commences on 1 January 2010.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2
Clause 3
Page 3, line 2—

[oppose the clause]

3
Clause 4
Page 3, line 4—

[oppose the clause]

4
Clause 5
Page 3, line 11—

[oppose the clause]

5
Clause 6
Page 3, line 15—

[oppose the clause]

6
Clause 7
Page 4, line 19—

[oppose the clause]

7
Clause 8
Page 4, line 22—

[oppose the clause]

8
Clause 11
Proposed new section 7 (2), (3) and (4)
Page 6, line 11—

omit proposed new section 7 (2), (3) and (4), substitute

(2) For subsection (1)—

(a) the display must have a sign containing the following statement:

'THESE ARE CAGE EGGS. Birds are continuously housed in cages within a shed.'; and

(b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display; and

(c) the statement on the sign must be printed in—

(i) a colour that contrasts with the background colour of the sign; and

(ii) Arial bold typeface in a size not less than 50 point.

(3) If the person displays cage system eggs and other hen eggs for retail display, the display of cage system eggs must—

(a) be separate from the display of the other eggs; and

(b) have a red marking on the edge of the shelf so that the marking can be seen easily by a person at or near the display of cage system eggs.

(4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.

(5) Subsection (3) (b) does not apply if the total length of shelf on which hen eggs of any kind are displayed for sale is less than 2m.

Example

A retailer displays cage eggs, barn eggs and free-range eggs for sale on shelves that are stacked above one another, each kind of eggs on a different shelf. The display of each kind of egg takes up 1m of shelf length. The total length of shelf on which eggs are displayed is 3m. Subsection (3) (b) applies to the retailer.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

7A Barn eggs—retail display

(1) A person who displays barn eggs for retail sale commits an offence if the display is not in accordance with subsections (2) and (3).

Maximum penalty: 50 penalty units.

(2) For subsection (1)—

(a) the display must have a sign containing the following statement:

'THESE ARE BARN EGGS. Birds in barn systems are free to roam within a shed which may have more than 1 level. The floor may be based on litter and/or other material such as slats or wire mesh.'; and

(b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display; and

(c) the statement on the sign must be printed in—

(i) a colour that contrasts with the background colour of the sign; and

(ii) Arial bold typeface in a size not less than 50 point.

(3) If the person displays barn eggs and other hen eggs for retail display, the display of barn eggs must be separate from the display of the other eggs so that a person at or near the display can easily identify the eggs to which the sign mentioned in subsection (2) relates.

(4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.

7B Free-range eggs—retail display

(1) A person who displays free-range eggs for retail sale commits an offence if the display is not in accordance with subsections (2) and (3).

Maximum penalty: 50 penalty units.

(2) For subsection (1)—

(a) the display must have a sign containing the following statement:

'THESE ARE FREE-RANGE EGGS. Birds in free range systems are housed in sheds and have access to an outdoor range.'; and

(b) the sign must be placed prominently so that it can be seen and read easily by a person at or near the display; and

(c) the statement on the sign must be printed in—

(i) a colour that contrasts with the background colour of the sign; and

(ii) Arial bold typeface in a size not less than 50 point.

(3) If the person displays free-range eggs and other hen eggs for retail display, the display of free-range eggs must be separate from the display of the other eggs so that a person at or near the display can easily identify the eggs to which the sign mentioned in subsection (2) relates.

(4) For subsection (1), it does not matter whether the eggs were produced in, or imported into, the ACT.

9
Clause 12
Page 7, line 8—

[oppose the clause]

10
Clause 14
Page 8, line 16—

omit clause 14, substitute

14 Dictionary, new definitions

insert

barn egg means an egg laid by a hen kept in the conditions described in schedule 1, item 2, column 3.

cage egg means an egg laid by a hen kept in the conditions described in schedule 1, item 1, column 3.

free-range egg means an egg laid by a hen kept in the conditions described in schedule 1, item 4, column 3.