



# Debates

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**Tuesday, 10 February 2009**

**MR SPEAKER** (Mr Rattenbury) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**Victorian bushfire disaster**  
**Motion of condolence**

**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): I move:

That this Assembly expresses its profound sorrow at the devastating loss of life and property in the bushfires in Victoria and offers its heartfelt sympathy and condolences to the families and friends of the many victims of this tragedy.

Today we are forced to search for words unnatural enough and exclusive enough to convey the scale of the calamity that befell Victoria over the weekend. The regular words we use to describe shocking events are not equal to this one. By the most brutal of measures, human loss of life, the weekend fires in Victoria constitute the worst natural disaster in our national memory. As humans, that is how we inevitably do measure disaster—by their human cost. And, as we know, the human cost is not just a mortal cost tallied by lives lost, but a cost measured also by ongoing trauma, psychological hurt, grief and even, paradoxically, the guilt sometimes felt by those left standing. But while we might not be able to easily find words particular enough or unconventional enough to describe our reaction to Victoria's horror, we can condole and we can offer our support.

While our thoughts are with the thousands of Victorians most directly affected by this catastrophe, we must also keep some small corner of our sympathy, some chink of our hearts, here at home, for those Canberrans whose wounds will have been reopened by the headlines and the television news of recent days. We should check on our neighbours, phone affected relatives and friends and be sensitive and ready with our empathy for those who may find themselves reliving the events of 2003.

We make our home on a continent that is not always kind, not always gentle. Most of the time, we congratulate ourselves that we have adapted our way of life to her moods and her demands or perhaps that we have adapted the land to our moods and our own demands. Events such as those of the weekend remind us how delicate is the balance we have struck: at the southern extreme of our mainland, there are fires of unimaginable intensity and destructiveness; at the northern extreme, a monsoon trough leaves towns isolated by floodwater.

Nowhere, perhaps, was the reminder of our delicate relationship with our homeland more starkly stated than in one small Victorian town where 15 per cent of the population died in the bushfires—loss on a scale that we associate with war, not peace. The experience of this town was replicated on a lesser scale in others—hundreds of families bereft, dozens of small communities verging on physical obliteration.

We in the ACT have tasted something of this. We saw history, heritage and community ruptured with the destruction of Stromlo, Uriarra and Pierces Creek in 2003.

The human spirit is resilient. Victoria will rally. Victorians will rally. And all Australians will support them as they make the journey. It may be that we in Canberra, with our particular experience, will be able to offer up the lessons we have learnt over the past six years, through our own physical and social rebuilding.

But that will be help for other days, other months and other years. What we can offer right now is immediate assistance—the 10 tankers and 90 men and women who are already on the ground at the fire front, and a cash contribution of \$300,000 to the emergency appeal. We have also put Victorians in contact with those who led our community's emergency and fundraising efforts back in 2003, in the hope that their expertise might ease some immediate logistical challenges. I have asked the special events team in the Chief Minister's Department to suggest how we might use the upcoming Canberra Day events to tap into the generosity of the tens of thousands of Canberrans who will come together for this city's birthday celebrations. It is gratifying, though not surprising, to see how swiftly Canberra businesses, local entertainers, community groups and working men and women are turning their minds to how best to help their fellow Australians through the difficult period ahead.

I know that as Chief Minister I speak not just for myself but on behalf of this city and this community when I convey to the people of Victoria my distress and dismay at the toll of the fires. While it is idle to claim to understand, we can feel and we can condole most deeply. And we do.

**MR SESELJA** (Molonglo—Leader of the Opposition): It is with great sadness that I speak to this condolence motion today. On behalf of the opposition I express my deepest sympathies and condolences to the families who have lost loved ones and my respect and admiration for the heroic firefighters from all across Australia still fighting these blazes. It was a terrible day, a day that shall live in the memories of all Australians for years to come. It is without doubt the worst fire tragedy to befall this country, a nation that has lived with the threat of firestorms throughout its history. The magnitude of the devastation and the loss of so many lives shows how extraordinarily vulnerable we can all be.

I was particularly struck by reports of many towns, residents and firefighting crews hearing of the blaze only to find the fire front upon them

These fires were in a state that had prepared itself to be on high alert. The threat was real and apparent. Yet all the preparations were not enough to halt the ferocity that these fires brought. We have all seen the awful results—results beyond our imagination. When the first news started trickling in, it was soon clear that this was a conflagration beyond even the worst predictions. So many fires on so many fronts with so many towns, farms and natural expanses in the way. I, like many Australians, was shocked when I heard the first reports of the loss of life, with more expected to follow.

As each report came in, the news became worse and worse, until we realised that we were facing a disaster of unprecedented scale and suffering. Comparing it to previous disasters, we can get a sense of the magnitude of the devastation. Until this weekend, Ash Wednesday was the most widely known fire of our generation. Over 100 fires burnt 210,000 hectares and caused the loss of 75 lives. The bushfires of 13 January 1939, known as the Black Friday fires, resulted in an area of almost two million hectares being burnt and 71 people losing their lives.

This fire has taken more than 170 lives at last count, with many more suffering terrible burns. It has destroyed countless homes and left thousands with nothing. Schools, shops, churches, houses—the fire did not discriminate, but destroyed almost everything in its path. According to latest reports, over 52 separate fires raged across the state, razing hundreds of homes and hundreds of thousands of hectares. This morning, 24 fires were listed as still out of control.

As a father, I am particularly saddened to hear the heartbreaking stories of families torn apart by these fires—of parents surviving and their children perishing, of children surviving and their parents being lost. It is the worst of the worst that our sunburnt country can bring. It is a disaster which is difficult for most of us to comprehend. Yet even as we work through the event and grapple with the catastrophic consequences, we can and should take a moment to give our thoughts and prayers to those affected and our thanks to those who assisted.

I would like to take a moment of special reflection for the farmers and their families who have seen their lives, livestock and livelihoods ripped away this weekend. Workers on the land and the businesses that support them form an important part of the fabric of our nation. Farmers hold a special place in the psyche of Australians as a foundation of our culture and our identity as well as being bedrock of our development as a nation. To see so many of these farming communities devastated by a single event, to see so many farms obliterated and so many futures destroyed in a day, is heartbreaking for the state and the nation.

As we recognise the enormous losses of this event, I would also like to recognise the fortitude of all those who fought against those losses. To the firefighters who acted with such extraordinary selflessness and exceptional courage—once again, the people of this nation stand in your debt as you stand fast against the most fearsome adversary we could possibly imagine. To volunteer emergency services personnel—our gratitude may never be enough to fully recognise your contribution. To the hundreds and thousands who offered shelter and support to the homeless, who provided drinks and refreshment to the weary, who gave support and encouragement to the exhausted, who gave hope to those who had seen their lives engulfed in flames—our deepest, heartfelt thanks. To the police officers, including the members of the AFP from Canberra, many of whom now have the unenviable task of sifting through charred ruins—we thank you for your dedication and service.

For us as Canberrans, this latest tragedy brings back vivid memories of the 2003 firestorm. We are reminded of the devastation we dealt with just six years ago. We can therefore empathise with Victorians—not as a city that is removed from the hazards of fire but from a position where we have seen just how quickly fire can transform lives utterly and completely.

None of us will ever be the same, but we do know that you can rebuild. Through all the dreadful events that we have faced, we have worked together after the event to rebuild and tried to heal wounds we thought could never be healed. Now, as then, we will work together to do what we can to help those who have suffered and who will continue to suffer through the long path to recovery.

Canberrans were touched by the support offered from all around the country in our hour of need. Now it is our turn to help. We will offer whatever support we can. We will stand with our fellow Australians in their time of need. Already Canberrans are on hand to help fight the fires which still blaze. We will open our hearts and our wallets to contribute to the appeals which have been launched. Individually and as a territory, we have already given, and we will continue to give. The path to recovery will be a long one, but we will be there to help. I offer my sincere condolences to all touched by this tragedy.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens): On behalf of the ACT Greens, I rise to offer our deepest sympathies and condolences to those who are suffering from the horrendous firestorms that have swept through Victoria in the past few days. Our thoughts are with the families and communities that are experiencing terrible hardship as a result of what has been described as the greatest peacetime tragedy Australia has seen. As of early this morning, 173 people have died and there are warnings that the death toll will rise as police access the devastated areas.

We can only imagine the extreme grief and pain that many people from these close-knit communities must be enduring—losing not only family members but the entire social fabric of their home town. I have seen reports from people who have lived their entire lives in these picturesque towns; it is heartbreaking to watch their despair at losing a lifetime of irreplaceable memories.

Throughout the coming weeks, I believe that we will all keep in our minds and hearts the 22 people who are in the Alfred hospital with horrific burns, among them a two-year-old girl. These people will need constant support and care long after the initial shock and alarm of this tragedy has passed.

We are heartened to see the generosity of many Australians in the donation of millions of dollars to the official Red Cross relief fund, and encourage Canberrans to donate where possible, as we all well know the need we experienced ourselves after the devastating fires that swept through Canberra in 2003.

Our sincere admiration and thanks go to the firefighters and state emergency services personnel who have risked their own lives to save the lives and property of others. These people are indeed unique, and the fact that many are volunteers highlights the enormous gratitude we owe them. Sadly, the work of these brave individuals is not yet done, as many towns are still under threat. With approximately 28 fires continuing to burn, we fully support the ACT government's contribution of relief funds and personnel, pledged by the Chief Minister yesterday, and we wish all personnel a safe and speedy return.

In the weeks and months to come, we will be indebted to the countless individuals from various charities who will work tirelessly to help these communities rebuild their

lives. We will also be thankful to wildlife rescuers, who estimate that 10,000 native animals have been affected by the complete destruction of thousands of hectares of forest.

Again I offer our most sincere sympathy to those affected by this tragedy. Like many Canberrans, even six years later I can still recall the fear and shock I felt when the fires encircled my home town. I can only imagine the grief and incomprehension the people of Victoria face as they come to terms with the devastation and begin the rebuilding of their homes, their towns, their communities and their families. I believe that the people of Canberra will hold these fellow Australians in the special part of their hearts where they keep alive the memories of those we lost in the Canberra bushfires. We pray that such a dreadful event will not be visited upon Australia again.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): I join with the Chief Minister and other members in expressing my most sincere sympathies and condolences for the tragedy that has impacted on so many people in communities in Victoria. The speed, magnitude and extent of the devastation we have seen on our television and in our newspapers over the past 48 hours or so defy belief. For many of us in the community, it rekindles the memories of the horrible events in Canberra six years ago. Because of those events, we more than most other communities are all too familiar with what it means; the memories, the images of smoke-laden skies, the smells and the atmosphere that come with that come back all too sharply for many Canberrans.

It is fitting and appropriate that we extend not only our sympathy and condolences at this time but also the willing hand of support and help. In the last 48 hours or so, I have been very pleased to see off the task force of emergency services personnel who have selflessly given up a very large chunk of their time to go to Victoria and provide immediate property protection to a number of communities that are still under threat from fires in that location. That task force of 95 men and women from the ACT Fire Brigade, the ACT Rural Fire Service, Parks, Conservation and Lands, the State Emergency Service and the ACT Ambulance Service as well as the Emergency Services Agency itself is now in place in Victoria and is providing much-needed relief for exhausted firefighters from Victoria. They are providing immediate property protection in the area around Beechworth where towns are still under threat. On behalf of the Assembly, I express to them our thanks for the work that they are doing and wish them a safe return.

It is also very important that we recognise that there is much that we as a community can do to extend the hand of support at this awful time. The support provided by the ACT government is just one part of what I know will be a very strong community response from community organisations, sporting groups, businesses and others—and not the least by individuals. They will all make the contribution to assist their fellow Australians at this awful and tragic time.

Clearly, there will be much to look at, discuss and reflect on in the months ahead and there will be an enormous amount of work to do. Today it is important that we acknowledge the tragic deaths of so many people in Victoria and the impact that has had on their families, their friends and their communities. We extend our condolences to them all.

**MR SMYTH** (Brindabella): I think that, as always, it is difficult to comprehend the magnitude and the speed of what has occurred over the weekend. What started as a weekend and finished as an absolute disaster is just so typical of what the Australian bush can do when these fires commence. And the litany has been read out: Hobart in the sixties, Ash Wednesday in the eighties, 1939, and unfortunately we will now add another date in another community.

The magnitude of what has happened is something we will reflect on in time. I note that Premier Brumby has already announced the setting up of a royal commission. I think it is very appropriate that, right from the start, there is a path of learning that will come out of this. We learned so much from previous fires, and there is always something more to learn. The landscape itself changes, the technology changes, the way we approach these fires changes. So the royal commission is an appropriate way to bring all of that together.

My family and I went to Melbourne for the weekend for my wife's uncle's 70th birthday. On the way down, in the middle of the Hume Highway, were large A-frames on trailers saying, "Have you got your bushfire plan prepared?" As we drove through Melbourne, these posters were in the front yards of schools and on fire stations. So even though that raised level of awareness was there, until it strikes you and until you are caught up in it, it is something that you cannot understand.

As we drove back up the Hume on Sunday, where it jumped the highway was about 15 to 20 kilometres long. There was the same sort of carnage that one saw after the bushfires here in 2003—a house, a property, totally destroyed, while one 50 metres away was untouched. There were trashed cars, burnt cars, injured wildlife and stock. After where it had crossed the highway, certainly to the Victorian border, there were hundreds of kilometres of smoke. Sometimes visibility was down to 500 metres. You take that in, but can you understand it?

We have to genuinely look at where and how we live and how we respond to this because it will occur again. Each time, as we improve what we do, unfortunately the bushfires seem to have no regard for that.

To the firefighters down there, I join with my colleagues in commending them on their efforts. To the SES, the police, the ambulance services, the metropolitan fire brigades, and the ordinary people who helped, without the training and the protective gear that they should have had, I offer my praise. It is important that we remember that it is not over. As the minister just said, there are 95 Canberrans down there now. I understand that, through the Department of Territory and Municipal Services, things like our animal recovery and disease control centres, at which we have two trailers, are ready to go should they be called. So this job now of looking after the wildlife and the stock that are left and that have survived and are injured is on a scale that is simply hard to imagine.

At the local level, what can we do here? The Red Cross has an appeal. If you are able to give blood and you have not given blood this week, there is a call for blood. In particular, the treatment of those with burns uses a huge amount of blood. So if you are a regular donor, check the schedule and go back if you can. If you are not a

regular donor then I think it is important that people make that decision if they are able to go and do it.

I agree with the Chief Minister having regard to the way that some of this will open the memories and the wounds of 2003. I have rung friends, and friends have rung me. I think it is very important as a community that we continue to do it because the stress of what has happened and the memories of what occurred in our city some time ago will come back and affect people. It is very important that we keep an eye on each other and that, for those for whom this will perhaps trigger different emotions, we are there for each other.

It is important that we also take stock of what has happened and that we look at what we can do into the future. There is a bushfire CRC, a cooperative research centre, which is based in Melbourne. The work that they have been doing has been funded to the tune of about \$100 million by successive governments. Perhaps we need to ask the question: is that enough? There is an immense amount of data out there; there is an immense amount of experience out there. What we need to do, and what I am sure Premier Brumby will ensure will occur through their royal commission, is to continue to drill down and not accept until we get down to what is the core issue that causes the loss of 173 lives—and a toll that is growing.

What goes wrong? Yesterday I was checking some of the blogs and there were some discussions about the policy of “stay or leave”. We have got to be so much clearer, I believe, in that direction. “Leave” does not mean five minutes before the fire; “leave” means that morning. These things build up; they tend to culminate in the afternoons and at night. People have to make decisions a long time before they leave, simply because of the nature of the smoke. In many ways smoke can be the biggest killer because (1) it suffocates and (2) it obscures and it causes accidents. The smoke often arrives a long time before the fire does.

Again, there is a national conversation that has to be had there, and it has to be had continually. Let us face it: we had fires here in 2001, on Christmas Eve in 2001, that got to the Mint and the front door of Government House. We had the fires in 2003. Victoria had fires in 2005. Here we are in 2009. It is part of the continuing nature of where we live that this will occur again. We cannot be complacent. I am not casting any doubts or aspersions here, and I have to say that what I saw in driving to Melbourne on Saturday filled me with great heart. It appeared that they were taking it incredibly seriously, and urging people to have their plans ready.

Again, I think we need to revise this, particularly through the education system. How do we instil in our young ones when they are very young the things that we need to do? We teach “look to the left, look to the right, look to the left again” when crossing the road, but what do we instil in our young ones from a very early age about how to address fires when they occur and how quickly they can occur?

It was harrowing to hear the story of the couple that had just gone down to the shops. They did not even realise they were in an area that was exposed, that was under threat. They had done nothing to prepare their property because they did not know it was under threat. They went to the shops, came back and it was just gone. That is the speed and ferocity with which these events occur. Perhaps we need to have a

conversation here about this. I know it is being taught in schools. I know the government urges people to look at what happens. But looking forward, working through the CRC, I am sure COAG will have a response to this and I am sure the Chief Minister will listen and put our position there quite clearly as well.

It strikes me that Australia appears on the television overseas when we have a flood, when we win the cricket or when there is a fire. All too often lately, we are appearing in international press and on TV because we have had a fire. I think there is a fundamental question that we have to address here as a nation about the future, and it is about where we live and how we live. We choose to live in the bush, and that is great because that is what we love about our country. We choose to have trees near our homes, and there is a whole lot we can do to ameliorate the impact of that and prepare our homes for safety.

I think there is an even more fundamental step that we now have to take. It will be done in the education systems and it will be done at home. But we have to start teaching our young ones about fire safety, I believe, in a way that we have never thought about. We were sitting in north-east Melbourne and watching the smoke. People were saying to me, "How far away is that?" I was saying: "Well, from what I can see, that is coming up the highway 10, 30, 40 or 50 kilometres. There are a number of fires." They were saying, "Oh, we've got plenty of time." In conversations we had at the hotel we stayed at and at the shops we visited, it was interesting to note how people perceived it.

We should have a different view of it. The data is there. The knowledge of the speed at which these things move is there. It was reinforced by what happened at the weekend. I would urge all governments, when they meet at COAG, to look at how we instil in all Australians, but particularly in the young, as a way of moving forward, what this truly means. We quote the history. It was there again in all the papers on Sunday and Monday. They talked about Black Friday in 1939, the Hobart fires and Ash Wednesday. Indeed, when I was driving down, and listening to the radio, they were saying, "The conditions are worse than Ash Wednesday." From what I could see they did seem to be quite well prepared. But when it comes, you cannot be prepared for it. Fundamentally, at the heart of where people are, that urge to stay and protect what is yours is incredibly strong. Whole lifetimes are encapsulated in one small building, in one small room or in one filing cabinet, and the desire to defend that must be strong. It is strong. People do it. It is almost a natural reaction.

I think—I do not think; I know—that we have to instil, particularly in our young ones, what the consequences of this are, and let it become as second nature to them as tying a shoelace and crossing a road.

I commend the government on their quick response. I think the money is generous, and there may be a call for more later. I am sure that we will be sending more than one task force down, so I say to the members of the ACT Rural Fire Service, SES, Ambulance Service, Fire Brigade and police that I wish them well. To those that can, I ask that they consider giving blood. Those of us who have special skills should make that known to the government or to the relevant authorities. To those that have excess goods, whether it be kids' toys, an old bed or whatever it is, as it becomes known where they can be sent and how they can be sent, please reach into your hearts and respond as others did to us.

I look forward to seeing all my colleagues and the majority of Canberra people at social functions and fundraising events. I understand the Brumbies are having some fundraisers and different things are already starting to come out. I look forward to seeing the same level of generosity that was shown to us six years ago repeated in the coming days. I commend the motion to the house.

**MS LE COUTEUR** (Molonglo): I would like very briefly—and it will be very briefly, because if I start speaking for any length I will be in tears—to agree with basically everything that has already been said. It just brings back the memories of what happened here in 2003. I saw the photos and I thought, “This is horrible.” To put it in perspective, the area that has been burnt is 1½ times the size of the ACT. It already has a large site on Wikipedia. It is a tragedy of a scale that is international, not just a Victorian or an Australian tragedy.

I would like to join with Mr Smyth in urging people who can donate blood to do so, if they can, and to do all the practical things that we can to support our fellow Australians at this time. Sorry, I will stop here or I will cry.

**MRS DUNNE** (Ginninderra): I would like to add my words to the motion of condolence, and to congratulate the Chief Minister on bringing it forward. The events of the weekend are a tragedy for Australians, for Victorians and for individuals that is beyond the reckoning of most of us. Even for Canberra, which experienced so much in the 2003 bushfires, I think that the enormity of what has happened in Victoria in these towns over the weekend is hard for us to come to terms with. Photographs of the footage fill us with horror, and I know that it does cause considerable opening of wounds in this town. I agree wholeheartedly with the Chief Minister that we must be mindful of our friends, colleagues and neighbours who were touched in particular ways at the time of the 2003 bushfires and be mindful of their needs and the impact that this is having on them at the moment.

These terrible events are things which do bind the community together. They cement our national character and they are matters that we as legislators and as people who have to bear the burdens in some way for the community have to take to heart. Over the last couple of days I have listened to interviews with the mayor of one of the local communities who has been speaking on radio about the service that she has to provide for her community and the impacts on her community. I was struck by her courage and her presence of mind. That courage and presence of mind are being replicated thousands and thousands of times across Victoria at the moment.

In addition to expressing my condolences for those people who have died, for their families and for the people who are suffering and who are undoubtedly bewildered and unable to comprehend what is going on, I would like to express thanks and reflect the expressions of thanks to the thousands of volunteers who have attempted to improve the situation. We have to remember that most of the people who stand on the fire ground, who stood on the fire ground over this weekend and over the days running up to that, and who are there today, are volunteers. They do this out of a sense of community. I think that their reward is great.

I would like to pay tribute to those people in the ACT who have volunteered at the moment. I had an email from someone last night. I had sent someone an email and his

father wrote an email back to me, saying that he could not answer my email because he was at Yackandandah, fighting the bushfires. There are almost 100 Canberrans there. As Mr Smyth said, I am sure that there will be others to follow. We pay tribute to them, because we have received much from the people of Australia during our adversity in 2003. It is now incumbent upon us to repay some of that debt. I am sure that the people of Canberra will rise to the occasion.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): I am deeply saddened to be standing here and speaking on this motion of condolence. For most Australians, bushfires are a natural, though greatly feared, part of life. They are a common summer occurrence across our country. For those of us living in close proximity to bush and agricultural land, bushfires are a constant worry. We know that great vigilance is required, and we know that precautions, information and a coordinated community response can save properties and, most importantly, save lives. But so often the forces of nature are too big, too fierce and too powerful to contain. The devastation that has visited Victoria defies belief. Not only was the heat, ferocity and magnitude of these bushfires out of the order of anything previously experienced in this country, but the extreme human toll has been simply heartbreaking. Every Canberran who was affected by the horrific bushfires experienced here in 2003 will have sympathy for what those in Victoria are now going through. My heart goes out to them.

The extensive media reports coming out over the last few days have read like a tragic novel. At the moment, it seems somewhat unreal—the number of homes razed, belongings extinguished and properties ruined, the devastation and desperation on the faces of those searching for loved ones, the ever-escalating death toll. Whole families have lost lives; parents desperately battling to save their properties have lost children; wives have lost husbands and husbands their wives; friends, colleagues and neighbours are gone. Countless wild animals and farm animals have been destroyed. But in an expression of all that is good and strong about the human spirit, there are also stories emerging of hope, of heroes and of survival.

The outpouring of support, whether through an influx of willing blood donors, donations of cash, clothes or household goods, or offers to go down to the affected areas and do something—anything—to help out, shows what a wonderful sense of community we have in this country, especially when times are tough.

The ACT community has already shown its strong and immediate support for the battle still being waged in Victoria. Firefighters and equipment have been deployed to Victoria to assist with the fire-fighting effort. Ninety emergency services officers, including firefighters, paramedics and SES volunteers, have gone down to defend a containment line near Stanley.

At this time, I must recognise the very great work done by our firefighters—those for whom this dangerous job is their profession, and those who risk their lives to help their neighbours through our volunteer services, and also other emergency services personnel, the ambulance and police officers, who are on the ground and responding to this disaster.

I know that many Canberrans want to assist, and they want to know how to assist. There will be so many opportunities for that, including our upcoming Canberra Day celebrations, where we will organise an opportunity for people to donate to support the rebuild and recovery in Victoria.

We are deeply sorry for the horrors that the people of Victoria have endured over the past four days. As Canberrans and fellow Australians, we are here to help. We will support the people of Victoria in dealing with their devastation and in recovering and planning for the future.

**MR RATTENBURY** (Molonglo): Like all my colleagues in this chamber, and people from around the country and, for that matter, around the world, it is with a heavy heart that I have been watching the news coming out of Victoria over the past days about the tragic and ferocious bushfires. There is a sense of incredulousness about the scale of the tragedy we are seeing—so many houses lost, towns wiped out and lives destroyed. We have recoiled in horror at the number of people whose lives have been taken. But beyond the numbers, we remember that every person is someone's mother, someone's father, their son, their daughter, sister or brother. Communities have lost friends, neighbours and colleagues. The people of Victoria are grieving and in shock at the havoc that has been wreaked upon their lives.

For many of us in Canberra, the images and stories we are seeing on our TV screens bring back very personal memories. Many of us have experienced at first hand the ferocity of the firestorms, we have seen houses incinerated and have felt the overpowering heat. The unexpected nature of the fires that tore through Kinglake reminds us of the fire that tore through Weston Creek. We know and we feel keenly how frightening it is to come face to face with such a foe.

In January 2003, when Canberra suffered at the hands of our own firestorm, I stood in Holder at my parents' house facing nature at its most powerful. We share so much in common with those in Victoria, in being confronted by something we had never known—the darkness, the noise, the heat, wondering if help would ever come, the fear, the urge to fight, the urge to help, the separation from family and friends and not knowing what had become of our loved ones. We also witnessed the randomness of it all, of houses burnt to the ground whilst those next door stood untouched. We know the shocked and empty feeling that overwhelms in the first days and the uncertainty that looms on the horizon. Because we in Canberra know these things, we also know that it is just the beginning of a long recovery and that people's lives will never be quite the same.

We know that they will need to rebuild not only their homes but also their communities and their hope. We know that the injuries and the losses are not only physical but also that the experience of enduring such trauma requires time to heal emotionally and psychologically. We are thinking of the people in Victoria as they start this long journey to recovery.

It occurs to me that there is something hopeful about the nature of people that is always demonstrated in times of adversity. And that gives me great faith in humanity. People pull together, offer support and encouragement, supplies and homes. Over the

past few days, we have seen it on websites, on television and on radio—inundations of offers of support, everything from rooms in houses, caravans, long-term accommodation, clothes, cars, massages and shoulders to cry on. Australians have been there for each other. It is an amazing country that we are blessed to live in:

A land of sweeping plains,  
Of rugged mountain ranges,  
Of droughts and flooding rains.

I was reminded of this iconic poem by Dorothea Mackellar over the weekend, as I saw the news coming in of the devastating floods in Queensland, whilst Victoria was ravaged by bushfires at the other end. Mackellar speaks the truth when she says:

Of flood and fire and famine,  
She pays us back threefold.

But this is the land that we live in. It is complex, fragile and requires thoughtful management—something that will be an ongoing challenge for policy makers across the country as we reflect on these terrible events. Already, questions are being asked about how this happened and how we can do this better. These are important questions, and we must approach them with open minds that are focused on learning lessons and doing better in the future.

For now, though, our thoughts are with the people of Victoria and those who are still out there fighting the fires and dealing with the aftermath of these terrible events. We wish them strength and courage at this difficult time, and we mourn the passing of those who are the victims of this tragedy.

*Question resolved in the affirmative, members standing in their places.*

**Sitting suspended from 10.44 am to 2 pm.**

## **Alexander Maconochie Centre Statement by Chief Minister**

**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) (2.00): Mr Speaker, I table a copy of a letter that I wrote to each member of the Assembly on 19 December:

Copy of letter to Mr Corbell MLA from the Chief Minister, dated 19 December 2008.

I ask for leave to make a very short statement in relation to the letter.

Leave granted.

**MR STANHOPE:** I thank members for their indulgence. As members are aware, I wrote to each member on 19 December in relation to a statement that I had made in the Assembly in the sitting week earlier that month—a statement that I learnt on

19 December was not correct. It was a statement in relation to damages and arrangements in relation to damages relating to delays in the final, formal commissioning of the Alexander Maconochie Centre.

I had informed members that the statement I made was not correct, that it was misplaced. I was mistaken in the information I had available to me. I have corrected the record through the letter, but I wish to take this opportunity to acknowledge the mistake and to apologise to members for misleading them on that occasion.

## **Questions without notice**

### **Economy—stimulus package**

**MR SPEAKER:** I call Mr Seselja.

**MR SESELJA:** Thank you, Mr Speaker. My question is to the Treasurer. Treasurer, yesterday the opposition received a briefing from your senior officials on the commonwealth government's proposed stimulus package that included terms such as "guesstimate", "not sure", "still working out the detail", "waiting for the numbers", "all in the melting pot", "forming on an hourly basis" and "we don't know". Treasurer, what will be the impact of this proposed stimulus package in the ACT on inflation, employment and gross state product?

**MS GALLAGHER:** I thank the Leader of the Opposition for the question. As the member said, yesterday there was a briefing provided to the opposition in a spirit of cooperation and providing as much information as we can around the ACT impact of the national plan that was announced on Thursday of last week.

We expect that that plan will deliver around \$350 million into the ACT economy over the next two to three years and I think the time lines in terms of meeting some of the deadlines around acquittal of that money are known to the opposition. I think when we look at what the aim of that package was, we will see that the intention of that package is to instil confidence in the people of Australia that the national government is responding to some of the economic indicators that we are seeing around our economy over the next 12 to 18 months.

The idea is to put money into supporting jobs, to build assets up, to invest in education and in social housing. That is the idea behind the stimulus package. It is for a government to invest when perhaps there is not the level of investment that we would have hoped in the economy.

But I think some of those questions that Mr Seselja asked are very difficult to answer. I do not think I am in a position to be able to answer that question today. Perhaps the motivation behind that package is really to provide some confidence to the community and to invest in the community. Flowing on from that investment—it is a significant investment—we would perhaps see some amelioration in some of the worst case scenarios that are being envisaged in relation to unemployment. It is to maintain jobs and to make sure that people understand the national government will act. I think they should be congratulated for that. I hope that their package does pass the federal parliament so that we can get on with the job of delivering it and making sure that our local businesses are able to keep on workers in areas where these projects will benefit.

**Mr Hanson:** Mr Speaker, I raise a point of order on relevance. This was specifically a question about the economy, inflation, unemployment and so on and not a pass-judgement on a bill that is before the federal parliament.

**MR SPEAKER:** I don't see any point of order, Mr Hanson. Do you wish to continue with the answer?

**Ms Gallagher:** I have finished, thank you.

**MR SESELJA:** Treasurer, have you received any detailed advice from Treasury regarding the impact of the proposed stimulus package on inflation, employment and gross state product and, if not, why not?

**MS GALLAGHER:** The Leader of the Opposition would understand that this package came to the ACT Treasury and the ACT government, I think, on Thursday of last week. It was announced on Tuesday. COAG met on the Thursday. We are still working through details of what that actually means. We have some global figures on our allocation. That relates to the \$350 million. But Treasury are providing me with advice as it comes to hand.

If you do not want honest briefings from officials who say, "We do not have all the detail yet and we are currently putting that together," why do we provide briefings? The officials have been as helpful as they can to you, Mr Seeselja. They have given you the information that we have. Some of those other details are still coming.

The federal government had to act quickly. We have agreed that they had to act quickly. And what that means is that we have signed up to a program. We feel able to deliver that program. Some of the details are still being worked through. Yes, I am getting appropriate advice but that advice will be ongoing as we finalise the details with the commonwealth.

### **Schools—Telopea Park**

**MS HUNTER:** My question is to the minister for education and is in regard to Telopea Park primary school. Is the minister aware that the proposed Doma Group seven-storey building will directly overlook the school's kindergarten playground, when other Australian jurisdictions prohibit such overlooking because it permits inappropriate monitoring and filming of young children? Are you aware that the playground will become a frost hollow, with ice surface risk to very young children each morning, because it will receive no sun at all on winter afternoons? Therefore, given the risks, how will the minister conduct his public duty to ensure that the privacy, safety and security of the youngest children in this government school are prioritised?

**MR BARR:** I thank Ms Hunter for the question. I am aware that those assertions that Ms Hunter refers to have been made, and I have received direct representations from representatives of the Telopea school community, and as recently as last week met with the board chair, who I understand may be in the gallery today.

I am aware, of course, of the range of concerns that have been raised by the school community. But as members of the Assembly would be aware, the planning process in the ACT is one where the Planning and Land Authority has the statutory responsibility for assessing development applications. There is very limited scope, quite rightly, for political interference in the planning process.

I have examined the relevant legislation, and it is clear that there is provision within the Planning and Development Act for the Minister for Planning to call in a development application in certain circumstances. I have received some advice from the Planning and Land Authority in relation to whether this development application would be one in which that section of the act could apply. I am considering that advice, but I would indicate to Ms Hunter and to the Assembly that, as planning minister, I have never used the call-in powers. I have, in one instance, had to delegate responsibility for a call-in to Minister Hargreaves, as I was the proponent of a development—namely, the Kingsford Smith school, that was called in during my time as both Minister for Planning and minister for education.

But, as a fundamental principle, I reject the notion of politics getting into planning. Our clear view—the clear view of the government—has consistently been that the use of the call-in powers should be rare, and it is definitely not my preference to use call-in powers. I do not intend to start making precedents in this instance.

**MR SPEAKER:** Is there a supplementary, Ms Hunter?

**MS HUNTER:** Thank you, Mr Speaker. Minister, if the development were to proceed, what compensation will you direct the developer to pay to the school to secure alternative play space, given that the rest of the school site is an open field?

**Mrs Dunne:** On a point of order, Mr Speaker: the question is hypothetical. It referred to “if the project were to proceed”.

**MR SPEAKER:** Yes, I uphold the point of order.

### **Economy—stimulus package**

**MS PORTER:** My question is to the minister for education. Would the minister advise the Assembly of the benefits that will flow to ACT students in the event that the federal Labor government’s stimulus package passes through the Senate?

**MR BARR:** I thank Ms Porter again.

**Mrs Dunne:** Point of order, Mr Speaker. I think that question is also hypothetical because it says “can he explain if something were to happen”.

**MR SPEAKER:** Ms Porter, could you ask your question again, please.

**MS PORTER:** Yes, Mr Speaker. Would the minister advise the Assembly of the benefits that will flow to ACT students in the event that the federal Labor government’s stimulus package passes through the Senate?

**MR SPEAKER:** That question is out of order, being a hypothetical.

### **Economy—stimulus package**

**MR SMYTH:** My question is to the Treasurer. Treasurer, yesterday the opposition received a briefing from your senior officials on the commonwealth government's stimulus package that included such terms and answers as "guesstimate", "not sure", "still working out the detail", "waiting for the numbers", "all in the melting pot", "forming on an hourly basis" and "we don't know".

Treasurer, part of the commonwealth's stimulus package will fund construction of new government school buildings. What will be the impact in terms of recurrent costs of these new buildings on the bottom line of the ACT budget?

**MS GALLAGHER:** Thank you.

**Mr Stanhope:** It is hypothetical. That is assuming that the bill passes. That is a hypothetical question, isn't it?

**MR SPEAKER:** Mr Stanhope, if you wish to raise a point of order, you need to rise.

**Mr Stanhope:** Mr Speaker, for the sake of consistency, if a question to the minister for education about the possible impact on schooling in the ACT that asks for the implications or the impact of the passage of a bill is out of order because it is hypothetical, then a question that asks about the recurrent expenditure of the same piece of legislation has to be treated in exactly the same way. It must be ruled out of order.

**Mr Smyth:** On the point of order, Mr Speaker, firstly, the Chief Minister was not at the briefing, so he does not know what was said. Secondly, at the briefing, at which there were also staff of Greens members, direct numbers were quoted, and the impact of those numbers can, of course, be included in the bottom line. So the question is entirely in order.

**Mr Hargreaves:** On the point of order, Mr Speaker, whether or not something occurred in the past in a briefing is actually irrelevant. It is the way in which the question is phrased in the house—

**Mr Seselja:** Yes, and it was phrased differently.

**Mr Hargreaves:** I am not talking to you, Mr Seselja. I am talking to the Speaker. Mr Speaker, this question is asking for an opinion or a statement of events on an occurrence that has not happened yet. That is the premise of Mrs Dunne's objection. She was asking for a view on something that had not occurred yet. The same thing applies here. I suggest that we have an inconsistency if this question is allowed to go forward.

**MR SPEAKER:** My view is that there is no point of order. This ruling relates directly under standing order 114 to a matter with which the minister is officially connected as opposed to speculation about what may or may not pass in the Senate.

**Mr Corbell:** I raise a point of order, Mr Speaker. I ask you to reconsider your ruling. The question that was asked of the minister to which Mrs Dunne objected also related to areas that are directly within her portfolio responsibility. Either the matters fall within the minister's portfolio responsibility or they do not.

**Mrs Dunne:** I raise a point of order, Mr Speaker. The attorney is questioning your ruling. He can do that by one form and one form only, and that is to move dissent. Otherwise it is disrespectful to the chair.

**MR SPEAKER:** There is no point of order from Mrs Dunne. I accept the attorney's discussion. The distinction I am drawing is that Ms Porter's question, as I heard it, specifically speculated on the passage of the legislation in the Senate. Mr Smyth's question pertained to the Treasury briefing that he was given. That is the way I heard Ms Porter's question, and that is the way I intend to proceed.

**Mr Corbell:** What is the difference?

**MR SPEAKER:** One relates to the matters in this Assembly and one was about whether the legislation will pass in the Senate. That is how I heard it.

**Mr Corbell:** No, it was not.

**MR SPEAKER:** That is how I heard it, Mr Corbell. Do you want to dissent from my ruling or shall we just move on from that, my having explained myself?

**MS GALLAGHER:** Thank you, Mr Speaker. As all members would know, there is usually a small recurrent impact on any capital investment in the territory. That detail has not been worked through yet. Of course, that information will be available and will be provided. I presume the earliest we would do that is through the budget papers, which will show the money coming into the territory's accounts, how we account for that and, of course, any recurrent impact of that shown through the forward estimates.

I would have to say that last week, when the Chief Minister and I had this package presented to us, we were aware that there would be a small recurrent impact with capital infrastructures on our assets, but we are prepared to wear that recurrent cost in the sense that there is no doubt that this will keep jobs in the territory. It will build essential infrastructure. It will pay for infrastructure that perhaps we would have to build in the next few years anyway. It means that for every primary school in Canberra there will be those recurrent costs for the non-government sector as well, and that will be worked through as that detail becomes available.

These are important projects. There will be a small recurrent hit on our budget. The exact impact of that will be known and members will have that information in the next couple of months. But the importance of this package and the importance of it to the territory cannot be underestimated.

**MR SPEAKER:** Mr Smyth, a supplementary question.

**MR SMYTH:** Thank you, Mr Speaker. Minister, will you confirm that none of the projects funded by the federal package will offset expenditure that the ACT government had intended to undertake?

**MS GALLAGHER:** We have signed up to that. I can see you did not understand what I said. What the commonwealth said was, for example: “We will give you \$10 million for capital improvements in education.” In next year’s budget we want to make sure that there is \$10 million from the commonwealth and that there is not any other reduced effort from the territory.

**Mr Smyth:** That is not what you just said.

**MS GALLAGHER:** It is what I just said. You did not understand. I said, “In the next few years,” that is, in the next 10 years, “these are things we may have had to be doing anyway.” Investing in our primary schools, I think every government does it. Every government does it every year.

**Mr Smyth:** That is not what you said.

**MS GALLAGHER:** It is what I said. We have been given assistance from the commonwealth for specific projects to be delivered over the next three years. They will improve our asset base; they will improve our primary schools; and there will be a small recurrent cost to that. As I said, we will provide that detail to members through the budget process.

### **Economy—stimulus package**

**MRS DUNNE:** My question is to the Treasurer. Treasurer, yesterday the opposition received a briefing from your senior officials on the commonwealth government stimulus package which included terms such as “guesstimate”, “not sure”, “still working out the details”, “waiting for the numbers”, “all in the melting pot” and—my personal favourite—“we don’t know”. Part of the commonwealth government stimulus package will be to fund roof insulation in homes across Australia. How many houses will receive the promised insulation as a result of the stimulus package and how will they be identified?

**MS GALLAGHER:** I thank the member for the question. I will get back to you if I am wrong on this, but I do not believe that the ACT government is managing that part of the project: that is dependent on application via individual householders.

**MR SPEAKER:** Mrs Dunne, a supplementary?

**MRS DUNNE:** Thank you. Minister, can you provide to the Assembly the exact advice on the status of that program and who is managing it.

**MS GALLAGHER:** I would ask the federal government for that. I have some of the federal government’s media releases, but they are available on their website if you are able to peruse that. I do not believe that we have anything other than what is available publicly for that element of the program.

### **Schools—Telopea Park**

**MS LE COUTEUR:** My question is to the Minister for Planning and is in regard to the Doma Group development of apartments and other buildings in Barton. The

proposed development faces the 1920s buildings of the Barton heritage housing precinct and Telopea Park school. I note that the proposal limits the height of apartments on Macquarie Street, facing houses, to three storeys, but an apartment block to face the front of Telopea Park school is proposed to be seven storeys. Is the minister aware that the seven-storey building will directly overlook the school's kindergarten playground and cast it into permanent winter afternoon shadow, making the school's only secure after-school-care space unusable? Will the minister ensure that the building height is reduced to three storeys, given that the school front is only one-storey high, and downhill on the southern side of the development?

**MR BARR:** I thank the member for the question and for the opportunity to reiterate the position in relation to this particular development application. Ms Le Couteur may not be aware of some of the history of the master planning on this site. This process was undertaken over a period of time. The question of height limits on this site was the subject of considerable community consultation and a final master plan was agreed upon—and would have been agreed upon, of course, in this place—and endorsed as part of the territory plan.

The responsibility for assessing development applications—and I fear I will have to continue to remind members of this—sits with the statutorily independent ACT Planning and Land Authority, and it is not my intention, as Minister for Planning, to become involved in assessing development applications. Let me repeat that: it is not my intention, as Minister for Planning, to become involved in assessing development applications. We have a clear separation. This place, and the minister through this place, set the policy. We have a territory plan. That is our responsibility. We set height limits; we set all of the requirements that developers must meet, through the territory plan and through the various codes that come with that. Developers are then free to lodge development applications, and those are assessed independently by the Planning and Land Authority. And that is how it should be.

So it is not my intention to respond to a political campaign in this place by a political party. I will say again that it is my intention as planning minister to keep the politics out of planning, and most particularly to keep the politics out of individual development applications. That is how it should be, and that is how I intend to approach my time as Minister for Planning.

### **Economy—stimulus package**

**MR DOSZPOT:** Mr Speaker, my question is to the Treasurer. Treasurer, yesterday the opposition received a briefing from senior officials on the commonwealth government's stimulus package that included terms such as "guesstimate", "not sure", "still working out the detail", "waiting for the numbers", "all in the melting pot", "forming on an hourly basis", and "we don't know". Treasurer, what additional revenue will the ACT receive from GST and other sources as a result of the commonwealth stimulus package?

**MS GALLAGHER:** I thank Mr Doszpot for the question. As a result of the package—I presume we are talking about the same package, the \$42 billion stimulus package—the ACT community will get, as I understand it, around \$350 million in payments. Some of that money will also go, for example, to the non-government

sector. There were not any GST payments as part of this package. In fact, we have lost considerable amounts of GST in the latest revised forecasts from the federal government. I think we have lost on average around \$50 million a year in additional lost GST revenue.

The whole idea behind the stimulus package is to try to improve growth to, I think, around 1.5 per cent in the next year to try to keep our economy moving along. If those forecasts are reached, that will assist in the sense that we will get some GST revenue from that, but it will not be anywhere near what we have already lost. We have already lost around \$80 million in GST revenue annually for the next few years.

Again, as this program is rolled out some of that finer detail may change. But we are just not in a position to provide you with that exact information. This is a project that will roll out over three years. I guess that, as the results and impacts of that become known through the way we all report, that information will be provided. But I cannot stand here and provide you with anything more than I have already provided.

**MR SPEAKER:** Supplementary question, Mr Doszpot?

**MR DOSZPOT:** Thank you, Mr Speaker. Treasurer, what modelling has the Treasury done on the impact of the stimulus package in the ACT with regard to GST and other sources? Will you table that advice?

**MS GALLAGHER:** The advice you would have got—well, I am not sure whether you or Mrs Dunne were in the briefing. I will wait for Mr Hanson and Mr Coe, who I do not think were at the briefing, either. Treasury has provided you with as much information as we have at our finger tips. This grant program was announced to COAG on Thursday.

**Mrs Dunne:** I raise a point of order, Mr Speaker. The question was a very direct one about whether modelling has been done.

**MS GALLAGHER:** And I am answering it, Mrs Dunne.

**MR SPEAKER:** There is no point of order. Please continue, Ms Gallagher.

**MS GALLAGHER:** Thank you, Mr Speaker. Again, I go back to the answer I provided to Mr Seselja's question. This is about instilling confidence in the economy and supporting people who are already in jobs not losing their jobs. I know those opposite will say it is not going to do that. I feel very strongly that it will do what it is intended to do, which is to instil confidence, to improve spending and to maintain employment in the territory.

As the detail of this is worked through, Treasury will provide me with advice, but I am not sure it is the best use of Treasury's time today, without all the information available to them, to do modelling on a package for which they do not have all the details.

## **Economy—stimulus package**

**MS BRESNAN:** My question is for the Minister for Disability and Housing and is in regard to the federal government's stimulus investment in public housing announced last week. What advice has the minister received on using this dramatic investment to ensure the new homes are energy efficient, address the particular needs of residents and are constructed with low-emission materials at a cost-effective price?

**MR HARGREAVES:** I thank Ms Bresnan for the question. You will appreciate that I have not been back in the country for very long. However, I did seek and receive a meeting with Minister Plibersek last evening and we talked about the application of the funds that the stimulus package would provide. We also talked about the way in which the maintenance component of that package might be applied. Essentially, we have been given no riding instructions on the application of the maintenance funding, other than that those funds should be applied to properties which were facing dereliction and which we would need to bring up to prevent the need for the decision to sell or not to sell; in other words, to maintain them as a less lettable property and to bring them up to standard.

It is the ACT government's view that whenever we do a significant refurbishment of any of our properties we do so with environmental imperatives at the fore. We actually do not say, "We need to repair a stove," and give it a lick of paint.

I would refer members to the statements we have made already about putting insulation in walls as well as just ceilings. We are hoping that a lot of our tenants and a lot of our people who are considering buying the homes would also have access to the federal government's insulation package but we are not sure—we will have to check that out with them—as yet. I did not canvass that with her yesterday. I will do that a little later.

As I say, and I want to reiterate, we have not been given the set of restrictions on the types of renovations et cetera that we have to make in order to receive the funding that applies, other than: where our premises are in significant disrepair, we are to bring them back up. What we are interested in doing is having sustainable tenancies. We will be applying them according to our asset management strategy within Housing ACT. In fact, what this will do is allow us, in an accounting sense anyway, to grow the numbers because we will not be disposing of them quite as quickly.

**MR SPEAKER:** Supplementary question, Ms Bresnan?

**MS BRESNAN:** Thank you, Mr Speaker. Given that that is the case, will the minister give a commitment to seek out such advice and table it in the Assembly?

**MR HARGREAVES:** I would prefer not to have the federal government put chains around my wrists about how to apply funds in the housing portfolio. I think it is a better process to ourselves determine how we will have our properties renovated, particularly when the ACT government—at least this side of the chamber in partnership with the Greens—is committed to having green-friendly premises for our tenants to live in.

Please recall, Mr Speaker, that we have 30 per cent of all rental properties in the ACT. It therefore behoves us to show leadership in this area. All too often—

**Mr Hanson:** Point five per cent emissions: that is leadership.

**MR HARGREAVES:** Colonel Hanson will in fact, as an expert in leadership—we have just heard another one of his leadership speeches coming out here—

**Mr Hanson:** Can I call you Corporal Hargreaves?

**MR HARGREAVES:** His leader and deputy leader are as quiet as church mice—just quiet as mice, if you like. Now Mr Hanson is showing his leadership potential. Knock yourself out, sunshine. Mr Speaker, the private sector has often been criticised for having—and this is from the leadership of the Liberal Party, the party based on dream, not on need.

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

**MR HARGREAVES:** Here we go. Boing!

**Mrs Dunne:** Mr Speaker, answers to questions are supposed to be directly relevant to the questions. I do not think that a tirade against Mr Hanson fits that description.

**MR SPEAKER:** Whilst a tirade is not warranted, the minister was being wound up by Mr Hanson. Minister, can you come back to the point, please.

**MR HARGREAVES:** I would be delighted to, having suffered the tirade from Mrs Dunne. This is as good as she can give. I was saying that in the past the private sector has been accused of being driven by the need for profit, and therefore the investment in properties in terms of their greenness is kept at a minimum. We can try and change that mindset in other ways, but one of them, and an essential one, is to show some leadership out there. That is why we have money—millions of dollars going forward—invested in making our properties more environmentally friendly. It is with that commitment in our head that if I get my hands on any kind of maintenance money from anywhere we will apply it with those exact same imperatives.

To give a bit more relevance to Ms Bresnan, let me say that I have been in this game for quite a while and I know what the commonwealth governments are capable of; I know what the commonwealth bureaucrats are capable of. I do not want to try and deliver services to the people of the ACT with both eyes tied behind my back. That ain't going to happen.

### **Economy—stimulus package**

**MR COE:** My question is to the Treasurer. Treasurer, yesterday the opposition received a briefing from your senior officials on the commonwealth government's proposed stimulus package that included terms such as “guesstimate”, “not sure”, “still working out the detail”, “waiting for the numbers”, “all in the melting pot”, “forming on an hourly basis” and “we don't know”. Treasurer, what impact will the

proposed capital works package have on residential construction costs and housing affordability in the ACT?

**MS GALLAGHER:** I thank Mr Coe for the question. Again, I think the whole idea behind the stimulus package is lost on the opposition. The idea behind the stimulus package is to keep people in jobs and to keep people spending, not to provide jobs over and above what already exists in the economy. Mr Coe would also understand that the prices of many of the construction materials are decreasing, and it is not expected that this stimulus package would raise the cost of capital infrastructure for householders or businesses. The whole idea is to address a slowing national economy, to invest, to keep people in jobs and to keep consumer confidence at a level where people are prepared to spend. That is the idea behind the stimulus package.

With respect to the early advice that we got from the commonwealth, it is not advice that I have had that Treasury has disagreed with. We have spoken to quite a lot of industry groups in recent days about whether there is capacity in industry to deal with the projects that will come this way, and industry are very pleased about it. There is some slowing; there are some businesses here that are looking to make sure that their work plan over the next 12 months is solid. They have welcomed this package.

It will take a big, concerted effort from government for those areas for which we are responsible to deliver this. We have signed up. It has got very strict timetables. We are working across government to make sure that we remove any impediments to meeting those timetables. But the importance of this package—and I wait to hear whether or not the opposition actually support this package and support this money coming into the territory—cannot be underestimated. This is important for the ACT. There is no doubt that unemployment in the ACT will rise over the next 12 months. There are going to be very difficult times here, and this package will go a long way towards meeting some of those pressures.

**Mr Hanson:** Mr Speaker, I have a point of order on relevance. This is about construction costs and housing affordability, not about employment.

**MR SPEAKER:** Mr Hanson, there is no point of order. The Treasurer is giving relevant information about the state of the economy, which is the broad thrust of the question. Treasurer, would you like to continue?

**Ms Gallagher:** I have finished, thank you.

**MR SPEAKER:** Is there a supplementary question, Mr Coe?

**MR COE:** Thank you. Given the certainty with which you spoke about prices, will you table the advice and modelling you have received about this initiative?

**MS GALLAGHER:** I don't have anything to table, Mr Speaker.

### **Housing—public**

**MS BURCH:** My question is to the minister for housing. Can the minister tell the Assembly the benefits to public housing in the ACT stemming from the recent initiatives announced by the ACT Labor government and the federal government?

**MR HARGREAVES:** I thank Ms Burch for the question. This government welcomes the important initiative by the commonwealth government to support jobs and invest in the future long-term economic growth of the nation. Such investment is unprecedented and will have lasting benefit for Australia as a whole and for the ACT.

A key element of the stimulus package is \$6.4 billion for social housing. This will include the construction of 20,000 new social housing dwellings within three years, primarily for people who are homeless or at risk of homelessness. Also provided will be funding for urgent maintenance to upgrade around 2,500 social houses that would otherwise be unusable as social housing.

The specific objectives of the initiative are to increase the supply of social housing through new construction and the refurbishment of existing stock that would otherwise be unavailable for occupancy; to provide increased opportunities for persons who are homeless or at risk of homelessness to gain secure, long-term accommodation; and to stimulate the building and construction industry both through funding the additional dwellings and increasing expenditure on repairs and maintenance. This will also help stimulate businesses that supply construction materials and help retain jobs in the industry.

The dwellings built will meet the needs of people on public housing waiting lists, including age and disability pensioners, people of Aboriginal and Torres Strait Island descent and women and children escaping violence; in other words, to house some of the most vulnerable in our community, which is already the focus of the Stanhope government's policies for public housing. Also, it is estimated that the new dwellings will reduce by 50 per cent waiting time for people with high housing needs who are on public housing lists nationally. This will allow the ACT to build on the reforms to public housing waiting lists that have already been implemented.

The package is very advantageous to the ACT. The ACT's share of the funds to be channelled into social housing will be \$102 million, \$96 million of which will provide for the construction of around 290 homes over 3½ years, with the balance of \$6 million being used for the maintenance of around 140 properties.

The additional properties and maintenance expenditure will provide significant flexibility in the management of the public housing property portfolio. For example, Housing ACT will be able to construct properties in high-demand areas. The flow-on effect will be to make more suitable properties available to some tenants who may choose properties with fewer bedrooms, which better suit their needs. This will free up homes that can then be allocated to applicants that need larger dwellings.

Also, as properties age and maintenance costs increase, Housing ACT is often faced with the decision to dispose of properties that require significant amounts of maintenance to be undertaken. The injection of these much-needed maintenance dollars will result in the retention of properties and, ultimately, a continued increase in property numbers.

The ACT is well placed to meet the timeframes because the territory has control of the land supply and an established panel of builders. Housing ACT already has a number

of projects in the pipeline which will meet the very tight timeframes set by the commonwealth. These include projects that have development applications approved and land purchases for which development can be expedited.

For example, Housing ACT has recently received development approval to construct 10 aged persons units near the Canberra Hospital. Design has commenced on two further sites to construct over 50 older persons accommodation. In addition, Housing ACT has also recently undertaken some strategic property purchases where two properties can be amalgamated to enable 12 units to be constructed.

The ACT is also well placed to utilise the maintenance dollars to be provided by the commonwealth and, as I have already mentioned, some \$6 million will be available, which can be used for maintenance of 140 properties. As with the construction of new dwellings, the ACT already has maintenance works within existing maintenance contracts which can be expanded. These include upgrades to existing properties to bring them up to current housing and environmental standards, upgrading three smaller multiunit properties as an alternative to redevelopment and the extension of some properties to better match demand.

The stimulus package for social housing builds on the funds made available to the ACT under the recently agreed national affordable housing agreement and the associated national partnership payments for homelessness and social housing.

**MR SPEAKER:** Ms Burch, a supplementary question?

**MS BURCH:** Minister, can you outline how the new package will assist the most disadvantaged in the community?

**MR HARGREAVES:** Thank you very much, Mr Speaker, and I thank Ms Burch for the supplementary.

Following along and giving some more background, these agreements that I have just mentioned commit the government to pursue reforms in the housing sector, many of which are already in place in the ACT, including measures being implemented by the affordable housing action plan, redevelopment of multi-unit properties to achieve better social outcomes, maintenance and expansion of social housing stock and significant reforms under the ACT homelessness strategy.

Housing, as we know, is one of the most important social policy challenges facing governments across Australia.

**Mrs Dunne:** That is why you care so much about it, Johnno!

**MR HARGREAVES:** It requires national leadership, something foreign to—what is your name? I forgot, sorry. Nowhere is this national leadership, which we now have—we now have national leadership; we did not have it before—more evident than in the \$42 billion economic stimulus package announced by the Prime Minister, Mr Rudd.

*Opposition members interjecting—*

**MR HARGREAVES:** You know, stoking these people up is as easy as cutting grass. It is dead easy. Mr Speaker, I have already outlined the financial benefits under the package. I will now set out the reform directions of the package and how closely they align with the government's existing policies for social housing.

In the ACT we are well advanced in developing a system that provides housing options and outcomes for people at all levels. The new National Affordable Housing Agreement will be an opportunity to further achieve housing and support continuum from homelessness to home ownership—something totally foreign to these guys. They do not know about the continuum at all. They do not understand the word “continuum”. They would not have a clue what it means. The series of reforms which accompany the new package will provide further support for those people in the social housing system.

As a result of the work of this government, the ACT now has a housing system that is truly responsive to the changing circumstances of individuals and families and which provides long-term benefits. In particular, we have been working to ensure that low to moderate income earners are able to realise their aspirations to long-term housing and home ownership through reforms to the social housing system.

It is a system that recognises that people often have complex issues, including disadvantage and poverty, for which it is well equipped to respond. It is a system which acknowledges that people may have significant life events, such as family violence and breakdown, separation and divorce. Such events can have a major impact on people's housing outcomes.

Unemployment, ill-health or mental illness can also have detrimental effects on people's ability to access or sustain housing. The government has been dedicated to improving housing services and implementing reforms aimed at providing a housing system that is more targeted and responsive. It is these reforms that have led to the development of an effective service continuum that supports people to transition from homelessness to long-term, sustainable housing, including home ownership.

The reform directions of the stimulus package complement the ACT's housing policies. These directions include implementation of support arrangements to assist social housing tenants to transition from social housing arrangements to affordable private rental and home ownership as their circumstances change. This has been a priority of this government and is consistent with the measures set out in the affordable housing action plan.

Other reforms include achieving better social and economic participation for social housing tenants by locating housing closer to transport, services and employment opportunities; reducing concentrations of disadvantage through appropriate redevelopment to create mixed communities that improve social inclusion; the introduction of a national regulatory and registration system for not-for-profit housing providers to enhance the sector's capacity to operate across jurisdictions and increasing transparency through the establishment of consistent and comparable accounting and reporting standards across jurisdictions that allow clear and objective assessments of performance that meet public accountability requirements.

Members will recall that the ACT has recently established a regulatory framework for not-for-profit providers in the ACT. This is consistent with the direction of the national system. What we are seeing in these two packages is \$102 million from the federal government, which complements the \$20 million for our social housing package and a further \$20 million that has been allocated for additional stock. We have got the \$50 million line of credit plus \$140 million put into the community housing sector to show confidence in that. So you are seeing from this government hundreds and hundreds of millions of dollars to grow the stock and make more appropriate stock available for people on a needs basis.

Contrast that, if you will, with the situation when we inherited housing responsibilities in 2001. We found when we examined the books that under the stewardship of Mr Smyth public housing stock had dropped by 1,000 units. Shame on them!

### **Economy—stimulus package**

**MR HANSON:** Mr Speaker, my question is to the Treasurer. Treasurer, yesterday the opposition received a briefing from your senior officials on the commonwealth government's stimulus package that included terms such as "guesstimate", "not sure", "still working out the detail", "waiting for the numbers", all in the melting pot", "forming on an hourly basis" and "we don't know".

Treasurer, your government has a record of failure in delivering capital works, including the GDE and AMC. The commonwealth stimulus package proposes doubling the capital works budget with a tighter time frame. What changes will your government be making to ensure delivery of the proposed capital works program on time and on budget?

**MS GALLAGHER:** I thank Mr Hanson for the question. As Mr Hanson will be aware, a Coordinator-General has been appointed here in the ACT. Sandra Lambert has been given the job of managing, leading and coordinating the delivery of undertakings given to the commonwealth government for the nation building coordination. Mr Hanson's question is not right in the sense that it is doubling the ACT's capital works budget. It roughly equates, I believe, to about the annual capital works budget. The \$350 million is not all coming to the ACT government and it is spread over a number of years.

Despite that error, it is a large program. It does need to be delivered on time. There are some very urgent time frames to be met, particularly in the national pride in schools program. In particular, some very clear timetables have been signed up to across all areas in relation to building the education revolution.

The Chief Minister and I, following our meeting at COAG, met with the senior team of government executives to talk through how we meet these timetables not just for the sake of meeting the timetables for the acquittal of government money. The importance of the package is about getting the money out, getting it into businesses and getting the work done.

That will be primarily the job of Sandra Lambert. She has been given some very extensive powers or directions from the Chief Minister about how he would like to

see this project implemented across government. She will be providing regular reports to the government around how that is going and the work that needs to be done to make sure that it progresses on time and on budget.

**MR SPEAKER:** Supplementary question, Mr Hanson?

**MR HANSON:** Thank you, Mr Speaker. What is the risk of the ACT losing the proposed funding if your government fails to deliver on time and on budget?

**Mr Hargreaves:** Mr Speaker, I raise a point of order. That is a hypothetical question. It is asking for an opinion.

**MR SPEAKER:** The point of order is upheld.

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

### **Attorney-General Motion of serious concern**

**MRS DUNNE** (Ginninderra) (2.52): I seek leave to move a motion in relation to comments made by the Attorney-General concerning the actions of two detainees from the Belconnen Remand Centre.

Leave not granted.

### **Standing and temporary orders—suspension**

**MRS DUNNE** (Ginninderra) (2.52): I move:

That so much of the standing and temporary orders be suspended as would prevent Mrs Dunne from moving a motion in relation to comments made by the Attorney-General concerning the actions of two detainees from the Belconnen Remand Centre.

It is a serious matter when a member of the Assembly moves a motion to censure the actions of another member. It is not done lightly and it has been done in consideration of a range of matters. The minister made a series of statements which have been of concern to members of the opposition, I understand to members of the crossbench and to members of the community. Because of the status of that person it is important that this place address those at the first opportunity. It would have been my intention to do that first thing this morning, but more important and more serious national issues got in the way. As a result, this matter is being brought forward now at the first available time.

I do not wish to canvass the matters now. I will do so in the substantive motion. I wish to bring to the attention of the Assembly the seriousness of the issues at heart. The member has been given warning of this matter. He was given much more forewarning than he gave on an occasion in the previous Assembly when he moved to censure Mr Seselja, who had moved to censure the Green member on a matter. He was given much more notice than that.

This is an important matter. This is a matter that must be dealt with immediately it comes to the attention of the Assembly. It is unheard of that a matter of this type be put off. It is cowardly for the member not to give leave for this to be—

**Mr Corbell:** I raise a point of order, Mr Speaker. The member is casting aspersions on my character. It is most disorderly and I ask the member to withdraw.

**MRS DUNNE:** If you ask me to withdraw, Mr Speaker, I will withdraw.

**MR SPEAKER:** Thank you.

**Mr Hargreaves:** Mr Speaker, on that point, it is usually the case that members withdraw without reservation. She said, “If you ask me to do so.” That is a qualified withdrawal.

**MR SPEAKER:** Mrs Dunne, please withdraw the imputation.

**MRS DUNNE:** I withdraw unqualifiedly. Since you have asked me, I will withdraw. If I have not adhered to the forms of the house, I do apologise.

This is an important matter. It must be dealt with as a matter of high priority. The manager of government business, I am sure, will stand up and tell us just how much government business we have to get through, but, in fact, on Thursday there is almost no government business. I understand that there are no government bills scheduled to be dealt with on Thursday. We do have the time to do it. Whether or not we have the time is immaterial. This is an important matter. It must be dealt with now because it goes to the heart of the way the Attorney-General conducts himself, the way the Attorney-General upholds the laws of the ACT and the way the Attorney-General upholds the conventions that are imposed upon him as the first law officer.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (2.56): I oppose the motion to suspend standing orders. The reason for that is not because of a lack of time to deal with this matter but because the government believes the Liberal Party is being disingenuous when it suggests that this matter is of the highest and most important urgency and must be dealt with straight away.

If that was the case, why did not Mrs Dunne stand up at the beginning of question time and seek to suspend standing orders then? That is the normal practice in this place. If it is urgent, you suspend standing orders; you do it straight away and you get on with the debate. But Mrs Dunne did not do that. Clearly, question time was more important than this motion. Clearly, the opposition questioning the government was more important than this motion.

This is not a censure motion or a no confidence motion. It is not that type of motion. Indeed, it is a motion that simply expresses a concern about actions that Mrs Dunne believes warrant debate in this place. I am very happy to have that debate, Mr Speaker, but I do not believe that it warrants suspending the business of this place now to do so.

Why does not Mrs Dunne simply put it on the notice paper and allow it to be dealt with in private members' business tomorrow? Tomorrow the Liberal Party have a whole agenda paper available to them to debate matters where they believe there are issues of concern and where they believe the actions of government ministers should be critiqued. That is their opportunity.

If they thought it was so important to move this motion, why did they not do it when the Assembly resumed at 2 pm this afternoon prior to question time? There is plenty of precedent for that in this place. There have been plenty of times at the commencement of question time at 2 pm in this place when Labor oppositions and Liberal oppositions have said that they were moving a motion to condemn the actions of a minister. They did not do so.

Mrs Dunne has said that this matter is of the utmost importance and must be dealt with straight away. She neglected to mention that that obviously did not include question time. Let us have the debate, but let us have it according to the forms of this place. Either it is urgent or it is not. If it is urgent, it should have been moved at 2 o'clock. It was not moved at 2 o'clock. Clearly, it is not urgent and the matter can be dealt with when private members' business is called on tomorrow.

**MR SMYTH** (Brindabella) (2.59): Mr Corbell needs to read standing order 74. Mr Corbell is very good at getting up and asserting things, but often he misses the facts. The fact is that standing order 74 says that at the appropriate time—it used to be 2.30; now it is 2 o'clock—questions without notice shall be called on.

It is the practice that if a motion of no confidence or a motion of censure occurs during question time, it is debated then. It is often done with leave. But the practice is that if debate on a motion starts before the lunch break, question time would still occur. Mr Corbell often jumps in and asserts things and is simply wrong.

I have to say that in my time here I do not recall an occasion—I have asked the clerks and they are thinking about it but none came immediately to mind—when question time has been suspended at 2.30 to allow a motion of no confidence or a similar motion to be brought on.

**Mr Hargreaves.** I can. You guys did it—right in the middle of it!

**MR SMYTH:** Well, you find it and come back with it. In the middle of question time is fine because standing orders are suspended. We have given the house the courtesy of having question time. Indeed, we have given Mr Corbell the courtesy of knowing that this was coming with a much longer time frame than the Labor Party ever gave those on this side of the house.

It is appropriate to do this. When an issue of concern is raised, it should be dealt with expeditiously. We should not hide. We should not try and stop this. We should answer the question and we should accept the judgement of the house. Mr Corbell is attempting to hide. He does not want this debate. He stands up and says the words, but nobody believes him because of the way he says them and the way he goes about his business. If he had nothing to answer for, he would not have stood in this way and we would not be wasting the Assembly's time now.

It is quite appropriate to do it in this format. Indeed, we are doing it in the right part of the notice paper. It is before the presentation of papers, before the MPIs and before the rest of business. This is the place to do it. The standing orders say that. It is appropriate to do it now, and it is quite clear that this should proceed.

**Mr Corbell:** The standing orders say that executive business comes on.

**MR SMYTH:** No, it does not say that.

**Mr Corbell:** It does. Executive business shall be called on.

**MR SMYTH:** Standing orders say that the presentation of papers comes next.

**Mr Corbell:** So you are going to allow presentation of papers, then?

**MR SMYTH:** No. We will have them afterwards.

**Mr Corbell:** That is what the standing orders say, Brendan.

*Members interjecting—*

**MR SPEAKER:** Order!

**Mr Corbell:** His whole argument is that things come before other things.

**MR SPEAKER:** Order!

**MR SMYTH:** I will read them slowly to you:

Prayer or reflection  
Presentation of petitions  
Notices and orders of the day  
Questions without notice

Mr Corbell, the manager of government business in the house, does not know his standing orders. Yet again Mr Corbell is caught out. Let us have the vote. Let us bring this on. Let us deal with the matter, as one should.

**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) (3.02): Due to the absolutely appalling lack of logic and consistency in the presentation just made, I really do need to respond to it, although, of course, it really is not worth the energy or the time.

Mr Smyth's entire thesis was that the standing orders, which he read slowly so that we could all understand—not understanding them himself—was that question time comes on and following question time is presentation of papers and following presentation of papers is the MPI. That is precisely the point that Mr Corbell made today, Mr Smyth.

You are interrupting the standing orders. The standing orders provide for question time, presentation of papers and then an MPI. You say that it is unprecedented and unheard of for question time to be interrupted; hence this motion could not be brought on before question time because, as we know, question time is sacrosanct. I am just trying to recall whether it was Mr Smyth in the last Assembly who asked a question and then moved a censure motion after the first question. Who was it that moved the censure motion on that occasion after the first question?

Mr Smyth jumped up and asked one question—the great irony of it is that it was a question of Mr Corbell—and moved to censure Mr Corbell after a single question. But now he says that it is unprecedented that question time should in any sense be interfered with by a motion. Mr Corbell's point was well and truly made. Mr Smyth's rebuttal of the point is an absurd nonsense.

Today is a day for executive business. Executive business should be allowed to run. If you want to interfere with executive business on executive business day, then there is a consequence. This could have been done tomorrow. Really, if we do not get through executive business today, we should do it tomorrow. Will you agree to that? If we do not actually get through the legislation on the program today, are you happy for us tomorrow, at 10 o'clock, to move to suspend standing orders to allow executive business to be brought on forthwith?

In the context of your argument, you are happy with that, are you, that tomorrow, at 10 o'clock, we go straight to executive business that is not concluded today? That is the position that the government will be putting at 10 o'clock tomorrow morning.

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (3.04): Essentially, Mrs Dunne just said, “Well, the suspension of standing orders is to interrupt the procedures and that's fine because that's what they're for.” In fact, that is not so. The reason we are having this debate on the motion to suspend standing orders is because Mrs Dunne did not get her own way when she sought leave to move the motion in the first place. She did not get leave. So, it was, in fact, a bit of a dummy spit. It had nothing to do with parliamentary process at all. It was just a dummy spit.

Mrs Dunne tried to make a point about the seriousness of the issue and then hung her hat on the standing orders as being the way to progress the matter. If one has a good look at the standing orders to find out what has precedence and what does not, MPIs have precedence and executive business has precedence.

**Mr Hanson:** It was Mr Corbell who raised the standing orders.

**MR HARGREAVES:** Mr Hanson, you ought to read the standing orders. They are in English, just to let you know.

Standing order 81 deals with a motion of no confidence in the Chief Minister. That is the motion that takes precedence, not a motion raising a matter of concern. In the past censure motions have been downgraded to motions of concern, and they have passed,

and it is fine for the Assembly to do that. But if we allow Mrs Dunne's proposed motion to go forward, every single time a member decides that they do not like something that popped up in the media, they can then move a motion of concern that takes precedence over other matters.

Firstly, in my view, that is not acceptable from the perspective of the parliamentary process. Secondly—

**Mr Smyth:** It never stopped you from doing it.

**MR HARGREAVES:** Excuse me? When was the last time you saw me move any kind of motion—censure motion, motion of no confidence or whatever?

**Mr Smyth:** That is right. They do not trust you to do anything.

**MR SPEAKER:** Order!

**MR HARGREAVES:** Stop telling things that are not true. You are damn good at it.

**Mr Smyth:** They have taken away your portfolios and ministerial henchmen.

**MR HARGREAVES:** Mr Speaker, I object to him absolutely.

**Mrs Dunne:** I raise a point of order, Mr Speaker. Mr Hargreaves effectively called Mr Smyth a liar. I think that he should withdraw.

**MR HARGREAVES:** No, I did not.

**MR SPEAKER:** I did not hear that, Mrs Dunne. There is no point of order.

**Mrs Dunne:** Mr Speaker, he said that Mr Smyth said things that were not true and he was damn good at it.

**MR SPEAKER:** There is no point of order.

**MR HARGREAVES:** Read your *Hansard*.

**MR SPEAKER:** Mr Hargreaves, please continue.

**MR HARGREAVES:** The point that I am trying to make against immense adversity is this: if those opposite feel that this type of motion warrants any kind of precedence, they ought to make submission to the Standing Committee on Administration and Procedure and have it considered for inclusion in the standing orders. But they will not do that because they know that every time they are seen or heard, on TV or in any type of media at all, we will move motions such as this under that precedent.

**MR SPEAKER:** Order! The time for debate on the question has now expired.

Question put.

The Assembly voted—

Ayes 10

Noes 7

|            |               |               |             |
|------------|---------------|---------------|-------------|
| Ms Bresnan | Ms Hunter     | Mr Barr       | Ms Porter   |
| Mr Coe     | Ms Le Couteur | Ms Burch      | Mr Stanhope |
| Mr Doszpot | Mr Rattenbury | Mr Corbell    |             |
| Mrs Dunne  | Mr Seselja    | Ms Gallagher  |             |
| Mr Hanson  | Mr Smyth      | Mr Hargreaves |             |

Question so resolved in the affirmative.

## **Attorney-General Motion of serious concern**

**MRS DUNNE** (Ginninderra) (3.11): I move

That this Assembly:

- (1) notes the potentially prejudicial comments made by the Attorney-General on ABC Radio and ABC TV on Tuesday, 3 February 2009, in relation to the actions of two detainees who went onto the roof at the Belconnen Remand Centre on Friday, 31 January 2009; and
- (2) expresses serious concern in the Attorney for his actions in so doing.

Those of us who are elected to this place have the highest demands of good conduct placed upon us. Like Caesar's wife, our actions need to be beyond reproach. And if we make an error, it is imperative that we own up to that error and unreservedly apologise and do what we can to set matters right. It is no good to bustle about pretending that nothing has happened and hoping that people will forget about it.

We are here today because one of our number has failed to live up to these high standards and these demands. These standards were reinforced, albeit begrudgingly, by the Stanhope government. A few weeks ago the first law officer of the ACT—the Attorney-General, Simon Corbell—went out of his way to reflect upon the guilt of two men who had been charged following a well-publicised incident at the Belconnen Remand Centre on Friday, 31 January.

His comments have been construed as contempt of court and a clear breach of the separation of powers between the executive and the judiciary. In 2001 Jon Stanhope came to government with great promises for a great new era including a renewed code of conduct for ministers. After three long years, the Chief Minister finally published his much promised code of conduct, which says in its preamble:

The position of Government Minister is one of trust. A Minister has a great deal of discretionary power, being responsible for decisions which can markedly affect individuals, organisations, companies, and local communities.

Being a Minister demands the highest standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duties and functions. Ministers will ensure that their conduct does not bring discredit upon the Government or the Territory.

This Code provides guidance to Ministers on how they should act and arrange their affairs in order to uphold these standards.

The code goes on to outline the general obligations of ministers, the first of which listed is “respect for the law and the system of government”. The first sentence of the discussion of this ministerial obligation reads:

Ministers will uphold the laws of the Australian Capital Territory and Australia, and will not be a party to their breach, evasion, or subversion.

We are here today, Mr Speaker, because Simon Corbell, the Attorney-General of the ACT, has sought to subvert the laws of the ACT for his own base political gain. Sadly, the Stanhope government’s ministerial code of conduct is honoured more in the breach than in the observance and its most recent example is the outrageous statements made by the Attorney-General.

Let us look at the facts. On Tuesday, 3 February on ABC 666 Mr Corbell was being interviewed about the human rights audit at the BRC and what the government would do in response to that. In response to a direct question about the incident the previous week—on 30 January—the Attorney-General of the ACT went out of his way to express his views and what he represented to be the views of the whole government about the guilt of two men. In so doing, the Attorney-General of the ACT, the first law officer, committed sub judice contempt. On radio station 666 the Attorney-General clearly stated his views about the guilt of the men who had recently been charged.

This was a live matter before the courts and the Attorney was breaking all the rules, all the laws, all the conventions. One statement like this could have been considered an unfortunate lapse, and I think that at this stage the interviewer tried to interpose himself because he was obviously aware of the grave import of what the Attorney-General had said.

But this Attorney—this man, Simon Corbell—was not to be distracted from his mission. His mission was to make it perfectly clear what he thought the nature of the incident at the BRC had been and he spoke over the interviewer to press his case and to make it perfectly clear.

The Attorney reinforced over the interviewer his position by saying that this was the government’s view and the view of Corrective Services and that there was no doubt about it. What we have here today is the Attorney-General, the person who is supposed to uphold the law and the human rights of the people of the ACT, convicting someone—saying that someone is guilty—before the matter is tried in court.

As if it was not enough, several hours later when this matter was raised by the media the Attorney-General strove to press home his point—this time standing in front of an ABC television camera and repeating the accusation. It was an accusation that was aired on ABC national television news on 3 February. The Attorney-General’s actions were clear, unambiguous and repeated.

He sought to comment on the guilt of men facing charges in clear contravention of convention and the law. We might speculate about what motivated this extraordinary breach. Obviously, this government is under a lot of pressure for its handling of corrections and the incident at the BRC highlights the government's failure; so this acolyte of Jon Stanhope did all he could to deflect attention from the government.

In so doing, I contend that he committed a contempt of court. In so doing, he prejudiced these men's right to a fair trial. All the law, and all the commentary on the law, says that the right to a fair trial is a paramount right but it seems not if Simon Corbell is the Attorney-General. In Australia, as in many other countries, we have laws relating to contempt of court which seek to set the boundary between the right to a fair, unprejudiced trial and freedom of expression.

Mr Corbell, in his actions on 3 February, clearly set out to prejudice these men's trial. I think it is worth nothing that we have moved a serious motion about the capacity of the chief law officer, and as the subject of that motion he has left the chamber. I think that the people of the ACT need to know that this Attorney-General has acted in a way that I think the average person would consider was a cowardly way by leaving the chamber.

In Australia we have laws that set the boundaries between a right to a fair and unprejudiced trial and freedom of expression. The distinction between a fair trial and free speech was highlighted by Brennan J in *R v Glennon* in the High Court. His Honour said:

Free speech is not the only hallmark of a free society, and sometimes it—

that is, free speech—

must be restrained by laws designed to protect other aspects of public interest. Thus the law of contempt of court strikes a balance between the two competing public interests ... The integrity of the administration of justice in criminal proceedings is of fundamental importance to a free society.

His Honour went on to say:

Freedom of public expression with reference to circumstances touching guilt or innocence is correspondingly limited.

I repeat that Mr Brennan said:

Freedom of public expression with reference to circumstances touching guilt or innocence is correspondingly limited.

Mr Speaker, in this country we do not make public statements about the guilt or innocence of people, and people of influence do not make these statements because it is seen to prejudice the right to a fair trial.

The Law Commission of New Zealand highlighted why the right to a fair trial has a higher right than the right to express views about a case in hand. It said:

When a conflict arises between a fair trial and freedom of speech, the former has prevailed because the compromise of a fair trial for a particular accused may cause them permanent harm ...

One of the questions we have to ask today in considering whether we express serious concern about the actions of the Attorney is whether the Attorney has caused permanent harm to these men whose case is live before the court.

In the case of the New South Wales Attorney-General v Time Inc Magazine, Mr Justice Gleeson of the New South Wales Supreme Court, although acknowledging that there was a perfectly legitimate right to express views about a particular case, said that there is no right under the constitution or at common law to do so at the expense of the due administration of justice.

Mr Speaker, the Attorney-General is the person in this territory charged with maintaining the administration of justice, and all the commentary on this matter talks about the most paramount right of people and the most important thing that we can do, which is to ensure that the administration of justice is fair.

What we saw from the Attorney-General the other day was a failure of fairness. The ACT laws are replete with fine words about the right to a fair trial. The most obvious are the provisions of sections 21 and 22 of the Stanhope government's Human Rights Act which read in part in section 21:

- (1) Everyone has the right to have criminal charges, and rights and obligations recognised by law, decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Section 22 says:

- (1) Everyone charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

Mr Corbell threw that out the other day because he went out and said he thought it was quite clear what the charge should be and what these people should be charged for and that it was not only his view; it was the view of Corrective Services, it was the view of the government.

He did not say it once; he said it three times. He had two opportunities. The second time he came down and made a public statement face-to-face with the camera. He did not recant those views; he repeated them, Mr Speaker. It seems to me that these rights which the ACT government says that it upholds are good for everyone except if you happen to be an inconvenient inmate of the BRC and Simon Corbell is the Attorney-General.

You know, Mr Speaker, that the Stanhope government is really good at high-sounding words, but its actions often fail to live up to the rhetoric. One of the occasions when their actions failed to live up to their rhetoric was on 3 February. On that day we saw a member of this Assembly trash all the laws and flout all the conventions.

Mr Speaker, these comments did not come from some yob mouthing off in the pub. They were deliberate, calculated and done for maximum effect on prime time TV, and they were done repeatedly. It is bad enough if a citizen expresses views like this, but it is worse if a member of this place does so, because we have a special charge to uphold the law.

It is even worse, Mr Speaker, when these comments are made by someone like the Attorney-General. We have to make it perfectly plain, Mr Speaker, that the person who made these comments is no neophyte member just starting out on his way, just learning the ropes. This breach was perpetrated by a five-term veteran of this place who has been placed in one of the highest positions you can aspire to, one of the highest positions of trust in this territory, that of the first law officer, that of the Attorney-General.

The question before us today, Mr Speaker, is what should the members of this place do to bring our colleague into line? This may look like a technical breach. It may be that he forgot the forms and it was an accident. But we are not dealing with a member who just slipped up; we are dealing with a member who repeatedly made these statements, and he did so with malice aforethought, and he is not just an ordinary member.

This Attorney-General went out of his way, as I have said, on two separate occasions. When the ABC followed this matter up, there was no way that this man was going to check what he had said. He did not decline to comment. He did not come out with a comment about perhaps what he had said that morning being inappropriate. He came out and did everything to indicate what his views were. He did nothing to indicate, and has done nothing since then to indicate, that he regretted what he said, what he said was unfortunate, what he said was not appropriate for the circumstances, or what he said may have compromised or may have influenced the matters before the court.

The Attorney-General has flagrantly disregarded the laws and conventions in relation to the contempt of court for base political motives. He has tried to deflect attention from his and his colleagues' failing in relation to the operation of the BRC. The Attorney-General has ignored the Human Rights Act and the Attorney-General has ignored the body of law that upholds a right to a fair trial.

Mr Speaker, this Attorney-General has failed all the standards set out in the ministerial code of conduct for the highest standards of probity and integrity. As a result of this, this Assembly must express serious concern about the behaviour of the Attorney-General.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.26): Mr Speaker, there are several points I wish to make on this motion expressing concern in relation to things I said in a media interview on 3 February this year. There are many times when those in public life express themselves indelicately, or with less specificity or cogency than intended. In politics, and I think that covers all of us, particularly in ministerial positions, we end up giving interviews daily, uttering hundreds or thousands of words on the public record every time we do so, and we are often put on the spot.

On 3 February, I was confronted with a situation involving issues of great interest to the public. The men on the roof of the remand centre created a media storm, one that could not be separated from the issues and events of earlier weeks involving conditions in the remand centre. During an interview with Ross Solly on 666 ABC on the morning of 3 February this year, I relayed to the Canberra public my understanding of advice provided to me by ACT Policing and ACT Corrective Services. I also expressed an opinion on that advice. Of course, that is something we do every day in politics. Indeed, some would say that that is our job.

I would like to refute, though, the claims by Mrs Dunne that I have done something which is sub judice or is a contempt of court. Indeed, the individuals, when I made my comments, had not been charged; the matter had not gone to court; and any suggestion that there has been a contempt of court is simply incorrect. I accept, however, that as a rule we politicians should be wary of expressing any opinions about a matter before a court or about to come before a court.

It is important to note that while criminal charges were imminent at the time of my comments, the individuals had not been before a court. This situation was an unusual one in that it involved me commenting not only on a potential criminal matter but also one that integrally involved the operations of a facility within the Corrective Services portfolio, which I was acting minister in. It was also a matter of intense and legitimate media and public interest.

I will say in my defence that this was not a case of a politician taking advantage of public interest in a high profile criminal matter to score political points. I was merely commenting on an operational matter, one well within my ministerial obligations to inform the public on matters of legitimate public interest to them. I should also say that I had gone on the radio to talk about issues pertaining to Quamby, not the issue involving the two detainees in BRC.

**Mr Smyth:** No, you rang the ABC—Mr Corbell has rung in.

**MR CORBELL:** That is not the case, Mr Speaker. I was invited onto 666 ABC to respond to comments made, that were about to be made, by the Human Rights Commissioner. I will also say in my defence that I did make it clear in the interview that this was a matter for the courts to determine. My comments obviously reflected the view taken by police and Corrective Services, but my statements were in no way intended to impact upon court proceedings or prejudice such matters.

However, Mr Speaker, I accept that certain particular aspects of my comments could be interpreted to have traversed the matters that potentially need to be decided by a court. While at the time of the comments the matter was not before a court and the men had not been charged, it was obviously undesirable for opinions to be expressed on those matters, given that they were potentially to be determined by a court. Mr Speaker, that is my perspective on the matter. I regret any inference that members draw from it, but I hope that provides a better explanation of the circumstances and the approach that I have sought to adopt.

**MS BRESNAN (Brindabella) (3.30):** Before I start I would actually like to note that the Greens do not believe there was any malicious intent in Mr Corbell's comments, and we do not agree with the statement which was made by Mrs Dunne.

I would like to say at the outset that we do not wish to debate the merits of the particular legal case. We do not offer any comment on the validity or otherwise of the minister's comments, nor do we think that this debate should extend beyond the incident referred to in the motion before the Assembly.

The question before us as we debate the motion is whether it is appropriate that the Attorney-General, the first law officer of this jurisdiction, should be commenting on behalf of the government on the facts or merits of a particular and clearly identifiable legal matter. The minister indicated at the outset of the interview on ABC radio that two persons were charged with a particular offence. To then sit about and criticise what might be a legitimate defence to such a charge is most inappropriate.

It has been brought to my attention that the individuals involved have not been charged with the offence, so there is no issue of contempt or a strict sub judice offence. However, I assume that charges will eventually be brought, as foreshadowed by the Attorney-General, and, therefore, the issue of sub judice contempt cannot be dismissed entirely. Whilst this is not at the most serious end of the scale in that it may not prejudice a fair trial, the mere potential that it may do so is a serious issue that should be considered by the Assembly in the absence of an apology or a retraction by the Attorney-General. If the minister does not agree, then it is important that the matter is discussed so that the Assembly has the occasion to form a view on what it sees as an appropriate delineation between the arms of government and the necessary mechanisms to ensure the independence of the judiciary.

I would also like to make the point that we recognise the long-standing record of the government and Minister Corbell on human rights. The Greens are supporting this motion because it centres on a particular statement Mr Corbell made in the media which, in our view, is in contradiction to the presumption of innocence.

Our legal system presumes people are innocent of crimes until they are proven guilty. That is one of the underlying principles of the approach to justice in our society. This presumption of innocence is widely regarded as a basic human right, the right to a fair trial as it were. Article 11 of the United Nations Universal Declaration of Human Rights states:

Everyone charged with a ... offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

The separation of powers in our democracy and the independence of the judiciary is a key principle in our legal system and one which the High Court consistently maintains. In this instance, the comments by the Attorney-General may not have an impact on the capacity of the courts to make an impartial and just decision in any future action, but there is a principle at stake here that in this case we need to act upon.

I would like to reiterate that in addressing this motion the Greens are only interested in the specific comments made by the Attorney-General, and the comments do not reflect on the broader performance or other decisions taken by the minister. It is simply that in this instance the Attorney-General contravened an important principle

relating to the division of powers and the administration of justice. Consistent with comments in public, that point needs to be made clearly by the Assembly.

We do think there is a significant concern raised by these comments as much as we need to clearly define where the Assembly views the line is. We do feel that the comments have the potential to impact upon the judicial process which is, in itself, inappropriate and should be avoided in the future.

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (3.35): I will not take very long. I just find this exercise absolutely astounding. In the last Assembly and the one before that, I found myself having gun battles with Mrs Burke, the former shadow spokesperson on housing and on child protection, for going public, quite often naming people and saying about these people that they have had a particular piece of behaviour, some of it illegal. She, in fact, approached me and said, “These are facts.” When those facts were investigated, Mr Speaker, they were found to be unfounded. She allowed stories to get into the media; in fact, she stoked them and put them in the media. I could not get her to stop doing it. That behaviour was from the very same party room from which this motion comes; the very same party room that encouraged her for well over a term to do this sort of thing. We see, Mr Speaker, the beginnings of it happening again. I warn Mr Coe now, through you, Mr Speaker, for doing the same thing.

**Mrs Dunne:** On a point of order, Mr Speaker, this is a serious matter about the performance of the Attorney-General. It seems highly irrelevant for the minister to talk about the behaviour of a person who is no longer a member of this place and who cannot defend herself in this place and to make assertions about what another member of this Assembly may do some time in the future. We have a substantive matter here. The minister is entitled to support his colleague, but I do not think he is entitled to launch into the sorts of attacks he has.

**MR HARGREAVES:** Mr Speaker, on the point of order, the picture I am trying to draw is that this particular motion had its genesis in the biggest bucket of hypocrisy that this Assembly has seen thus far. I do not need to —

**MR SPEAKER:** Order, minister!

**MR HARGREAVES:** Mr Speaker, I do not need to respond—

**MR SPEAKER:** Order, Mr Hargreaves! There is no point of order, Mrs Dunne, but I invite the minister to return to drawing out the relevant points.

**MR HARGREAVES:** I will, thank you very much Mr Speaker. I accept your invitation, and could I also ask that perhaps later you quietly remind Mrs Dunne that I am responsible to you as Speaker for my points of order, or lack of them, in this house and not to Mrs Dunne. I will not respond to Mrs Dunne; I will respond to you, Mr Speaker.

This particular motion should have been put forward some other time in a different way. I do not believe it really warrants the seriousness that Mrs Dunne is attaching to

it. I take the point that Ms Bresnan is making, except to say that this place is a little bit different to other places, and the behaviour of those opposite over all the years I have been here is testament to that. You cannot stop those folks across there from actually naming people in the media and saying that they are guilty of X, Y and Z, and they also do it in here under privilege. They have done this with child protection and they have done this with my housing officers repeatedly, and yet they stand up here sanctimoniously and say this behaviour is of serious concern. Mr Speaker, I suggest that each one of these folks who were here before—I exclude the three new members—examine whether they are not guilty of the very same things of which they are accusing the Attorney-General.

Mr Speaker, we have an issue that has hit the media. The Attorney-General had two hats on—one was the Attorney-General's and the other was mine when he was acting on my behalf whilst I was overseas. It is convenient for Mrs Dunne to draw the target that she wants. I think her hypocrisy should be told to the world, and we should recognise it and rule this motion out of order.

**MR HANSON** (Molonglo) (3.39): I must say that I am personally disappointed to be standing here to speak on this motion of serious concern against a government minister, but I do believe that Mr Corbell's actions have left little alternative. I believe that it goes further than the issues that were raised by Ms Bresnan: I think it goes to issues of ministerial accountability and indeed ministerial competence. That is why it is an issue of such serious concern to this Assembly.

This is following a series of ongoing failures and embarrassment for the government and for the Attorney-General in his previous role looking after corrections and then as the acting minister in the corrections portfolio, making these assertions and comments, as discussed by Mrs Dunne, in the media. My concern is that this was done to deflect criticism from himself and his government in the media. He has deliberately passed judgement on a matter before the courts in order to protect himself.

If this had been a simple mistake or an act of naivety by a new member or a junior member, maybe it would have been excusable and he would have apologised through the media, in the Assembly or in writing. But he has failed to do so. That suggests very strongly to me that the minister was reckless and, as an experienced minister and as the Attorney-General, fully understood the consequence of his actions and exactly what he was doing.

I want to outline the litany of failures that led the minister to the point where he felt it necessary to divert criticism in the media from himself and his government, to try and distract from the issue and find people guilty before they had gone before the courts, as he did. It is a matter of providing context for what is a very serious matter of concern going to accountability and competence.

It is not a trivial matter. It goes against the Attorney-General of the territory, who often lectures the community on matters of human rights. It is extraordinary that he would seek to make these comments in this manner to deflect criticism and look after his own pride, at the expense of others. I can understand his embarrassment, however. Prior to making the remarks that he did, it is clear that the government, he himself and other ministers, in particular the minister for corrections, had been suffering from severe embarrassment through their mishandling of the corrections portfolio.

**Mr Hargreaves:** How so?

**MR HANSON:** I will tell you, minister.

**Mr Hargreaves:** I am waiting.

**MR HANSON:** The litany of failures in the corrections portfolio—

**Mr Hargreaves:** I would like to see it.

**MR HANSON:** It goes to the heart of this matter. Firstly, there are the inhumane conditions at the Belconnen Remand Centre, the ongoing mismanagement and delays—

**MR SPEAKER:** Order, Mr Hanson! Mr Hargreaves.

**Mr Hargreaves:** Point of order, Mr Speaker. Mr Speaker, you have ruled on relevance quite significantly so far today—ad nauseam, no doubt. If you have a look at the motion—I draw your attention to the motion—nowhere does it refer to conditions at the Belconnen Remand Centre. Mr Hanson just said that he was about to give us a litany of X, Y and Z. Nowhere in this motion does it discuss or even draw anybody's attention to that. It is all about two statements made by the Attorney-General. I ask you to get the member to come to order.

**Mr Seselja:** On the point of order, Mr Speaker, these debates have always been broad ranging. What Mrs Dunne is alleging in this motion is that the minister has behaved inappropriately. Mr Hanson is simply going to the motive for that inappropriate behaviour, which is part of the reason that this has been brought. Whether it is a motion of no confidence or censure or whether it is another motion calling ministers to account, these are broad-ranging debates. Mr Hanson should not be restricted.

**MR SPEAKER:** There is no point of order. Minister Hargreaves, I gave you a fair bit of latitude on the point you were making. Mr Hanson, I now invite you to focus on the motion at hand.

**MR HANSON:** Thank you, Mr Speaker. As I said, this goes to the motive—why the Attorney-General made the comments that he did. It was through the pressure that he was experiencing as the acting corrections minister at the time. The failures include the conditions at the Belconnen Remand Centre, which are widely documented; the ongoing mismanagement and delays in the opening of the Alexander Maconochie Centre; the election stunt that has been widely reported in the media, the opening of the Alexander Maconochie Centre; the public perception of incompetence of the two corrections ministers that we have seen here; the violence that occurred in the BRC and the tunnelling escape; the acts of misleading at the Assembly, which caused the apology from the Chief Minister both in writing and also to the Assembly today; the significant financial cost that is being borne by the community because of delays in the AMC; and then, of course, the most recent incident—

**Mr Hargreaves:** The bureaucrats have got no control of this.

**MR HANSON:** So there has been pressure building on this government, building on both Mr Hargreaves and Mr Corbell. They are all matters that need to be made clear and laid bare before the Assembly as they illustrate why he made those comments and why he was a minister under pressure. When that pressure came, he tried to distract and deflect criticism of himself and put the blame essentially on two people who could not answer. He was the Attorney-General and the two prisoners in question could not have right of reply.

The first warning bell about this whole saga was in mid-2007, when the Human Rights Commissioner declared that the BRC was inhumane. The minister who spent so much time bleating about human rights requirements and standards in the community is the man—

**Mr Corbell:** Who opposed replacing the facility?

**Mr Hargreaves:** He did.

**Mr Corbell:** You hypocrites. You hypocrites.

**MR SPEAKER:** Order!

**MR HANSON:** who allowed a human rights breach to occur.

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

**MR SPEAKER:** Mrs Dunne.

**Mrs Dunne:** Twice the Attorney-General called Mr Hanson a hypocrite. He should withdraw.

**Mr Corbell:** I did not call Mr Hanson a hypocrite; I called all the Liberal Party a hypocrite. But I withdraw the comments.

**MR SPEAKER:** Thank you, Mr Corbell. Mr Hanson.

**MR HANSON:** The point is that it was on his watch that this breach of human rights occurred. What is worse is that the government have failed to do anything about it. For 18 months they have not acted. They have done absolutely nothing.

**Mr Corbell:** Who opposed building the prison?

**MR HANSON:** They have been sitting on their hands waiting—

**Mr Corbell:** What was your solution? Not to build the remand centre. Not build the prison.

**MR HANSON:** These are the sort of comments you will get, the defence of their own performance that they made in the media that caused the problems that Mr Corbell finds himself in.

**Mr Corbell:** You blokes, you jokers, have been opposed to the prison from day one—and now you cry crocodile tears about the remand centre. What a load of nonsense.

**MR HANSON:** You see. This is what happens when they are put under a bit of pressure. You see the abuse; you see the distraction—the deflecting of their own performance to try and blame others. This goes to the heart of the matter. You sat on your hands and have done nothing—

**Mr Corbell:** You opposed the prison from day one. You opposed the remand centre from day one.

**MR HANSON:** I did? I did?

**Mr Corbell:** Now you criticise the conditions at Belconnen. What a joke.

**MR HANSON:** I certainly did not. The point is—Mr Speaker.

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

**MR HANSON:** The point is that they hoped that the AMC was going to open on time, and by their own incompetence it failed to do so. I was taught in the army that hope is not a principle for planning. Mr Hargreaves may have been taught that himself. Hope—if that is all you are doing—results in failure. That is what we have seen here—a complete failure in the management of the opening of the AMC. It is a project that we have seen reduced in scope. It has been delayed indefinitely. We still do not know when it is going to open. It is costing the taxpayers a fortune every day. It has led to misleads of the public and the Assembly.

What we have found is that Mr Corbell, who has got his fingers all over this whole portfolio, then was on the media and was being criticised, quite rightly, for his role in this whole debacle. He was under pressure. He also allowed his own Chief Minister—it was his assertions about the costs relating to the AMC—to mislead the Assembly and failed to correct him. And Mr Hargreaves has not helped out with his mate Mr Corbell. He has come up with a litany of ridiculous statements in the media about restaurants opening, about violent episodes being compared to acts that could have occurred in a seminary. He said that he loses sleep every day about the prisoners in the BRC—but not so much that he did not fly overseas and leave a hospital pass for his good mate Mr Corbell to have to deal with the next tragic incident that occurred at the BRC when two prisoners were on the roof. What Mr Corbell did when he was in the media—

**Mr Hargreaves:** Right. Gloves off, sunshine. Gloves off. That was low. It is gloves off from here on. That's it. That's it, Jeremy. That's it. You're gone.

**MR HANSON:** Mr Speaker, he has just used the language “You're gone”.

**Mr Hargreaves.** That's right. You've got it in one.

**MR HANSON:** Is this threatening?

**Mr Hargreaves:** No, it's a promise.

**MR SPEAKER:** Order! Just continue, Mr Hanson.

**MR HANSON:** Let us see what else Mr Hargreaves—

**Mr Hargreaves:** It's a promise. I'm glad you're here. You reveal yourself. You are a low-life gutless wimp.

**MR SPEAKER:** Mr Hargreaves!

**Mr Hargreaves:** Hello, Mr Speaker.

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

**MR HANSON:** Can we stop the clock?

**MR SPEAKER:** Yes, stop the clock.

**Mrs Dunne:** I think the term “low-life gutless wimp” is unparliamentary and needs to be withdrawn.

**MR SPEAKER:** Clerk, stop the clock, please. Sorry, Mrs Dunne; I was concentrating on the clock.

**Mr Hargreaves:** Say it again, Vicki.

**Mrs Dunne:** Sorry. I think that the words “low-life gutless wimp” are unparliamentary, and Mr Hargreaves needs to withdraw them.

**MR SPEAKER:** Mr Hargreaves.

**Mr Hargreaves:** I withdraw it, Mr Speaker.

**MR SPEAKER:** Thank you. Mr Hanson.

**MR HANSON:** I had other comments to make, Mr Speaker. I think that Mr Hargreaves has made my point very clearly for me. The fact is that when he and Mr Corbell are under pressure, they respond inappropriately. We have just seen it from Mr Hargreaves, and we saw it from Mr Corbell. (*Time expired.*)

**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) (3.50): I applaud the comments that have been made by this side, most particularly those which have said that this motion really is a stunt. This issue should have been dealt with otherwise. It was not deserving of a motion of this order. It is a direct attack on executive business. It really is not consistent with the standing orders. It is designed, really, to draw attention away from the matter of public

importance in relation to the decision which the Liberal Party in this place have taken to oppose the \$42 billion stimulus package and, most particularly, the \$350 million that would come directly to the ACT.

The question which the Liberal Party is yet to answer in relation to that, which they do not want to debate today, is: which part of the \$350 million do they oppose?

**Mrs Dunne:** On a point of order, Mr Speaker, about relevance: this is a motion about the behaviour of the Attorney-General on a specific day and a specific number of events. It has nothing to do with the Rudd government's economic stimulus package. The Chief Minister should be asked to direct his remarks to the issue before the chair.

**MR SPEAKER:** There is no point of order, Mrs Dunne. Mr Hanson just gave a long dissertation on motivation for this motion, and it is in order and it is relevant for the Chief Minister to respond in kind.

**Mr Seselja:** To the point of order, Mr Speaker.

**MR SPEAKER:** I have ruled on the point of order, Mr Seselja, unless you wish to dissent from it. Chief Minister.

**MR STANHOPE:** Thank you, Mr Speaker. So there is this determination not to be reminded of a decision which the Liberal Party have taken to oppose the \$350 million for ACT government and non-government primary schools and the additional \$100 million for public housing. But also I think, in the context of this motion about the remand centre and the prison and issues around it, there is a very convenient rewriting of history. I think this motion goes to part of that. The attorney has just drawn attention to these issues.

We go back to the Liberal Party's history in relation to the remand centre, its attitude to the remand centre and its statement and its attitude to the prison. I have not yet gone back over the last five years, but it would be instructive to do so. I will do this over the next day or so so that we can actually revisit this issue over the next few days.

We go back—and this is as far back as I have got today—to 14 September 2006, not too far back. Bill Stefaniak, the Leader of the Opposition and shadow Attorney-General, in just one of his comments in relation to the prison, stated in a press release:

While I would be keen to see more offenders being sent to prison, the reality is that the Chief Minister's vanity-driven so-called 'human rights' prison that has already earned the sobriquet, "the Jerrabomberra Hilton", is just going to be an expensive white elephant.

We start just two years ago. That is as far back as I go. We then go to the then Leader of the Opposition, the now Liberal senator for the ACT, a one-time supporter of the prison. On 7 August—we are now less than 18 months ago; we are back to August 2007—again, from the Leader of the Opposition and shadow Attorney-General we had this press release:

Leader of the Opposition Bill Stefaniak and Liberal Senator for the ACT, Gary Humphries, today joined forces at the site of the Stanhope Government's proposed prison at Hume to highlight the absurdity of spending \$128 million on a prison which is not a must-have while closing ... territory schools ...

Mr Stefaniak went on to say:

This is the last chance to stop this madness of building a prison for ... ACT prisoners and ... remandees ...

The last chance to stop this madness! That is the position of the Leader of the Opposition, the Liberal Leader of the Opposition, 18 months ago in relation to the prison. "This is the last chance to stop this madness."

**Mr Corbell:** Crocodile tears.

**MR STANHOPE:** Crocodile tears. On 24 August, two weeks later, he was on a roll. The Leader of the Opposition and Liberal shadow Attorney-General issued this press release:

Leader of the Opposition Bill Stefaniak said today—

24 August 2007—

the Opposition—

with the support, of course, of his other colleagues, Brendan Smyth, Vicki Dunne and Zed Seselja—this is 24 August 2007—

will be moving an amendment to the Budget Appropriation 2006-07 to reject funding for the ACT Prison.

We might just go back and check the speeches by Mrs Dunne, Mr Smyth and Mr Seselja in the budget appropriation 2006-07 where the Liberal Party moved an amendment to the budget to remove funding for the prison. The Leader of the Opposition, the Liberal Leader of the Opposition and Liberal shadow Attorney-General, 15 months ago said:

However, the Opposition is not expecting—

this is the attitude the Liberal Party have to the prison, to prisoners' rights and to the protection of prisoners, the humbug and the hypocrisy in this position, the bleeding hearts, the crocodile tears—

any change of heart by the Chief Minister because the prison has become a vanity project, an ideologically-driven prison that even judged by its own human rights' benchmarks, is ... doomed to fail.

Of course, there is another issue. There is another issue, of course, in any discussion about the prison and human rights. We see the bleeding heart here today from the

shadow corrections spokesperson in relation to bills of rights and human rights. Over the next couple of days we will actually do a revisit of the Liberal Party's position on the bill of rights and on human rights, a piece of legislation which the Liberal Party opposed in its entirety and absolutely and campaigned on a platform of repeal. The Liberal Party not only opposed the human rights legislation of the ACT; it campaigned on a policy of repeal.

Then we go back to Bill Stefaniak again, as time moves—

**Mr Hanson:** Your magistrate?

**MR STANHOPE:** No. The leader of the Liberal Party in 2007, your spokesperson, your leader, your mentor, your guy, said:

I have yet to discover a single group—

according to the leader of the Liberal Party—

that is in favour of the ACT building its own jail.

“I am yet to find a single group in the ACT that is in favour of building its own jail.”  
He continued:

The Territory already enjoys an economical arrangement where the ACT's ...  
prisoners are accommodated in New South Wales ...

According to Mr Stefaniak, the leader of the Liberal Party, on behalf of the Liberal Party, “I am yet to find a single person who supports the building of a jail.”

Then, of course, there was a change in the guard. We can now actually leave Mr Stefaniak and go to Mr Seselja, who knocked him off—the old back room, the stab in the back, the roll. So we then go to the current Leader of the Opposition, the current leader of the Liberal Party, your current mentor in relation to the prison. The then spokesperson for corrective services—yes, a hush falls—on 26 March, the spokesperson on corrections, Mr Zed Seselja, said in a press release:

New figures ... have shown that the ACT Labor Government's decision to build  
a prison in Canberra is off the mark.

According to Mr Seselja, the now Leader of the Opposition, the now leader of the Liberal Party, the now mentor, the then spokesperson on this issue:

The case for the prison continues to be a false one.

According to Mr Seselja 18 months ago—just listen to it, out of his own mouth:

Whilst it is unfortunately too late to stop the prison from going ahead ...

“It is unfortunate that it is too late to stop the prison going ahead,” Mr Seselja says, “it provides a stark example of this government's waste of money on unnecessary projects like a prison.” “It is a stark example of this government's waste of public

money on unnecessary projects like a prison.” That is the view of Mr Seselja on the prison—a waste of public money. He continued:

This project will cost ... \$128 million ... There are a multitude of infrastructure priorities that could have been funded ahead of the prison ...

Here we have the current shadow spokesperson for corrections applauding that this project should not have been given precedence. Mr Hanson applauds his leader’s assertion that there were infrastructure priorities that should have been pursued ahead of the prison. Mr Seselja concludes that release—and we still have a couple to go:

Canberrans are asking more and more: why did this issue become a priority ...

Then, of course, we go to his last statement as shadow spokesperson, in September 2007. We will find more in speeches and comments, but the concluding remark by Mr Seselja in this little trip down memory lane, Mr Seselja’s final word, is: “This project was never wanted. However now that we are stuck with it,” we have to make the best of it.

**MR SPEAKER:** Chief Minister, your time has expired.

**MR STANHOPE:** That is the Liberal Party’s view on corrections—

**MR SPEAKER:** Sit down, Chief Minister.

**MR STANHOPE:** and on prisoners’ rights—

**MR SPEAKER:** Chief Minister—

**MR STANHOPE:** and never forget it.

**MR SPEAKER:** Order!

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.00): While we are referring to press releases, we know what the press release is for today: Mr Stanhope stood there for 10 minutes today and could not utter one word in defence of his Attorney-General. He is that embarrassed by the conduct of his Attorney-General that he did not even address the issue. We are still none the wiser as to how Mr Stanhope is going to vote on this motion. We know that he wants the prison, but we do not know whether he supports the Attorney-General’s behaviour and the Attorney-General’s comments which have led us to this motion today. This is a major disowning of his Attorney-General.

The former Attorney-General, who would know well and good himself the inappropriateness of the behaviour of Simon Corbell, could not even bring himself to say one word in his defence. Did he mention Mr Corbell in his speech? Did he mention what he said? Did he back up the Attorney-General’s furious claim made in Mr Corbell’s four-minute speech? Mr Corbell had four minutes where he outlined his case. Of course, his case essentially was, “Well they hadn’t been charged yet.” That was his defence. Of course, that is not what he said on the radio, because part of his

comments was that they had been charged. So his defence is, “They had not been charged, even though I said they had been charged”.

Mr Speaker, this is an Attorney-General who deserves to be disowned by his Chief Minister, who deserves to be disowned by his cabinet and who deserves to be disowned and condemned by this Assembly, which is why we have brought forward this motion today. As Mrs Dunne has very clearly enunciated, the right to a fair trial is fundamental to and sacrosanct in our legal system. Despite what we have heard from the government, it actually predates the Human Rights Act. The principle of the right to a fair trial has been enshrined in our legal system and has been upheld by our courts. The responsibility of public officials is to help the courts to uphold that and to ensure that a person’s right to a fair trial is not prejudiced.

This is a clear-cut case. Mr Corbell again leaves the chamber; he has spent most of the debate out of the chamber, I think because of his embarrassment over his statements.

**Mr Stanhope:** No, it is just puerile; that’s why.

**MR SESELJA:** Mr Stanhope interjects, but he did not put one word on the record in favour of this behaviour from Mr Corbell. That is the big story here. We expect from the Labor Party, no matter how disgraceful the behaviour, that they will defend themselves, that they will defend each other, that they will show solidarity. Whilst we can assume—although not from the words of his speech—that Mr Stanhope will vote against this motion, he was not prepared to put one word on the record in defence of this kind of behaviour. We can only assume it is because he knows that Simon Corbell got it wrong and that Simon Corbell acted in a way that has the potential to prejudice a case. That behaviour has the potential to prejudice the right of these individuals to a fair trial.

Simon Corbell went on the record on radio and television. He made a decision, and he delivered his verdict. The Attorney-General delivered his verdict that they are guilty, and that is the problem here. Mr Speaker, we see it in the basic understanding that members of the fourth estate have about this issue. Journalists—not the first law officer—are meticulous in saying words like “alleged” or “alleged offence”. They do not draw conclusions when there is a trial ongoing or when proceedings are about to commence about the guilt or innocence of an individual lest it would prejudice the case.

This is a clear-cut case. Mr Corbell put forward a four-minute defence. Remember that he was the only one who was prepared to speak in his own defence; the Attorney-General has not been backed up by his colleagues much here. We saw a spray from Mr Hargreaves, which no one quite understood, and we saw his Chief Minister effectively publicly disowning him for his behaviour. He refused in his 10-minute contribution to defend him. There was not one word in his defence.

We see in the *QUT Law and Justice Journal* that Craig Burgess goes to the very point that Mr Corbell raised. The prejudice is there because it is almost certain that proceedings will very soon be instituted. That is the law. It is almost certain that proceedings will be instituted. Mr Corbell thought they would be; he thought they had already been charged. In fact, he went out and said they had been charged. Now he

tells us that his defence is, “Well, they haven’t been charged.” That does not mean that he did not prejudice the case.

**Mr Stanhope:** One out of six. Only one out of six. What do the rest of you secretly think?

**MR SESELJA:** That does not mean that he did not prejudice the case.

**Mr Stanhope:** Who do you back? Mr Hanson’s view or Mr Seselja’s view? Whose position, Mr Seselja’s—it’s a waste of money—or Mr Hanson’s to get on with it?

**MR SESELJA:** Even in his interjections—it is difficult to speak over him, Mr Speaker—he refuses to defend his Attorney-General.

**Mr Stanhope:** Whose position do you back today? Mr Seselja’s or Mr Hanson’s?

**MR SESELJA:** He knows he got it wrong. The Chief Minister knows he got it wrong. We want him on the record.

**Mr Stanhope:** Mr Seselja said a waste of time; Mr Hanson said get on with it.

**MR SPEAKER:** Order! Chief Minister, please stop interrupting. Mr Seselja.

**MR SESELJA:** Thank you, Mr Speaker. He can come down in the adjournment debate and tell us his defence of Mr Corbell, why he believes that Mr Corbell got it right and why he believes that Mr Corbell acted reasonably as the first law officer. The first law officer has a responsibility higher than that of a journalist and higher even than that of an ordinary member of parliament to uphold the law and to ensure that justice is done and justice is seen to be done and that the right to a fair trial is not prejudiced.

We see the rank hypocrisy from Mr Corbell who waxes lyrical about human rights. But when he has the opportunity to put that into practice, he refuses. He is happy to prejudice the right to a fair trial because it is politically convenient. That is what this was about; it was politically convenient. If it had been an inadvertent error, whilst that still would have been serious, if he had made amends that would have been a far more reasonable course of action. People could understand that it was an error which was quickly corrected. He arrogantly refused to do that, and now his best defence and the only defence that has been offered by anyone in the government is that the people involved had not been charged.

Of course, that is contrary to what he actually told listeners of ABC radio, which he used as a vehicle to declare these people guilty. He declared them guilty. He said the government’s view is that they are guilty. The very thing that they were likely to be charged with—he said they had been charged—he said they were guilty of. He said there was no doubt, and he left listeners in absolutely no doubt as to what the right verdict should be—that is, they are guilty. That is not how our legal system works.

Mr Speaker, we should actually look at the other area of hypocrisy here. It has been Mr Corbell in the past in this place who has sought to shut down questioning on any matter vaguely associated with court matters. We have seen it time and time again, because it is inconvenient to the government. Even when we are talking about major

civil matters in other jurisdictions, where a panel of Supreme Court judges is hardly likely to be influenced by mere comment in the Assembly, which should be the pinnacle of free speech, Mr Corbell has been at the forefront of shutting down our right to free speech. Then the Attorney-General, not practising what he preaches, goes on radio and on television and prejudices the trial of these two individuals.

This is behaviour that deserves to be condemned by the Assembly. We understand that the Greens will be supporting the motion, and we thank them for that support. It is reasonable that we hold the minister to account. It is clearly inappropriate behaviour. It is behaviour which the Chief Minister could not even bring himself to defend. We look forward to the Chief Minister, having not spoken in favour of Mr Corbell, actually voting with us on this.

The reason that Jon Stanhope could not and would not defend the Attorney-General is because he knows as a former Attorney-General that this is poor behaviour. It is inappropriate behaviour and is potentially prejudicial behaviour. That is why this motion should go ahead. Mr Corbell stands condemned for his behaviour, his failure to apologise, his failure to make amends and his very poor efforts to defend his behaviour.

Motion (by **Ms Hunter**) put:

That the question be now put.

The Assembly voted—

Ayes 11

Noes 6

|               |               |            |
|---------------|---------------|------------|
| Mr Barr       | Ms Hunter     | Mr Coe     |
| Ms Bresnan    | Ms Le Couteur | Mr Doszpot |
| Ms Burch      | Ms Porter     | Mrs Dunne  |
| Mr Corbell    | Mr Rattenbury | Mr Hanson  |
| Ms Gallagher  | Mr Stanhope   | Mr Seselja |
| Mr Hargreaves |               | Mr Smyth   |

Question so resolved in the affirmative.

Question put:

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

The Assembly voted—

Ayes 10

Noes 7

|            |               |               |             |
|------------|---------------|---------------|-------------|
| Ms Bresnan | Ms Hunter     | Mr Barr       | Ms Porter   |
| Mr Coe     | Ms Le Couteur | Ms Burch      | Mr Stanhope |
| Mr Doszpot | Mr Rattenbury | Mr Corbell    |             |
| Mrs Dunne  | Mr Seselja    | Ms Gallagher  |             |
| Mr Hanson  | Mr Smyth      | Mr Hargreaves |             |

Question so resolved in the affirmative.

## **Answer to question on notice**

### **Question No 13**

**MR HANSON:** In accordance with standing order 118A, I seek an explanation as to why the Minister for Health has not answered question No 13 listed on the notice paper.

**Ms Gallagher:** Is that about ward space?

**Mr Hanson:** Yes, it is.

**MS GALLAGHER:** That question has come to me three times. I have just made another correction today in question time with respect to a spelling error, and it should be with you later this afternoon.

## **Personal explanation**

**MR HANSON (Molonglo):** I seek leave to make a personal explanation pursuant to standing order 46.

**MR SPEAKER:** The member may proceed.

**MR HANSON:** I believe that I was misrepresented by the Minister for Health on 4 February in statements that she made to the Australian Broadcasting Corporation. She asserted that comments I had made previously that the Health and Treasury portfolios required the attention of a separate minister were sexist. I utterly reject the allegations and I publicly called for the minister to retract her comments. As she alluded to before, I have written a letter, which I will seek to table in the Assembly, asking her to retract those comments. I seek leave to table that letter.

Leave not granted.

**MR HANSON:** I will seek to suspend standing orders to—

**Mr Stanhope:** I must say I was not quite sure what it was that the member was proposing to table. I withdraw my objection to its tabling.

Leave granted

**MR HANSON:** I table the following paper:

Alleged sexist comments—Media statement by the Treasurer and Minister for Health—Copy of letter to Ms Gallagher (Minister for Health) from Mr Hanson, dated 4 February 2009.

As I said, I have asked for the minister publicly to retract the comments, and I have written to her. As yet I have received no response. Unfortunately, because she has refused to retract those comments—

**Mr Stanhope:** On a point of order, Mr Speaker, I understood this was a personal explanation about having been misrepresented in this place.

**MR HANSON:** That is exactly right.

**Mr Stanhope:** How is this relevant to the standing orders? This was an issue—

**Mr Smyth:** He got leave.

**Mr Stanhope:** This was a very sort of tender and sensitive response by the member to comments made publicly by the minister, and I cannot see for the life of me how this is relevant to the standing orders. If we are now to use the standing orders to respond to radio interviews that upset us—

**MR HANSON:** I have been misrepresented.

**MR SPEAKER:** Order!

**Mr Stanhope:** If you have been misrepresented, take the opportunity to explain to us why you think you are not sexist.

**MR SPEAKER:** Order!

**MR HANSON:** I will do so if you allow me to talk, Mr Stanhope.

**MR SPEAKER:** Mr Hanson, please continue. There is no point of order. Mr Hanson, I would ask you to return to your personal explanation as to how you have been misrepresented.

**MR HANSON:** Yes, I will, Mr Speaker. I made comments about the separation of the responsibilities of Treasury and Health because in my view the Treasury portfolio, given the economic crisis that we face, and the Health portfolio, given the ageing of our population and the crisis that health is in, require that those ministerial responsibilities be split. At no stage had I suggested that that was an issue of gender, that Ms Gallagher was incapable because of any assertion as to her gender. It was simply a matter that no minister, at the current time, should have those two responsibilities.

My concern is that, because she has now made those assertions and has refused to retract them, as I move forward, and obviously in my role as the shadow minister, I will have criticisms of her performance and will scrutinise her performance, and the cloud of allegations of sexism that she has refused to retract hangs over me.

**Ms Gallagher:** Well, stop talking about it, you fool!

**MR HANSON:** If she would only retract it then we can move on without any concern. The other issue is that I am personally affronted. I have made comments—

**Mr Corbell:** Mr Speaker, I raise a point of order. The terms of the standing order are quite concise in that the member can only use the standing order to indicate where he has been misrepresented. Broader indications about how they feel about something or how offended they are about something do not really fall within that. The point of the

standing order is to allow the member to indicate where he have been misrepresented, and no more and no less than that, Mr Speaker.

**MR SPEAKER:** Yes, the point of order is upheld. Mr Hanson, please stick to the point that you sought leave for.

**MR HANSON:** Understood. I will finish now. I reiterate my request that the minister retract her statement so that we can move on without any cloud hanging over me that my comments in the future may be considered sexist in any way.

**Mrs Dunne:** Mr Speaker, I would draw to your attention—you may not have heard it—that the Deputy Chief Minister called Mr Hanson a “fool”. I think there have been rulings in the past that that is unparliamentary language.

**Ms Gallagher:** Mr Speaker, I withdraw those comments.

## Papers

**Mr Speaker** presented the following papers:

Auditor-General Act—Auditor-General’s Reports—

No 8/2008—2007-08 Financial Audits, dated 17 December 2008.

No 7/2008—Proposal for a gas-fired power station and data centre—Site selection process—Corrigenda.

Standing order 191—Amendments to the Development Application (Block 20 Section 23 Hume) Assessment Facilitation Bill 2008, dated 12 and 15 December 2008.

Legislation Act, pursuant to subsection 228(1)—schedule of relevant committees to be consulted in relation to appointments made by Ministers to statutory offices, dated 19 January 2009.

Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory—Appointment 2008, dated 22 January 2009, pursuant to the resolution of the Assembly of 10 April 2008, as amended 21 August 2008.

Study trip—Report by Mrs Dunne MLA—Third International Solar Energy Conference—Asia Pacific Region and the 46th Australia New Zealand Solar Energy Society Conference—Sydney, 25 to 28 November 2008.

## Executive contracts

### Papers and statement by minister

**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): For the information of members, I present the following papers:

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

Long-term contracts:

- David Prince, dated 29 October 2008.
- Luke McAlary, dated 8 December 2008.
- Ross McKay, dated 3 October 2008.

Short-term contracts:

- Alison Purvis, dated 13 January 2009.
- Angel Marina, dated 27 November 2008.
- Anita Hargreaves, dated 18 December 2008.
- Carol Harris, dated 15 and 16 December 2008.
- Catherine Hudson, dated 21 November 2008.
- Christian Sanchez, dated 19 December 2008.
- Danielle Krajina, dated 3 December 2008.
- David Dutton, dated 3 and 9 December 2008.
- David Evans, dated 18 December 2008.
- David James, dated 22 December 2008.
- David Matthews, dated 22 December 2008.
- Edith Hunt, dated 16 January 2009.
- Frank Duggan, dated 19 January 2009.
- Geoffrey Rutledge, dated 18 December 2008.
- Greg Kent, dated 13 November 2008.
- Greg Newton, dated 3 December 2008.
- Howard Jones, dated 19 November 2008.
- Joanne Howard, dated 15 December 2008.
- John Woollard, dated 7 January 2009.
- Liesl Centenera, dated 24 November 2008.
- Lyn Campbell, dated 11 and 15 December 2008.
- Melanie Saballa, dated 22 December 2008.
- Meredith Whitten, dated 6 January 2009.
- Michael Brown, dated 6 January 2009.
- Phillip Tardif, dated 15 December 2008.
- Rifaat Shoukrallah, dated 6 and 8 January 2009.
- Robert Gotts, dated 24 November 2008.
- Rosalind Lambert, dated 12 January 2009.
- Simon Kinsmore, dated 8 January 2009.

Stephen Goggs, dated 22 December 2008.

Tania Manuel, dated 3 and 9 December 2008.

Tom Elliott, dated 20 November 2008.

Contract variations:

Gary Byles, dated 4 December 2008.

Janet Davy, dated 15 and 18 December 2008.

Kirsten Thompson, dated 22 January 2009.

Marsha Anne Guthrie, dated 17 December 2008.

Philip Mitchell, dated 12 January 2009.

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

Leave granted.

**MR STANHOPE:** I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 9 December. Today I present three long-term contracts, 32 short-term contracts and five contract variations. The details of the contracts will be circulated to members.

## Papers

**Mr Stanhope** presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12 (2)—determinations, together with statements for:

Chief Justice of the Supreme Court—Determination 9 of 2008, dated 11 December 2008.

Chief Magistrate, Magistrates and Special Magistrates—Determination 11 of 2008, dated 11 December 2008.

Children and Young People Official Visitor—Determination 16 of 2008, dated 11 December 2008.

Clerk of the Legislative Assembly—Determination 19 of 2008, dated 11 December 2008.

Master of the Supreme Court—Determination 12 of 2008, dated 11 December 2008.

Part-Time Holders of Public Office—Determination 14 of 2008, dated 11 December 2008.

President of the Administrative Appeals Tribunal—Determination 13 of 2008, dated 11 December 2008.

President of the Court of Appeal—Determination 10 of 2008, dated 11 December 2008.

Sentence Administration Board—Determination 15 of 2008, dated 11 December 2008.

Administrative Arrangements—Administrative Arrangements Amendment 2009 (No 1)—Notifiable Instrument NI2009-21 (S1, dated Wednesday, 21 January 2009).

## **Legislation program—autumn 2009**

### **Paper and statement by minister**

**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): For the information of members, I present the following paper:

Legislation program—autumn 2009.

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

Leave granted.

**MR STANHOPE:** Mr Speaker, I am pleased to present the government's legislation program for the autumn 2009 sittings and its first in the Seventh Assembly. As we edge closer to the centenary of this city in four years time, and celebrate 20 years of self-government in May, the government is resolved to continue its drive to make Canberra a better city and a stronger community, including by delivering on its election promises.

At the same time, we will be looking to address head-on the current challenges posed by the global financial crisis, climate change, and increased pressures on services and infrastructure. In this regard, the government has already hit the ground running by taking some important initial steps with the new legislation it introduced last December.

Key among these was the presentation and passage of the second Appropriation Bill that fulfilled our election promises to meet a number of immediate needs. It allowed for continued assistance to the vulnerable in the community affected by the present economic crisis, provided initiatives to stabilise the local economy, and enhanced accountability and transparency processes in the Assembly. The 2009-2010 Appropriation Bill will, as usual, provide the focus for the government's legislation and financial agenda and is to be introduced in May.

Some of the other proposed financial legislation of note includes the Financial Management Amendment Bill 2009, which will follow up a new federal financial relations intergovernmental agreement. That commenced in January 2009. As well as improving the quality and responsiveness of government services by reducing commonwealth prescriptions on service delivery, the agreement streamlines the administration of grant payments. In line with the new streamlined arrangements, the bill will allow the netting of the ACT's share of the Australian Taxation Office's goods and services tax administration costs from our GST revenue, without requiring separate appropriation.

Along with other states and territories, the ACT has agreed to administer the Australian government's first home owner boost initiative program. To administer the boost in the ACT, changes will be made to the First Home Owner Grant Act 2000. The initiative aims to stimulate housing activity, give first home buyers a better chance in the housing market and promote growth in the Australian economy.

The boost will provide an additional \$7,000 to first home buyers purchasing an established home and \$14,000 to first home buyers purchasing a newly constructed home. To receive the boost contracts must be signed on or after 14 October 2008 and before 30 June 2009. First home buyers who are eligible to receive the first home owner grant and the boost may receive up to \$21,000 in grants.

A number of changes are proposed to the Duties Act 1999 which will improve and strengthen the current provisions. The ACT's exemption for residential leases will be moved so that it continues to apply to long-term leases when duty on short-term leases is abolished on 1 July 2009. Current landholder provisions will also be strengthened by preventing declarations of trust from being used as a vehicle to avoid landholder duty.

The amendments will also introduce an exemption from landholder duty for certain types of property trust restructures that currently attract capital gains tax relief from the Australian government. Having this exemption in the ACT will also help ensure that tax incentives for investment in the ACT's property market are as attractive as those in NSW and Victoria.

The Payroll Tax Bill 2009 will update payroll tax provisions and further harmonise provisions with other jurisdictions. Costs associated with complying with varying provisions across a number of jurisdictions are significant issues for employers. This added harmonisation of the ACT payroll tax provisions will significantly reduce the burden on businesses.

A Road Transport (Third-Party Insurance) Amendment Bill 2009 will continue reform of compulsory third-party insurance in the territory by amending the Road Transport (Third-Party Insurance) Act that was passed in February 2008. It incorporates provisions concerning CTP insurance for unregistered vehicles with trader's plates and unregistered vehicle permits into the principal act. Additionally, it clarifies costs provisions for mandatory final offers.

Action is also to be taken on the Unlawful Games Act 1984 which has become outdated and does not properly achieve the desired regulatory outcomes. This act, along with two associated statutes—the Games, Wagers and Betting Houses Act 1901 and the Gaming and Betting Act 1906—will be combined and completely redrafted following an extensive public consultation process. The revised legislation, the Unlawful Gambling Bill 2009, will remove ambiguities, update penalty provisions and, importantly, address the policy issues of tournament gaming, private or social gaming and charitable gaming.

An important matter that affects us all is climate change. The government has demonstrated its concern by establishing the Department of the Environment, Climate Change, Energy and Water and by promulgating our climate change agenda and strategy. To build on this, an Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2009 will be introduced to bring forward implementation of the feed-in tariff. The scheme will be the most generous in the country, and a key initiative of the government's response to climate changes outlined in the Weathering the Change strategy. The bill will clarify generator eligibility and reimbursement arrangements for electricity retailers.

Legislative reform remains a high government priority. We started this in December with presentation of the Freedom of Information Amendment Bill 2008 (No 2), the Crimes (Murder) Amendment Bill 2008 and re-introduction from the last Assembly of the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill.

The FOI bill will further enhance open government by removing conclusive statement certificates under Section 35 and 36 of the act. It does not affect such statements in relation to national security considerations. The second bill provides for a third fault, or mental element, for the offence of murder bringing the ACT into line with all other Australian jurisdictions while the third bill proposes amendments already made in the commonwealth's Classification (Publications, Films and Computer Games) Act 1995. It will ensure that the scheme for classification of publications, films and computer games in the ACT adequately keeps abreast of technological changes in the industry.

Industrial relations and worker safety laws are also to be given attention. Consequential amendments will be made to the Work Safety Act 2008 that include minor policy clarifications and transitional arrangements, such as the appointment of inspectors, and to ensure the continued application of relevant codes of practice. A new Workers Compensation (Terrorism Provisions) Amendment Bill will extend temporary terrorism provisions that provide insurance coverage to ACT employers for acts of terrorism.

Since September 11 2001, the insurance industry has either not provided reinsurance coverage for terrorism related events, or has provided such coverage at a prohibitive cost to employers. The bill will ensure that ACT workers will be covered for a further three years.

The Workers Compensation (Default Insurance Fund) Amendment Bill 2009 will amend the funding model through which the default insurance fund raises capital to ensure that insurers and self-insurers bear risks relevant to their market share at the date the claim is received. The bill will also clarify certain other provisions of the act to facilitate more efficient administration of the fund.

The Security of Payments Bill 2009 will also introduce new legislation to establish a mechanism, similar to that which operates in other jurisdictions, for contractors in the building and construction industry to more easily claim and recover outstanding payments for services provided. Lastly, the Long Service Leave (Community Sector) Bill 2009 will introduce new legislation to provide for a portable long service leave scheme for the ACT's community sector and will also make some changes to improve the administration of the existing portable long service leave schemes.

Mr Speaker, an important government priority is to improve children and young people employment and care. This will be assisted by reforming the Children and Young People Act 2008 and the Adoption Act 1993. The Children and Young People Act was passed in July 2008 and is being implemented in stages from September 2008. It is a substantial piece of legislation that makes provision for child protection, youth justice, child care licensing and employment of children and young people.

The provisions regarding the employment of children and young people were to be implemented as part of the third and final stage on 27 February 2009. When

commencing the work required for implementation, it became evident that amendments were necessary to the definition of employment. Our reforms will ensure it captures the full range of employment undertaken by children and young people.

The work concerning these changes and the development of regulations and standards will be undertaken in consultation with the business and youth sector by July 2009. The employment provisions in chapter 10 of the Children and Young People Act continue to apply for young people to develop their skills and undertake work experience.

Government action is also needed to reform the Adoption Act, which has become outdated. When first enacted, it was viewed as progressive legislation. Since that time, there have been a number of developments which have provided impetus for the act to be reviewed so that it remains consistent with other legislation and in keeping with best practice.

The developments include the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption, enactment of the ACT Human Rights Act and the Children and Young People Act and the United Nations Convention on the Rights of the Child.

A review of the Adoption Act commenced in 2006. Community consultation was guided by the discussion paper entitled "A Better System For Children Without Parents To Care For Them." The consultation outcomes were documented in the 2007 report on key findings from the review of the Adoption Act.

The review and consultation process identified a number of issues requiring the consideration of government. Proposed changes to the act will ensure that it is consistent with best practice, focused on the best interests of the child and is compliant with the ACT Human Rights Act.

Transport safety is also a focus of the government to ensure that our laws are consistent with nationally agreed standards. National model legislation developed by the National Transport Commission will be adopted for the safe and secure transportation of goods. At present, the transportation of dangerous good within the territory is regulated by commonwealth legislation, but the commonwealth signalled its intention to repeal this law in 2009.

Separate legislation will be proposed to provide a consistent and best practice national legislation scheme to provide for improved compliance and enforcement of the road transport laws for heavy vehicles.

Finally, in relation to new legislation for the autumn sittings, follow up is to be taken on the problem of abandoned shopping trolleys which are polluting urban areas, parks, lakes and waterways throughout the ACT. The government is responding to public complaints regarding this issue. Legislation will be presented to maximise the removal of abandoned trolleys from public lands in as tight a time frame as possible.

Madam Assistant Speaker, these are just some of our intended initiatives. They reflect the government's priorities for meeting the challenges we face now and into the future and for improving Canberra and the community. I commend the autumn 2009 legislation to the Assembly.

## Papers

**Mr Stanhope** presented the following papers:

Intergovernmental Agreements—

Federal Financial Relations.

National Affordable Housing Agreement.

National Agreement for Skills and Workforce Development.

National Disability Agreement.

National Education Agreement.

National Healthcare Agreement.

National Indigenous Reform Agreement.

National Partnership Agreement on Homelessness.

National Partnership Agreement on Improving Teacher Quality.

National Partnership Agreement on Literacy and Numeracy.

National Partnership Agreement on Preventive Health.

National Partnership Agreement on Social Housing.

National Partnership Agreement on TAFE Fee Waivers for Childcare Qualifications.

National Partnership Agreement on the First Home Owners Boost.

National Partnership Agreement on the Nation Building and Jobs Plan: Building Prosperity for the Future and Supporting Jobs Now.

Crimes (Bill Posting) Amendment Bill 2008—Memorandum of Compatibility.

**Mr Corbell** presented the following papers:

ACT Criminal Justice—Statistical Profile—September 2008 quarter.

Annual reports 2007-2008—

Australian Crime Commission (ACT) Act, pursuant to subsection 51(5)—  
Australian Crime Commission, dated 22 December 2008.

Civil Law (Wrongs) Act, pursuant to subsection 4.56(3) of Schedule 4—  
Professional Standards Council.

## **Planning and Development Act 2007—schedule of leases Papers and statement by minister**

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): For the information of members, I present the following papers:

Planning and Development Act, pursuant to subsection 242(2)—schedules—  
leases granted, for the period 1 October to 31 December 2008.

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

Leave granted.

**MR BARR:** Section 242 of the Planning and Development Act 2007 requires that a statement be tabled in the Legislative Assembly each quarter outlining details of leases granted by direct sale.

Section 458 of the Planning and Development Act 2007, as amended by the Planning and Development Regulation 2008, also provides transitional arrangements for all direct grant applications made under the Land (Planning and Environment) Act 1991, which has now been repealed, to be decided under the repealed act.

The schedule that I have just tabled covers 12 leases granted for the period 1 October 2008 to 31 December 2008. In addition, Mr Speaker, nine single dwelling house leases were granted by direct sale for the quarter.

## Papers

**Mr Corbell** presented the following papers, which were circulated to members when the Assembly was not sitting:

### Performance reports

Financial Management Act, pursuant to section 30E—Half-yearly departmental performance reports—December 2008, for the following departments or agencies:

ACT Health.

ACT Planning and Land Authority.

Attorney-General (within Department of Justice and Community Safety).

Chief Minister's Department, dated January 2009.

Department of Disability, Housing and Community Services, dated January 2009.

Department of Education and Training, dated January 2009.

Department of Treasury, dated January 2009.

Environment, Climate Change and Water Portfolio.

Environment, Climate Change, Energy and Water Portfolio.

Minister for Corrections (within Department of Justice and Community Safety).

Territory and Municipal Services Portfolio.

Tourism, Sport and Recreation Portfolio.

### Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Children and Young People Act—

Children and Young People (Drug Testing) Standards 2008 (No 1)—Disallowable Instrument DI2008-277 (LR, 10 November 2008).

Children and Young People (Family Group Conference) Standards 2008 (No 1)—Disallowable Instrument DI2008-281 (LR, 1 December 2008).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Engineers Australia (ACT) Scheme 2008 (No 1)—Disallowable Instrument DI2008-292 (LR, 22 December 2008).

Firearms Act—Firearms Regulation 2008—Subordinate Law SL2008-55 (LR, 22 December 2008).

Health Act—Health (Fees) Determination 2008 (No 3)—Disallowable Instrument DI2008-298 (LR, 22 December 2008).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Price Direction for the Supply of Electricity to Franchise Customers) Terms of Reference Determination 2008 (No 2)—Disallowable Instrument DI2008-305 (LR, 24 December 2008).

Legal Profession Act—Legal Profession (Barristers) Rules 2008—Subordinate Law SL2008-46 (LR, 3 November 2008).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2008 (No 2)—Disallowable Instrument DI2008-300 (LR, 22 December 2008).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2008 (No 2)—Disallowable Instrument DI2008-301 (LR, 22 December 2008).

Liquor Act—Liquor Licensing Board Appointment 2008 (No 2)—Disallowable Instrument DI2008-273 (LR, 30 October 2008).

Public Place Names Act—

Public Place Names (Bonner) Determination 2008 (No 2)—Disallowable Instrument DI2008-303 (LR, 23 December 2008).

Public Place Names (Bruce) Determination 2008 (No 1)—Disallowable Instrument DI2008-279 (LR, 13 November 2008).

Public Place Names (Casey) Determination 2008 (No 1)—Disallowable Instrument DI2008-304 (LR, 23 December 2008).

Public Place Names (Casey) Determination 2009 (No 1)—Disallowable Instrument DI2009-3 (LR, 19 January 2009).

Public Place Names (Crace) Determination 2008 (No 1)—Disallowable Instrument DI2008-275 (LR, 6 November 2008).

Public Place Names (Harrison) Determination 2008 (No 1)—Disallowable Instrument DI2008-290 (LR, 18 December 2008).

Public Place Names (Macgregor) Determination 2008 (No 2)—Disallowable Instrument DI2008-274 (LR, 3 November 2008).

Public Sector Management Act—

Public Sector Management Amendment Standards 2008 (No 4)—Disallowable Instrument DI2008-278 (LR, 13 November 2008).

Public Sector Management Amendment Standards 2008 (No 5)—Disallowable Instrument DI2008-280 (LR, 20 November 2008).

Public Sector Management Amendment Standards 2008 (No 6)—Disallowable Instrument DI2008-289 (LR, 15 December 2008).

Radiation Protection Act—Radiation Protection (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-284 (LR, 11 December 2008).

Residential Tenancies Act—Residential Tenancies Tribunal Selection 2008 (No 4)—Disallowable Instrument DI2008-272 (LR, 30 October 2008).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No 10)—Disallowable Instrument DI2008-282 (LR, 2 December 2008).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No 11)—Disallowable Instrument DI2008-293 (LR, 22 December 2008).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2008 (No 12)—Disallowable Instrument DI2008-294 (LR, 22 December 2008).

Road Transport (General) (Driver Licence and Related Fees) Determination 2008 (No 2)—Disallowable Instrument DI2008-295 (LR, 22 December 2008).

Road Transport (General) (Numberplate Fees) Determination 2008 (No 2)—Disallowable Instrument DI2008-297 (LR, 22 December 2008).

Road Transport (General) (Pay Parking Area Fees) Determination 2008 (No 2)—Disallowable Instrument DI2008-302 (LR, 23 December 2008).

Road Transport (General) (Vehicle Registration and Related Fees) Determination 2008 (No 2)—Disallowable Instrument DI2008-296 (LR, 22 December 2008).

Road Transport (General) (Vehicle Registration) Exemption 2008 (No 2)—Disallowable Instrument DI2008-299 (LR, 22 December 2008).

Road Transport (General) Act, Road Transport (Safety and Traffic Management) Act, Victims of Crime Act—Road Transport Legislation Amendment Regulation 2008 (No 2)—Subordinate Law SL2008-47 (LR, 1 December 2008).

Road Transport (Safety and Traffic Management) Regulation—

Road Transport (Safety and Traffic Management) Approval of Child Restraints Determination 2009 (No 1)—Disallowable Instrument DI2009-1 (LR, 7 January 2009).

Road Transport (Safety and Traffic Management) Approval of Protective Helmets for Motorbike Riders Determination 2009 (No 1)—Disallowable Instrument DI2009-2 (LR, 7 January 2009).

Road Transport (Third-Party Insurance) Act—Road Transport (Third-Party Insurance) Amendment Regulation 2008 (No 3)—Subordinate Law SL2008-48 (LR, 1 December 2008).

Taxation Administration Act—

Taxation Administration (Ambulance Levy) Determination 2008 (No 1)—Disallowable Instrument DI2008-291 (LR, 18 December 2008).

Taxation Administration (Amounts Payable—Eligibility—Home Buyer Concession Scheme) Determination 2008 (No 2)—Disallowable Instrument DI2008-286 (LR, 11 December 2008).

Taxation Administration (Amounts Payable—Eligibility—Pensioner Duty Concession Scheme) Determination 2008 (No 2)—Disallowable Instrument DI2008-288 (LR, 11 December 2008).

Taxation Administration (Amounts Payable—Thresholds—Home Buyer Concession Scheme) Determination 2008 (No 2)—Disallowable Instrument DI2008-285 (LR, 11 December 2008).

Taxation Administration (Amounts Payable—Thresholds—Pensioner Duty Concession Scheme) Determination 2008 (No 2)—Disallowable Instrument DI2008-287 (LR, 11 December 2008).

Workers Compensation Act—Attorney General (Fees) Amendment Determination 2008 (No 2)—Disallowable Instrument DI2008-276 (LR, 6 November 2008).

#### **Petition—out of order**

Dunlop—provision of child care, Montessori House of Learning—Mr Barr (195 signatures).

## **Economy—stimulus package**

### **Discussion of matter of public importance**

**MR SPEAKER:** I have received letters from Ms Bresnan, Ms Burch, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur, Ms Porter, Mr Smyth and Mr Seselja proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Ms Burch be submitted to the Assembly, namely:

The importance of stimulating the economy through measures such as the Rudd Labor Government's \$42 billion Nation Building and Jobs Plan which will support jobs and invest in future long-term economic growth of our nation, including the ACT.

**MS BURCH** (Brindabella) (4.39): It gives me great pleasure to talk on this matter of public importance: the \$42 billion nation building and jobs plan, a timely and significant stimulus package that was signed by all jurisdictions at the special COAG meeting convened by the Prime Minister last week. This \$42 billion package comes on the back of a \$10.4 billion stimulus package announced by the federal government in October 2008.

The ACT government welcomes the commonwealth's nation building and jobs plan and recognises the significant investment in territory infrastructure and the positive impact it will have on business and consumers in the territory. There is no doubt that the flow of this money into the territory is a great thing. Over the short term this will support jobs and provide important infrastructure in the ACT, to the benefit of all Canberrans. There is also no doubt that this package will help buoy confidence both for us individually and for our local businesses. It will help business and households make plans for the immediate future with a better degree of certainty.

The works proposed through the nation building and jobs plan will be delivered locally by a range of trades—builders, plumbers, roofers, painters, electricians, plasterers and the like—that is, our family, our friends and our neighbours working in the trades are being given more security for their immediate future, with a better degree of certainty. The federal government's plan is designed to stimulate consumption and investment in Australia in order to protect Australian jobs.

The ACT government recognises the importance of this spending and the need to act quickly and responsibly to limit the extent of the national economic flow-down and any associated job losses. This is why this government and other state and territory governments signed up to the plan at last week's COAG. While the stimulus package may not prevent unemployment from ultimately rising in the ACT due to other events occurring in the national and international economies, it will improve the levels of employment from what would otherwise have occurred had there been no intervention by the commonwealth government.

Both packages indicate a number of things: the growing severity of the global financial crisis and the need to take pre-emptive strikes at ameliorating the economic impacts on Australia and the states and territories; the need for a fiscal injection into the Australian economy to stimulate spending; and the economic activity that will protect Australian jobs. Then there is the need for the short-term expenditure to be in line with the longer-term infrastructure investments for the nation and, most importantly in these uncertain times, the need for strong leadership shown through the collective agreement of all jurisdictions to work together cooperatively. It is important that we understand the economic imperative which has prompted the need for an additional stimulus package.

The economic outlook facing the world is one unparalleled since the Great Depression. The economic crisis which found its origin in the US housing market and the international finance sector is spreading to all parts of the world economy. Trillions of dollars have been lost around the world. The global financial crisis has driven almost all major advanced economies into recession. That includes the United States, the United Kingdom, Europe and Japan. In our region, Hong Kong, Singapore and New Zealand are also in recession, whilst the engines of world growth, China and India, are slowing.

Given the size and scale of the crisis, it would be unwise to expect that Australia could escape from this economic storm. The outlook for Australia is one of declining commodity markets, tight credit markets and a slowing economic growth. We are staring down the barrel of an economic decline, the like of which has not been seen in more than 80 years, and the economic weight bearing down on Australia and the ACT's shoulders is immense.

Australia's economic growth is forecast to slow to one per cent in 2008-2009 and to three-quarters of a per cent in 2009-2010. The national unemployment rate is expected to rise to 5.5 per cent by June 2009 and to seven per cent by June 2010.

The questions that parliamentarians and we here in the Assembly need to eventually answer are: what do we do in these dark economic times? Did we meet the economic

challenges front on and did we prevail? I believe that the challenge we face is virtually unprecedented and extraordinary times demand extraordinary measures. It is towards these extraordinary measures that I now turn.

The first is the Australian government's \$42 billion nation building and jobs plan. It will be remiss of any government to maintain record levels of surplus whilst our unemployment rose and our economy stagnated. The strong and decisive action by the Australian government will help support and sustain up to 90,000 jobs over the next two years and will provide a boost to the Australian economy of around one-half of one per cent of GDP in 2008-2009 and around 0.75 to one per cent of GDP in 2009-2010. Despite this, however, the unemployment rate is forecast to rise.

Returning to last week's stimulus package, the ACT Treasury estimates that direct economic impact for the ACT is in the order of \$350 million. This is in addition to the share of the \$20 billion in tax bonuses for ACT households and tax concessions on investments for ACT businesses.

The Treasurer will provide the chamber with a more detailed analysis of the \$350 million positive impact on the ACT economy. However, I would like to provide the chamber with the details of the \$42 billion stimulus package and, importantly, the areas which are being targeted. They include: the \$14.7 billion investment in building and rebuilding primary and secondary school infrastructure as well as maintenance and the bringing forward of the funding of trade training centres in schools; the \$6.6 billion investment to boost the national stock of social housing by around 20,000; and the construction of an additional 802 defence homes. This money will also be available to fast-track repairs and maintenance for existing public housing.

There is the \$3.9 billion program which provides ceiling insulation for home owners as well as for assistance to landlords to install insulation. This funding will be available for increasing solar hot water rebates to households.

There is also \$2.7 billion for small business and general business tax breaks to assist small businesses and other businesses. There is an \$8.2 billion tax bonus for working Australians. There is a \$1.4 billion bonus for single-income families. There is a \$20 million farmers hardship bonus, a \$2.6 billion back-to-school bonus and, finally, a \$511 million training and learning bonus. As I said, the Treasurer will provide more detailed figures on the impacts of the packages for the ACT.

However, it is important to highlight the diversity of the stimulus package, the targeted nature of the package and the ability of the stimulus package to reach into every Australian community. And this is the significant attribute of the packages. There is recognition of the need for spending to be dispersed to all communities and, where possible, for jobs to be protected.

I see that the Council of Small Business of Australia, in its February 2009 newsletter, concurred with the Prime Minister and the first ministers on the need to act now, for the projects to start now and for it to support the nation building package. While the debate is to continue in the Senate this week, it is interesting tonight that the Council of Small Business of Australia is supportive of the packages.

The government has had discussions with the business community in the area of housing and small commercial projects that the industry has the capacity to deliver. The large commercial buildings that are under construction are nearing completion. This means now that there are a number of subcontractors and subcontracting firms that are looking for work. Further, we understand that subcontractors are chasing work and that prices have been modified to suit the capacity. The Master Builders Association of the ACT has confirmed this situation.

The ACT government will soon be announcing a third appropriation in response to the economic situation. The funding to be announced as part of the third appropriation, along with that announced as part of the nation building and jobs plan, will ensure that the ACT government meets the challenges of delivering the nation building and jobs plan.

We have moved quickly to appoint a coordinator general and a senior team of public servants. The Chief Minister announced last Friday the appointment of Ms Sandra Lambert as the ACT Nation Building Coordinator General. Ms Lambert will join coordinators based in each state and the Northern Territory to oversee the rollout of the planned infrastructure and construction and will liaise with the newly created commonwealth office of coordinators.

In signing up to deliver this unprecedented, one-off funding package from the commonwealth, we need to ensure that the ACT is able to roll out a record number of new capital works. These are projects for our schools and are in line with in excess of 400 public and community housing dwellings. We know what work needs to be done and we are committed to delivering to the ACT community both the plan as well as our continuing significant capital works program.

These are challenging times for us all. The leadership of the Australian government in developing such a significant stimulus package, a \$42 billion stimulus package on top of an already delivered \$10.4 billion announced last year, is supported by the ACT government. It will be interesting to see how that debate—debates that create opportunities for Australian households and Australia as a whole as a community—develops in the Senate this week.

**MR SMYTH** (Brindabella) (4.50): Yes, it will be interesting to see how the debate develops and whether the federal government and the ACT government can provide a detailed analysis of whether or not this package will work. Ms Burch has dutifully read her speech—it is almost like having Mr Gentleman back. But she did pose the question: what do we do? There are a number of commentators, economists and people far better trained than anybody in this place who are saying that this package is not the way to go.

If you look at individual lines, of course, there are things we are delighted with. It is great to see Kevin Rudd stealing our policy on home insulation. It is a policy that the Chief Minister pooh-poohed before the last election and said, “You shouldn’t do it, you can’t do it, you won’t do it, we’re not going to do it.” Yet here we are, not even six months after the election, and Kevin Rudd has stolen Zed Seselja’s policy on insulating homes.

And this is the problem. We do not have enough detail to make a judgement on this. It is easy enough to say, “We need it, it’s urgent, it will stimulate the economy.” But the question is: will it? We have only to look at some of the commentary this morning. An article in the *Canberra Times* by Danielle Cronin and James Massola states:

Leading economists have criticised the \$42 billion mini-budget to stave-off recession, arguing bringing forward tax cuts or calling a pay roll tax “holiday” are more effective than cash handouts.

RMIT economist Professor Sinclair Davidson said the Government should consider a “GST holiday” or pay roll tax relief, which would offer more “bang for the buck” than cash handouts.

Professor Davidson goes on to say, I think rather sarcastically:

“Do we believe that Australians have not been borrowing and spending enough on alcohol, pokies and tobacco, and that there aren’t enough plasma televisions around?”

And then you go to somebody like a professor from the ANU, Warwick McKibbin, who is also on the board of the Reserve Bank, who said in the article that—and I quote:

... the Government should temporarily reduce the GST rate or bring forward tax cuts in response to the global financial crisis.

“A cash payment ... only has the potential to temporarily stimulate demand and has no long-run benefits to the economy.”

I say this again:

“A cash payment ... only has the potential to temporarily stimulate demand and has no long-run benefits to the economy,” according to Professor McKibbin who believes the \$42 billion-package was too large.

Indeed, the article states that Paul Drum, the policy director of Certified Practising Accountants Australia—and I quote:

... believed tax cuts were the most effective method to stimulate the economy.

“There is a school of thought that many tax cuts are spent by taxpayers long before they even receive the money, and therefore this would directly and immediately stimulate consumption.”

And this is the problem. We have a package from the government, and they have said this is the package. We have evidence that suggests that the government did not even consider many of these options. The article refers to Ken Henry, the Treasury secretary, in the following terms:

In evidence to the committee—

it was a federal committee—

Treasury secretary Ken Henry said a temporary cut to the GST had not been considered nor had a voucher scheme.

That was in response to Retailers Association director Richard Evans, who suggested that vouchers rather than cash could be a more effective way of ensuring that the money was not spent on pokies, gambling, alcohol and cigarettes.

This is the dilemma that we have. In an all-or-nothing bid, the federal government, I think in some sense of desperation, have simply thrown a package onto the table and said, “Take it or leave it.” They cannot give any evidence to suggest it will do what they have claimed, which is to stimulate the economy and hold back the tide. So, King Canute-like, we have got the Prime Minister, Mr Rudd, standing there and saying, “We will throw the kitchen sink at this.” But is that the right strategy? The answer is that we do not know because neither government, either federal or at the territory level, can tell us what the impact will be. And we have a right to know what the impact will be as people around Australia, and particularly federal politicians, are being urged to pass this, and pass it urgently. Forty-two billion dollars in a week, \$6 billion a day, is what they are being asked to pass, and a \$200 million credit limit on the Australian credit card. Sorry, \$2 billion; sorry, \$200 billion—

**Mr Seselja:** They are big numbers.

**MR SMYTH:** They are big numbers to get your tongue around—a \$200 billion credit limit. After the last decade of financial responsibility under the former Liberal government, which came to office with a \$17 billion deficit and a \$96 billion debt—it took a decade to pay that off—we are being asked, almost on a whim, with very little detail and no analysis, to trust Labor and their economic record with \$200 billion, and that is unacceptable.

There is an article, for instance, in today’s *Financial Review* about how it will be repaid, how much needs to be repaid and who will repay it. The article in the *Financial Review* by David Crowe is headed “\$7bn interest likely, says Treasury.” The article states:

The federal budget will be weighed down by at least \$7 billion in annual interest payments, according to Treasury and financial market estimates of the cost of servicing the commonwealth’s swelling debt. If parliament this week authorises the \$125 billion increase in commonwealth debt, the commonwealth will issue bonds to cover future budget deficits and the annual interest bill will climb steeply. But the government has insisted that the net cost of servicing the debt would amount to only \$2.6 billion each year into 2012, after taking into account the earnings generated from commonwealth assets.

So Treasury and the government do not even agree on how much this is going to cost—\$7 billion, \$2.6 billion. A gap of \$4 billion is not insignificant, and this is what we are dealing with. You can’t trust Labor on the numbers and you can’t trust Labor on economic policy. We have seen it time and again: the disastrous Whitlam government, which plunged this country into debt for decades; the legacy of the

Hawke-Keating governments, of which Mr Stanhope was a part as an adviser, that left \$96 billion worth of debt. And now they are simply saying, "Trust us," with no analysis and no back-up.

We saw it again today. We asked the Treasurer very simple and very reasonable questions: "What does this do to our budget bottom line?" "Can't answer." "How much extra revenue will the government get from this package?" "Don't know." "What is the cost of the maintenance of the packages when they're built?" "Can't tell you." This all impacts on us, and saying that you will find out in the budget three months from now is unacceptable.

If people are being urged to sign up to a package then they need to know what they are getting themselves into. If you sign up to a loan now, you have got to sign the disclosure statement saying that you have read the disclosure and you understand what you are getting yourself into. We are being asked, as a country, to sign up to \$42 billion worth of debt with undefined benefits. I think it behoves the government, particularly our ACT government, to tell us exactly what we will get for it, not the half-answers and the non-answers that we got today.

With respect to the answers that we got yesterday, the government rang and offered the opposition and the Greens a briefing to tell us how this would work and, quite frankly, there were no answers. We used those words today: "guesstimate", "not sure", "still working out the detail", "waiting for the numbers", "all in the melting pot", "forming on an hourly basis", "we don't know", "yet to be finalised", "waiting for confirmation". It just went on and on. That might be the case and it might be a reasonable thing that they do not know the answers if the federal government has not provided them to them. But they cannot come in here and laud this package and say, "We should support it, the country should support it, everybody should vote for it," if they do not know the answers. They should be asking the federal government to come clean and tell them exactly how it will be finalised.

You have only to go to the record of the Stanhope government. You cannot trust the Stanhope-Gallagher government on economic matters, because they squandered the \$1.6 billion bonus that came as extra revenue in the last seven years. They actually budgeted for deficits in the boom time. At the top of the economic cycle, they were broke. They had spent so much money, and continued to spend—reckless spending—for seven years, which has now been brought to a shuddering halt. You cannot trust the Stanhope-Gallagher government. Indeed, we always have the perennial argument where the government does not know the difference between the economic and electoral cycles.

Indeed, you cannot trust the Stanhope-Gallagher government on the election promises or their knowledge of their promises. On 17 September, Mr Stanhope issued a press release headed "ACT Labor pledges continued responsible spending and budget surpluses". "We pledge this." All around them, the world is going to pieces. Lehman's collapsed about three days before this, and banks are dropping off the perch like nothing on earth. But Jon Stanhope, wearing his King Canute robe, said: "I can stop this. It's not going to affect the ACT." In his press release he pledged that "Labor's fully-funded election promises would maintain a forecast budget surplus for each of the years of the next term". He had the answers. Nobody else in the world has got an

answer to this. President Obama does not, and nor do the Prime Minister of England or the President of France. Nobody has got an answer to it. Jon Stanhope did. He pledged that “Labor’s fully-funded election promises would maintain a forecast budget surplus for each of the years of the next term”.

**Ms Gallagher:** Didn’t you do the same thing, Brendan? “We will have bigger surpluses.”

**MR SMYTH:** That is the problem: you cannot trust Labor on their election promises. Of course, the Treasurer likes to interject, and she keeps interjecting.

**Ms Gallagher:** No, that’s the second time.

**MR SMYTH:** The Treasurer, of course, before the previous election, promised not to close schools, and we know that lasted for only six weeks before the planning started to destroy the ACT education system.

You cannot trust the Stanhope-Gallagher government on the delivery of capital works. We all know about 2001: “On time, on budget.” Yes, Gungahlin Drive—four lanes; that is two north, two south.

**Ms Gallagher:** How much did you provide for Gungahlin Drive, Brendan? How much did you provide?

**MR SMYTH:** Four lanes, on time, on budget. It is two years late, it is half a road and it is already double the original budget, if it had been built, instead of wasting time.

**Ms Gallagher:** But your budget was so wrong it wasn’t funny.

**MR SMYTH:** The Treasurer interjects again. It is interesting: they have delivered every one of the projects in that five-year road program, and it was my five-year road program. All the other numbers have panned out, but you got this wrong. You wasted so much time because Mr Corbell tried to take it along the wrong route. This is part of the problem. You cannot trust the Stanhope-Gallagher government on the delivery of capital works.

The prison: it was 374 beds at \$110 million. It is now 300 beds at \$131 million, we are told. It is not open. It does not have a gym. And what else? It does not work—because you cannot handle capital works. The bus lane to nowhere: \$5 million. airport roads: too little, too late. This is the government’s record. If you go to their record on infrastructure, they have not delivered in any year their capital works budget on time, on budget. They have not delivered in seven years a major capital works project on time, on budget. Yet they are asking us to believe that they can deliver \$350 million worth of construction in the short term because you can trust them. You can trust them; they are just going to do it!

It was interesting to note the annual reports hearing for the Chief Minister’s Department the other day: don’t go to ACTPLA because the only way to get anything done in this town, according to the Chief Minister, is to go and see David Dawes. Scrap the planning process; we should just give this money to David Dawes and let

him do it. He probably could deliver it, oddly enough, but in an interesting insight and a reflection on planning, and TAMS delivers most of the infrastructure, it is not an officer from TAMS or Planning who will head up what looks vaguely like Infrastructure Canberra, another Canberra Liberal—

**Mr Seselja:** It is a poor copy.

**MR SMYTH:** Yes, it is a poor copy, Mr Seselja. It is another poor copy of a Liberal policy. They have now been brought to book on this because they cannot do it. When we asked today, “How will you make this work?” the Treasurer had no idea. You just cannot trust the Stanhope-Gallagher government on their planning processes. You cannot even trust them to diversify our economic base. We asked them for years and years to do something with the money they received in the good times, and they did nothing.

There is a *Canberra Times* editorial going back which says, “Squandering the good times, do something with it.” We had an economic white paper that has now been relegated to the economic white paper bin. Their tax policy was “squeeze until they bleed but not until they die” and this narrow approach has now put us significantly at risk because the people that they were squeezing cannot give any more because the property boom has dried up, and the government is left with nothing to answer the needs of the people of the ACT.

Of course, when Dr Foskey was in this place and sitting in that seat, she had the temerity to suggest that we could have an industry based on sustainability industries, and we had ridicule from Mr Hargreaves, and a Chief Minister who did not understand. So you just cannot trust the Stanhope-Gallagher government to not waste taxpayers’ dollars. Let us read the litany of them: FireLink, at \$5 million; the busway that will never be built; the Grassby statue; Rhodium, which we will get to later in the day, and which has been eroded by the mismanagement of the shareholders. And the list goes on.

In some ways you can say this is a package to bail out the states. We had confirmation from not one but two ministers at question time, when Mr Hargreaves said, “Yes, we can deliver because we’ve already been planning this stuff.” He is going to take the projects that the government had already been planning and fund them out of this stimulus package—which, of course, is against the spirit of the package. You cannot trust Labor on economic matters.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (5.06): While the Greens support the nation building and jobs plan in principle and agree there needs to be an injection of funding into the economy to help the country in these difficult times, it is important to note that a Senate inquiry is presently examining the plan, and it appears that some adjustment may result. We understand that, following the inquiry, it may be as late as Thursday before a vote is taken on the plan.

In the past few days, some leading economists have criticised the plan and called for other options, such as tax cuts or payroll tax relief, to be included rather than cash handouts. As always, it is impossible with cash handouts to ensure that the neediest receive the benefit, and handouts do not necessarily protect or create jobs. Creating

and retaining jobs should be the basis of any stimulus package. In fact, since the start of this Assembly, the ACT Greens have advocated the need to develop a green economy in the ACT. That is about building green business and creating more green-collar jobs.

The response of states and territories is vital to the success of any plan, and if they use this commonwealth funding as a substitute for their own planned capital works or stimulus packages and reduce their spend, any possible benefits will be eroded away.

Of concern also is that in Senate hearings last week in the federal parliament, officials from the Department of Prime Minister and Cabinet revealed that no thought had been given in preparing the plan to requiring new housing stock to be energy efficient. Neither was any consideration given to funding cycleways or public transport infrastructure instead of roads. I am, however, encouraged by the fact that the ACTU, the Australian Council of Social Service and major church providers are broadly supportive of the plan.

In relation to this possible investment in new social housing—that is public and community housing in the ACT—it is important that it be used with our changing climate in mind. New houses need to be well ventilated, solar passive, energy efficient, incorporate solar hot water and be made with low-emission materials. These new homes can then be efficient and water efficient and therefore cheap to live in, and they can have a reduced impact on our environment. Investment at this magnitude in social housing by the federal government will put us closer to the goal the ACT Greens agreed with ALP of increasing the stock of public housing to 10 per cent of all Canberra homes.

The Greens are pleased to see the building the education revolution initiative included in the plan, the aim being to fund schools to build and to upgrade facilities. It is important that this funding be managed in consultation with school boards and parents and citizens groups to ensure needs are accurately identified and the funds used appropriately. For example, with our experiences of last week with schools having to send students home due to the heat, it seems this is the opportunity to improve student and teacher comfort with insulation and cooling rather than perhaps building additional facilities.

The time lines on implementing the initiatives and the proposed plan are understandably very tight to stimulate the economy before it falls into recession. In doing this, we are concerned that sufficient resources be allocated to those areas or departments required to undertake the scoping and the implementation of the plan. In the ACT, if we are to get the best results from what may be a huge boost to the economy, we need to ensure all aspects are given due consideration.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (5.09): The ACT government welcomes the commonwealth's nation building and jobs plan and recognises the significant investment this provides for territory infrastructure and the positive impact it will have on businesses, jobs and consumers.

It is important in times of rapid deterioration of the global and the Australian economies that governments act to stimulate the economy through measures such as the ones announced by the federal government last week. These measures are necessary to support jobs and to invest in the long-term growth of the nation and for us here in the ACT. Earlier this year the International Monetary Fund urged governments to take decisive action and to act without delay. The IMF noted that conventional monetary easing—that is, the cutting of interest rates—is not sufficient. Interest rate cuts alone will not cut it.

The IMF view was that fiscal policy—government spending—is also critical to bolster aggregate demand and to limit the impact of the financial crisis on the real economy. The IMF acknowledges that action required will imply significant deterioration in the fiscal accounts and result in budget deficits. The IMF recommends that fiscal packages should rely on temporary measures, and policy should be formulated with credible medium-term fiscal frameworks. In the words of the IMF, these frameworks should entail gradual fiscal corrections as conditions improve. Both the Australian government's fiscal response and the ACT government's response are entirely consistent with this framework.

Members are well aware that the federal government's \$42 billion nation building and jobs plan has a number of elements. Broadly, the plan provides an immediate stimulus of \$12.3 billion through tax and transfer system and invests \$28.8 billion in schools, housing, energy efficiency and community infrastructure. The plan also provides assistance for small business.

The Chief Minister has called it a visionary plan, and to assist an appreciation of the vision in the plan, it would be useful for me to provide some further details on the investment. There is \$12.4 billion for every primary school in the country. Every primary school will benefit through a library or a multipurpose hall. There is \$1 billion for science and language learning centres in secondary schools. There is \$1.3 billion for a national school pride program, funding refurbishment and minor infrastructure for all primary and secondary schools.

The plan provides \$6 billion for 20,000 new social housing dwellings and \$400 million for the repair and maintenance of the existing public housing. This is visionary investment in the nation's public housing system. The plan provides \$3.4 billion for insulation of around 2.2 million of uninsulated owner-occupied homes and 500,000 rental properties. There is also \$500 million for solar hot water rebates.

The plan supports business investment in general and particularly small business by providing tax breaks. The plan also provides tax bonuses for single-income households, farmers and low-income families with school children.

Madam Deputy Speaker, the plan will directly benefit the ACT in the order of \$350 million. This includes \$229.3 million in upgrades to buildings in every primary school and \$102 million for social housing. The tax breaks for small business should help maintain the recent high levels of investment in employment in this sector, given that these businesses make up the majority of the private business sector in the ACT.

The ACT will also receive around \$100 million for the construction of the new public and community housing. Workers in the construction industry will benefit from this initiative as this represents a significant investment in the local housing sector. The most vulnerable in our community should also benefit as this initiative not only provides additional public housing but eases the upward pressure on rents.

The \$252 million to be expended on the construction of new defence housing will also benefit the ACT due to the relatively large presence of defence forces. Commonwealth expenditure on road maintenance and road safety will also benefit the ACT with an estimated \$1 million for this initiative.

A tax bonus of up to \$950 for eligible working Australians should provide a boost to consumption in the ACT and have positive flow-on effects for employment. Further bonuses which will impact positively on consumption include a \$950 single-income family bonus for eligible families and a \$950 back-to-school bonus for eligible school-age children.

The benefits to the ACT's public infrastructure are substantial. The benefits to ACT's householders are substantial, and the benefits to the environment are considerable. There are potential benefits for businesses and incentives for investment. This plan ticks a lot of boxes.

It is early in the economic downturn, and the plan is formulated and implemented quickly when the economy is before its lowest point. It is temporary and targeted—temporary so it does not distort other activity in the economy in the medium term and targeted in order to maximise the impact on growth from a given budgetary outlay.

One would hope that eventually the plan gets bipartisan support. I think it is very difficult to argue against investing in schools, and what person in the community would object to our schools getting new or upgraded libraries, halls or computer laboratories or improving other buildings? This is perhaps the smartest investment the community can make for the future. It increases the productive capacity of the economy, it supports jobs, and it provides a real, improved asset for generations to come. This is the investment that the previous federal government should have made when times were good.

Commonwealth funding for schools will complement the significant investment in school infrastructure that we have made since 2006-07. Around \$350 million has been invested in quality school facilities, with the maintenance budget increased by 25 per cent in 2006-07. The program of work continues with every school being upgraded, and this will complement the work already done.

The commonwealth will help further improve school environments in the ACT, and it has been welcomed by parents, students and the broader ACT community. They recognise that the unprecedented investment will benefit our students' learning in the long term and have real long-term benefits.

Mr Speaker, I know there has been some concern—in fact, I think concern from the opposition today—around the impact of this package on the ACT and particularly on

the ACT economy and perhaps also on the ACT budget. I will do what I can to provide members with all the details that I get in a very timely fashion, if they are feeling that the budget papers are too long away. We are currently putting the budget together now anyway, but I will look at what information I can provide. I would say that the briefing provided yesterday was at our initiation, and the response to that briefing and to our offer of assistance and the way it has been treated certainly makes it seem like it is not worth going to the effort to provide you with that kind of high-level briefing, considering you have obviously got nothing out of it.

The package that has been delivered—there may be some changes and amendments to that package, as we have heard today on the news—must be dealt with quickly. That package must pass so that the money can flow and that the benefits that we hope to see across the country and here—of course, we are focused on the ACT—will occur as soon as possible.

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.17): I welcome the opportunity to speak to this matter of public importance. It is a very important issue. I think the first thing I need to say—Mr Smyth has already touched on this—is that there are lots of good things in this package. We were really pleased to see the insulation program. That is something that we took to the last election. Of course we support it. We put it out there in about September or October of last year, and we support it. It is good economic policy, and it is good environmental policy. It is also good social policy. We are committed to it. The Labor government here was not prepared to match it.

It is interesting to consider the commentary from the Chief Minister when that part of the package was announced. He must be applying for some sort of post-politics job, because anything that comes from Kevin Rudd now is good. He may have opposed it before; he may not have been prepared to support it, but he was gushing in his praise of Kevin Rudd the other day on the radio. He was talking about what a visionary, nation-building plan this was. Well, we believe that there are good aspects, and who is going to say no to money for school halls?

In fact, the Treasurer still forgets. She said, “Who doesn’t support extra money for schools?” Well, I think it was Kevin Rudd who actually cut the last program. There was a major investing in our schools program from the previous Howard government, and Kevin Rudd cut it. He got rid of it. He abolished it when he came in. This government, the ACT Labor Party, supported that. They did not oppose it. They supported him getting rid of it. That is what we have seen from this government. If it is from Kevin Rudd, it is good; if it is from the previous government, it is bad.

We also do need to go to the point of Senate scrutiny. The Chief Minister and others have put forward the argument that you have to, without looking at this package and without examining it, pass it, and anyone who refuses to pass it, not having seen it, is somehow not acting in the best interests of the nation. It is a ridiculous argument; it does not bear any reasonable, rational scrutiny.

Of course, we know why they did not want scrutiny in the briefing, and it came through in Ms Gallagher’s answers today. We saw Ms Gallagher not knowing any of the details. She did not know any of the details, and we can go through them. We asked her in question time about the economic impact:

Treasurer, what will be the impact of this proposed stimulus package in the ACT on inflation, employment and gross state product?

She said:

But I think some of those questions that Mr Seselja asked are very difficult to answer. I do not think I am in a position to be able to answer that question today.

On the construction of school buildings the Treasurer was asked:

What will be the impact in terms of recurrent costs of these new buildings on the bottom line of the ACT budget?

The Treasurer said:

That detail has not been worked through yet. Of course, that information will be available and will be provided. I presume the earliest we would do that is through the budget papers, which will show the money coming into the territory's accounts, how we account for that ...

She did not know. On insulation:

Minister, can you provide to the Assembly the exact advice on the status of that program and who is managing it.

Ms Gallagher said:

I would ask the federal government for that. I have some of the federal government's media releases, but they are available on their website if you are able to peruse that. I do not believe that we have anything other than what is available publicly for that element of the program.

So they have not even been told about that element. On GST revenues, again, the Treasurer says:

Again, as this program is rolled out some of that finer detail may change. But we are just not in a position to provide you with that exact information.

On economic modelling, the Treasurer said:

... I am not sure it is the best use of Treasury's time today, without all the information available to them, to do modelling on a package for which they do not have all the details.

On housing, Mr Coe asked the Treasurer:

Given the certainty with which you spoke about prices, will you table the advice and modelling you have received about this initiative?

Ms Gallagher said:

I don't have anything to table, Mr Speaker.

Ms Gallagher was asked about employment, and she said:

There is no doubt that unemployment in the ACT will rise over the next 12 months.

We heard from Ms Gallagher today that this package was not going to create jobs; it is not a jobs-creating package. This is why it should be examined; this is why it is reasonable for the Parliament of Australia to look at this.

Do we believe there are good elements of this package? Yes, we do. There are a number of good elements of this package, which both Mr Smyth and I have supported. In fact, we came out very early and supported the insulation program, because we believe it is good policy. Anyone who believes it is reasonable to hold a gun at someone's head and to say, "Don't look at the detail of this \$42 billion, just pass it," does not believe in proper parliamentary process and does not believe that governments should actually be scrutinised for massive spending measures. It is quite reasonable that this is done.

Of course, we know that there is no economic plan from Mr Rudd, because we have seen his conversion over the last few months. We have seen him go from the man who backed every element of the Liberal Party's economic policy. Could Mr Barr, Mr Stanhope or anyone else here point me to a time in the election campaign where Mr Rudd disagreed with the former government on economic policy? He adopted every one of their policies, and he differentiated on Work Choices and climate change, and that was it. He backed every other aspect of their economic policy. Now we have the born-again socialist Prime Minister who says to us that Hawke was wrong, he says Keating was wrong, he says Howard was wrong. All of these economic reforms were really just brutal neo-liberalism. It is embarrassing.

I mean, anyone who saw the former Prime Minister, Paul Keating, on *Lateline* the other night would have seen him cringe when he was asked a question about Kevin Rudd. He was cringing. He did his best, Madam Deputy Speaker, not to laugh. Of course, we did see that toward the end of the Howard government, people like Mr Barr were actually criticising them for spending too much. So you cannot be criticised for spending too much but also being neo-liberals who are just going to leave it to market forces.

Of course, Julia Gillard does not agree with the Prime Minister in his 7700-word thesis. She says that Australia is ahead of the game in terms of its regulatory package. In terms of regulation in Australia, we are better than world class, she says. Yet according to Kevin Rudd, "Well, it's neo-liberal. We've left it to the market forces. Every man for himself. Every woman for herself. We will not help." What a load of rubbish. It has been rightly ridiculed as completely lacking in any sort of intellectual rigour. This man who sees himself as a bit of a thinker, who spends his summers writing long essays, has missed the point. It is a dishonest article. It is not based in any fact. If we take it to the logical extension, it is criticising all of his most recent predecessors, and it goes back on everything he said on economics during the election campaign. How can this man be trusted? He is a phoney, and that has been demonstrated.

That is part of the reason why we are seeing such confusion in how things are done and why we are seeing the fact that this package has not been thought through. There are good things in it—of course there are—we welcome those, and we welcome some of the spending. I expect that the Chief Minister, if he gets a chance to speak, will tell us why he believes that \$42 billion of taxpayers' money should have been spent without federal members even looking at it and with a gun to their heads.

Mr Barr is embarrassed by his own Prime Minister now. The embarrassment is apparent. He realises that the Prime Minister, the leader of the Labor Party nationally, has made an argument with no foundation, and he has demonstrated his economic credentials. That is why people are concerned now that, after the Liberal Party paid off this \$96 billion of debt—saved for the future—Kevin Rudd, at the first opportunity, wants to spend even more than the \$96 billion of debt. It is outrageous. Madam Deputy Speaker, I thank Ms Burch for bringing this forward. We thank her for the opportunity to debate this very important issue.

**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) (5.28): I, too, am very pleased that Ms Burch proposed this matter of public importance. There is no more important issue or matter facing Australia today than the financial crisis which we find confronting us.

It is a very serious crisis and we are thankful that we have in place a government that is prepared to take the issue head-on and that is prepared to think of its vision in relation to the steps which it needs to take to keep Australia in growth. The significance and the seriousness of the crisis is, for me, summarised by the fact that all six of our leading trading partners—all six, the first six—the top six trading partners of Australia are formally in recession. Australia is not.

It is a matter, I think, of real significance that, of the OECD economies, Australia is the only one not currently in recession or facing imminent recession. We are the strongest of all the OECD trading nations in terms of continuing growth in our economy. As one scans the world economies, Australia is still in growth—minimal growth. We are in growth, of course, thanks to the decisions that the commonwealth government took in the lead-up to Christmas.

There is no doubt about the significance of the retail spike. Ask Chris Peters and other industry representatives about the importance of the decisions that the commonwealth government has taken to date and the fact that Australia, of all of major western economies, is the only one still formally in growth—that has not slipped into recession.

The significant point is the ignorance being displayed by the Leader of the Opposition and other members of the Liberal Party here about what this means for Australia and what it means, most particularly for jobs and for families, if we slip into recession. The steps that the commonwealth took in the lead-up to Christmas and the steps that the commonwealth are taking in the package announced last week are fundamentally important to maintaining stability and growth within the economy and fundamental to

seeking to stave off, to the extent that we can, job cuts. At the end of the day it is about jobs, and jobs are about families and family security and maintaining a quality of life for all Australians. In the contributions by the Liberal Party today there was no expression of concern about jobs or the implications of job losses for working men and women throughout Australia.

The package that the commonwealth put together last week was crafted by the commonwealth Treasury. It was crafted with a view to maintaining stability, security and confidence in the Australian economy and, at the end of the day, saving jobs. Today the Leader of the Opposition made no mention of jobs. There was no suggestion that the Leader of the Opposition cares two hoots about the prospect of unemployment in Australia doubling.

Over the last 18 months we have seen the disdain of the Leader of the Opposition for working families, most particularly young working families who will be impacted by job losses which are being experienced throughout the world and which we will all experience here. The Leader of the Opposition says, "Unemployment will double. It will go from this to that." But they are statistics. There is no acknowledgement and no sensitivity to the fact that when we talk about a doubling of unemployment we are talking about thousands of families, tens of thousands of families, hundreds of thousands of families.

**Mr Barr:** He has got to put an application in to the neo-Liberal club, you see.

**MR STANHOPE:** Yes, that is exactly right. We are talking about an expectation that within 12 months hundreds of thousands of Australians currently in employment will not be in employment. We talk about that as a minimum. It is not a laughing matter. It is a matter that requires urgent action. It is a matter that requires the sort of urgent, unconstrained action that the commonwealth government, with its mandate to govern for all Australians in this period of crisis—

**Mr Seselja:** Unconstrained absolute power.

**MR STANHOPE:** Once again we have this cynical sneering by the Leader of the Opposition. He says, "They are just jobs. They are just working families. We do not really care for them." "They probably do not even vote for us" is the view of the Leader of the Liberal Party. "We are not particularly worried about those hundreds and thousands of young families that will be without a wage within a year. It is not our constituency. We have never shown any concern for them in the past. Why should we start now?"

We have to focus on the fact that from the outset the Liberal Party chose not to support the stimulus package or the commonwealth's leadership in relation to this matter because their federal leader took a political position of opposition to it. But, interestingly, being a little more parochial and actually looking locally, the question is: why did the ACT branch of the Liberal Party decide to oppose it? Which part of the package is it that they oppose? Are we concerned about \$80 million being provided by the commonwealth to the non-government school sector? Is that what they are concerned about?

Perhaps they are not worried about history. Is it, then, that they are worried about the commonwealth providing another \$130 million to government primary schools? Does the Liberal Party understand the implications of \$130 million for the education of children here in the territory? Mr Seselja is on the record as opposing this package, opposing an additional \$130 million of funding for the government primary school sector. Remarkably, having regard to the Liberal Party's attitude to the non-government sector, the Liberal Party stands up today and says, "It is a matter of no real concern to us if that \$80 million does not go to the non-government sector, the Catholic systemic schools. They do not need this \$80 million injection."

**Mr Hargreaves:** It is good money after bad, remember.

**MR STANHOPE:** That is right. It is part of the continuing philosophy, the Dunne mantra. This is, in the view of the Liberal Party, throwing good money after bad. It was the mantra of Mrs Dunne in her period as education spokesperson for the Liberals. She only asked two questions in four years; nevertheless it was their mantra on other occasions.

One is entitled to ask: is it that the Liberal Party do not support the \$100 million for public housing? We know their history, their philosophy, their ideology. We know that there is no sensitivity within the Liberal Party towards those Canberrans that live in public or supported accommodation or social housing. They are not their constituents; they do not care. They flip-flop.

On the day of the announcement Mr Seselja heard his federal leader say that the Liberal Party would oppose the package. Flip-flop Zed said, "I had better oppose this because Malcolm Turnbull has." Zed fell into step—lockstep—with Malcolm Turnbull. That was the initial position. Then, of course, they moved off and he thought, "Maybe this is not such a good political position. Perhaps I'd better start to climb out of this little ditch that I have dug for myself."

**Mr Seselja:** You cannot tell the truth, can you, Jon? When you don't have an argument you just make it up.

**MR STANHOPE:** So you are opposed to the Malcolm Turnbull position on this? Here is a revelation. The Leader of the ACT Branch of the Liberal Party does not support Malcolm Turnbull's opposition to this package. That was the opening position. Then he moved away from that. He thought, "Crikey, the politics of this perhaps are not too hot. Perhaps I had better abandon Malcolm after all, but I will not do it very publicly. I do not want to upset him."

So here we have it—flip-flop, flip-flop. On day one the position was: this is a bad package; it should not be supported. A couple of days later it was: heck, what will the Catholic Education Office think about the fact that I have opposed \$80 million of commonwealth funding coming to them?

**Mr Seselja:** Mr Speaker, I raise a point of order. We have listened for nine minutes as the Chief Minister has made unsubstantiated comments. We will check the *Hansard*, but I think he is going to have to withdraw in a moment. He has said a number of

things in the Assembly that are not true. He might take the opportunity now to withdraw it. Otherwise we will have to check the *Hansard* tonight and perhaps move a motion tomorrow. He has misled the Assembly—

**MR SPEAKER:** There is no point of order, Mr Seselja.

**Mr Seselja:** So he will continue to mislead.

**MR STANHOPE:** You can understand the sorts of thought processes that Mr Seselja is having as he tries to end the debate to cover his embarrassment. What do they think down at the Catholic Education Office? On Ross Solly's program the other day the independent schools association supported it absolutely and without reservation. Then the president of the P&C association, following the independent schools association, expressed concern at the Liberal Party's decision to oppose the package.

**Mr Seselja:** They haven't got your letter yet, the P&C council? Have they got your letter?

**MR STANHOPE:** I did not write to them. I wrote to every individual P&C—

**Mr Seselja:** Well we are looking forward to seeing that letter—

**MR STANHOPE:** Every single P&C association and every—

**Mr Seselja:** to see if there is a skerrick of truth in it.

**MR STANHOPE:** parents and friends association in the ACT have it. I am sure they will be in touch with you soon.

**Mr Seselja:** We look forward to it.

**MR STANHOPE:** I think we sent out almost 200 copies. (*Time expired.*)

**MR COE** (Ginninderra) (5.38): It seems that the old truism “the more things change the more they stay the same” is as applicable today to the Labor Party as ever before. At the last federal election the Labor Party won government nationally by shifting to the right. The Leader of the Opposition at the time, now Prime Minister, famously declared on You Tube and in TV commercials that he was an economic conservative. Indeed, tens of thousands of people saw that clip online.

The voting public were led to believe that the Labor Party had finally beaten their addiction to deficit and debt and had learnt the lessons of the so-called recession we had to have. Indeed, in the lead-up to the first Rudd government budget we saw the Prime Minister declaring the need for large surpluses and the need to fight the inflation genies that had been let out of the box.

**MR SPEAKER:** Order, Mr Coe! The time for this discussion has expired.

## **Justice and Community Safety—Standing Committee Scrutiny report 2**

**MRS DUNNE** (Ginninderra) (5.39): I present the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 2, dated 3 February 2009, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS DUNNE:** Scrutiny report 2 contains the committee's comments on 15 bills, 73 pieces of subordinate legislation and two regulatory impact statements. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Education, Training and Youth Affairs—Standing Committee Statement by chair**

**MS BRESNAN** (Brindabella): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education, Training and Youth Affairs concerning a new inquiry. The committee has resolved to conduct an inquiry into school closures and reform of the ACT education system. The committee will consider aspects of the reform of the ACT education system, with particular reference to:

1. The ACT Government's Towards 2020 policy, including:
  - Demographic factors influencing regional planning in the delivery of educational services;
  - Configuration of school environments and educational outcomes; and
  - Reorganisation of the ACT school system thus far.
2. The impact of school consolidation and closures with a focus on:
  - Community experiences and attitudes;
  - Student learning experiences; and
  - Financial, social and environmental impacts.
3. Community responses, including:
  - Review of the consultation process, including how public submissions were considered and incorporated into the final reform package;
  - Views on the Education Amendment Bill 2008;
  - Interest expressed by school communities to re-open schools listed for closure; and
  - New uses for school facilities.
4. Any other relevant matter.

## Crimes (Bill Posting) Amendment Bill 2008

Debate resumed from 11 December 2008, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (5.41): I rise to speak to the Crimes (Bill Posting) Amendment Bill 2008. There is no doubt we need to do something about ugly and unsightly bill posting. This sort of bill posting can destroy the look of the city. On heritage buildings like the Sydney and Melbourne buildings, it is unacceptable that each pillar should be covered with posters that cost the taxpayer a significant amount in cleaning up and restoring the building. The opposition believes that the government can work with business and community organisations to clean up bill posting in the city.

However, this bill should not pass the Assembly in its current form. It is poorly drafted and vague legislation that will do nothing to enforce laws that are already on the statute book.

This bill, it seems, is more about the Chief Minister's vanity than the city of Canberra or bill posting. The Chief Minister was rightly criticised during the campaign for the deteriorating state of the city. It is natural then, after declaring himself the mayor of Canberra, that he should come into this place in a blaze of glory with a new item for the Crimes Act to eliminate the evil menace of bill posting, as he put it. The opposition does not support bad legislation that is more about the gratification of the Chief Minister's ego than in focusing on core urban services for the people of Canberra.

The bill, as it stands, will create a new crime of bill posting without consent on public and private property as a strict liability offence and a new duty on event organisers to ensure their events are cleanly promoted and that event organisers will be liable for a penalty if they recklessly disregard ensuring their billposters do so cleanly. There are a number of aspects of the bill that are of particular concern to the opposition, including the strict liability nature of the new offence, the unfair impact on individuals, charities, small businesses and freedom of speech, and the lack of consultation before the introduction of this bill to the Assembly. The imposition of a strict liability offence is something we must do with care. Strict liability offences of course do not require that there is a fault element to the offence.

As has been observed by the Standing Committee on Justice and Community Safety, the explanatory statement to the bill does not adequately justify why in this case the prosecution should not be concerned with the moral blameworthiness of a defendant. Before this matter is addressed, the opposition cannot support the bill as it stands.

In an extraordinary admission, the explanatory statement accompanying the bill talks about the applicability of provisions to community notices and in relation to lost pet notices. It says a person affixing such notices on property without consent could still be prosecuted under section 119 or 120 of the act. The bill would also technically make it a crime for chalk hopscotch drawings to appear on paths and for small groups such as Scouts to paint stencilled numbers on guttering outside residential properties.

The new duty to ensure clean event promotion is problematic and ill conceived. The clean duty provision is so broad that it applies to parts of a business or undertaking. This includes both small and large businesses, charitable purposes, theatre, live music, and other community organisations. Many of these organisations attract many of their customers, supporters and patrons through the distribution of posters. This new duty has the effect of shifting liability from someone who has posted in breach of new section 120 to an event organiser. Without the ability to advertise with posters, charities and organisations who cannot afford other paid advertising are severely limited in their reach.

I am also concerned that these laws may have some consequences for freedom of speech. Many political events such as rallies and lectures are advertised through the distribution of flyers and posters. Severely restricting this form of posting limits the ability of these organisations to have successful events and participate in public debate.

It is unclear how the proposed legislation would apply to campuses of the ANU, UC, ACU and CIT. Student groups and political groups on campus use bill posting to advertise their events and organisations because of the limited financial capacity they have. This matter should be clarified before this legislation is passed.

Whilst considering this bill, it has become clear to me and others in this place that this is another example of the Stanhope-Gallagher government's decision not to consult but simply to say later on they consulted. Instead of talking with those businesses with an interest in bill posting, the Chief Minister has rushed forward with his vague legislation. The government has yet to point to the consultation or community concern that has led to the drafting of this legislation.

I will move that this bill be referred to the Planning, Public Works and Territory and Municipal Services Committee for inquiry and report back to the Assembly. The opposition believes this legislation should go to a committee because we recognise that there is a problem with some bill posting that is ugly and unsightly, and indeed with graffiti, and that it is a concern that should be addressed by the government.

I envisage that the committee might take the opportunity to hear from concerned businesses and other organisations about better ways to control and accommodate bill posting without having the harsh consequences of the legislation as it is currently drafted. Therefore, I move:

That the Crimes (Bill Posting) Amendment Bill 2008 be referred to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report.

**MS LE COUTEUR** (Molonglo) (5.47): I have a procedural question. I wish to continue with the in-principle debate.

**MR SPEAKER:** It is not possible. We are now on the motion moved by Mr Coe that the bill be referred to a committee. You can speak to that if you wish or we can move on. Would you like the floor?

**MS LE COUTEUR:** Yes, I wish to speak on the matter.

**MR SPEAKER:** Please go ahead.

**MS LE COUTEUR:** Thank you. The Crimes (Bill Posting) Amendment Act seeks to extend the bill posting offences that already exist under the Crimes Act. It makes illegal bill posting a strict liability offence. It also targets promoters of events and purports to make them liable for illegally posted bills even if they did not take reasonable precautions to ensure the event was promoted cleanly.

The Greens have strong reservations about the government's approach to bill posting. We believe this bill must be amended to achieve its stated purpose without disproportionately impacting on the rights of ACT citizens or the vitality and culture of our city.

In its current form, the bill is too broad and too heavy handed. The bill essentially enforces a blanket ban on bill posting, covering everyone from the citizen who is trying to find a lost pet to a school promoting an annual fete, from the organiser of a political rally to the commercial operator of a live music event. We believe that applying criminal—

**MR SPEAKER:** Order! I am sorry, we now have to discuss the motion, not the bill in principle.

**MS LE COUTEUR:** Sorry, I misunderstood you, Mr Speaker. That was my question: could I speak on the substantive issue?

**MR SPEAKER:** No. I am sorry if I was unclear. You should speak to the motion rather than to the in-principle stage of the bill.

**MS LE COUTEUR:** Speaking to Mr Coe's motion, the Greens also have concerns with this bill. As you would be aware, we intend to move a number of amendments to the bill. However, given that it would appear that those amendments will not get up and also given that we totally agree with the Liberal Party that insufficient consultation has taken part, we in fact have done some consultation of our own. We will be supporting this motion.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (5.50): The Chief Minister is temporarily detained, so I will respond on behalf of the government. It would be clear, from the comments of the Greens and the shadow minister, there is not a majority in the Assembly to proceed with this legislation at this time. Obviously the government is committed to responding to the issues that we have raised through this piece of legislation.

It might well be worth the committee's time considering also a similar but related matter that this Assembly has dealt with previously, and that is not so much the posting but the placing of leaflets on windscreens. If the principle that has been raised by both the Greens and Mr Coe in their opposition to this bill about restrictions on

freedom of speech for political parties and community groups and student organisations and if that logic is to extend to all areas of ACT law, then the committee may wish to also examine that matter of leaflets on windscreens. I note that previous Assemblies took a slightly different view to this matter. However, it would appear that there is not support for the bill to proceed at this point.

The Chief Minister has arrived so I might resume my seat. Chief Minister, I have just advised the Assembly that it would appear that there is not support for the bill to proceed at this time and that we are debating a motion that it be referred to the relevant Assembly committee for consideration.

**Mr Stanhope:** Has a motion been moved?

**MR BARR:** Yes, a motion has been moved. That would appear to be the best way to proceed at this point so that the bill will have the prospect of passage through the Assembly. I will not delay the matter any further. The Chief Minister who does have carriage of this matter can respond.

**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 do apologise to colleagues. Unfortunately—and it is in the interest of government, I have to say—ministers have to schedule on sitting days meetings with constituents and constituent organisations, otherwise it is simply not physically possible for us to meet with all of those organisations that would wish to meet with us to discuss issues of pressing concern to them. Unfortunately, upon looking at the program this morning, my office took a decision, as did Ms Gallagher's, that we would perhaps both be free of Assembly duty from 5.30 to 6 and we scheduled a meeting jointly. But I do regret the disruption that has now been caused to this particular item. I regret it but I was just a little uninformed as to what was occurring.

Mr Barr, in his closing remarks, has worded me up to the effect that there is not support within the Liberal Party or the Greens for the matter to proceed today. I regret that. I think this is quite a straightforward and simple matter, designed to address a significant issue within our community.

I was motivated to pursue this particular reform on the basis of a personal observation in December of, I believe, somewhere between 300 and 500 A3 posters having been glued up, pasted with glue—almost impossible to remove—on public property throughout the entire ACT. In my investigation of this particular matter, I essentially drove the entire length of the ACT, from Condor to the Gungahlin shopping centre. I believe that there was a particular poster by a particular commercial organisation promoting a particular commercial event. I believe it is reasonable to assume in excess of 300 A3 posters—

**Mr Coe:** Were they your rights at work ones?

**MR STANHOPE:** These were pasted on public property. I have not got a full quote, but for TAMS to remove those hundreds of posters, if we were to remove them, would cost tens of thousands of dollars.

TAMS, at my request, approached the organisation that printed these posters and they gave the response which every organisation that TAMS ever approaches in relation to illegal bill posting makes: “Yes, we did pay some people to hang the posters for us, but we did not expect they would act illegally. For goodness sake, no. If we had known they were going to act illegally we would never have employed them. For goodness sake, we only printed a thousand of them. We assumed they would find enough legal places for a thousand posters. It never crossed our minds that they would hang 400 or 500 of them up on public property.” I think every switching box at every set of traffic lights in the ACT received one of these glued posters.

That is the nature of the issue. And there is an issue. It is a constant refrain through this place about graffiti and mess. The number of motions, the number of debates, the number of hours that have been consumed in this place over the last five years about graffiti, about mess and about illegal bills being posted are enormous.

Mr Pratt made his entire career on the subject. Mr Pratt, I think with the urging of Mrs Dunne from time to time, pursued this particular issue vehemently, to the point of actually painting out legal art. But that just gives some background and it just gives some insight into the significance of the issue.

I think it is quite simple. We need a mechanism; we need the capacity to identify the issue. What is the issue? What is the problem we are seeking to fix? The problem we are seeking to fix is that those that print the posters and those that take the steps to have them hung currently are completely exempt from any capacity by parks rangers or Territory and Municipal Services to actually address their behaviour.

This is the current situation: it is illegal to post bills. This particular piece of legislation proposes that we actually change some of the arrangements in relation to that particular offence; namely, that on-the-spot fines might be issued to make that process far more streamlined and easy. But that is the simple part. That is the poor bloke or girl that has been employed by an entrepreneur to hang them. And as the law stands, we can get them if we see them posting the bills, which almost never happens. It is interesting that this particular employment is generally, it seems, pursued at night time, in the dark. This is not a daytime pursuit. These perhaps are people with daytime jobs, but this bill posting activity, particularly the illegal bill posting activity, is almost exclusively pursued at night.

We then need to go to the next step. These are the people creating the problem. I just invite you—a lot of them are still there—to actually inspect every single box between Condor and the Gungahlin shops. There are hundreds of these posters and then, when their owners are approached, they say, “Heck, we never ever expected that our hundreds of posters would be used in this way.”

How do you deal with this? The only way you could deal with this of course is through the creation of an offence, and the offence that we created was one of recklessly doing it. I cannot imagine any other way of doing this; I just do not see how else it could be done. But I am at one level. I will conclude on that. But that is the rationale. That was the situation.

But I am more than happy—at least to save the issue, rather than have it defeated now—to save the issue, to support it being referred to the relevant committee. I would, in that sense, accept the motion that Mr Coe has moved but I would like to propose an amendment to it. I do not think it is appropriate that it be open ended with no report date. I would, as I think on my feet, suggest that the committee should be at least required to report back in a reasonable time, perhaps by—

**Mr Barr:** By 30 June?

**MR STANHOPE:** Yes, by the end of June, I would have thought was reasonable. I would propose that it be referred to the Standing Committee on Planning, Public Works and Territory and Municipal Services for inquiry and report to the Assembly by no later than 30 June 2009.

*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.*

**Sitting suspended from 6 pm to 7.30 pm.**

**MR STANHOPE:** I was in the process of proposing an amendment to Mr Coe's motion simply to provide a date. I did suggest—I think I may have moved a motion suggesting—that it should be by the last day of June. It has been pointed out to me that it would be more administratively convenient if the motion read “by the first sitting day in June”. I think that is the 20-something-or-other of June. It would be within a sitting week but in that last week. With the indulgence of members, I formally move the following amendment to Mr Coe's motion:

Add the following words: “by the first sitting day in June 2009”.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Is that in writing?

**MR STANHOPE:** Yes. Could that be circulated now?

**MADAM ASSISTANT SPEAKER:** Okay.

**MR COE** (Ginninderra) (7.32): That amendment is not acceptable. Because of estimates and everything that happens on and around budget time, we as a committee would be hard pressed to address it by that time. I seek to amend the amendment to refer to a day in the August sitting—perhaps the last day of August, 27 August.

**MADAM ASSISTANT SPEAKER:** Mr Coe, you will have to put that amendment in writing and make it available for circulation.

**MR COE:** I am happy to do so. I will do that shortly.

**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) (7.33): Just

for convenience, if I might propose something, I would be happy to withdraw my amendment if it makes the drafting of that amendment simpler. I would be happy to accept August. I think that would probably suit everybody. I do not know what the procedure is for withdrawing a motion, but I seek leave to amend my amendment.

Leave granted.

**MR STANHOPE:** I move an amendment to my proposed amendment as follows:

Omit “June”, substitute “August”.

Amendment agreed to.

**Mr Stanhope’s** amendment, as amended, agreed to.

Motion, as amended, agreed to.

## **Dangerous Substances and Litter (Dumping) Legislation Amendment Bill 2008**

Debate resumed from 11 December 2008, on motion by **Mr Stanhope:**

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (7.34): I rise to speak on the Dangerous Substances and Litter (Dumping) Legislation Amendment Bill 2008. The opposition supports the government’s determination to deter illegal dumping and punish those who do so.

As all my Assembly colleagues are aware, as Canberrans we are very lucky to live in a city of many beautiful parks, nature reserves, rivers and waterways, all within the suburban area. Unfortunately, some in the community litter or dump material, including dangerous substances. Illegal dumping can cause pollution, can be dangerous to other residents and can destroy the amenity of an area. This sort of dumping can have a financial impost on residents of the ACT through clean-up costs.

The opposition is concerned, as the Chief Minister indicated when he introduced the bill, that asbestos, poisons, flammable liquids and other substances continue to be dumped in and around the ACT. Despite the offences already in place, this sort of dumping is still a problem that needs to be tackled.

The opposition endorses moves to clarify the Dangerous Substances Act 2004 and the insertion of examples in the act. We are pleased to support increasing the penalty for aggravated littering, a particularly repulsive act that could injure people or animals or damage public places.

With regard to damage to public places, making the perpetrators of illegal dumping restore the damage they may cause—in new section 21 (4) of the Litter Act 2004—is a welcome measure that will ensure that people think twice before they perpetrate illegal dumping.

I would like to flag that the Assembly could enact the strictest laws with the most severe penalties for illegal dumping, but they would be meaningless if they were not enforced. Deterrence works only to the extent that those considering illegal dumping are sufficiently concerned that they might get caught so as not to perpetrate the dumping. I look forward to the government matching these tougher penalties with better enforcement to ensure that we can clean up public places and reduce the dumping of dangerous substances.

Despite our support for parts 1 through 4 of this bill, the opposition is not in favour of parts 5 and 6 of this bill. The opposition supports an amendment to remove parts 5 and 6 of the bill, the parts of the bill that would amend the Road Transport (Safety and Traffic Management) Act 1999 to impound motor vehicles for offences under the Dangerous Substances Act 2004 and the Litter Act 2004.

Impounding motor vehicles in relation to these offences is so disconnected from the nature of the offence itself that it is disproportionate. I have noted comments in scrutiny report No 2 and I am also concerned that the seizure of property under these provisions occurs before the finding of any guilt. These measures are draconian and should not be passed by this Assembly.

It is out of all proportion to suggest that impounding someone's motor vehicle is a suitable response to illegal dumping. There are numerous motor vehicle offences, including some speeding and drink-driving offences, that do not attract the penalty of the impounding of a motor vehicle and yet are directly related to the use of a motor vehicle. In this case, the government asks us to support a measure that impounds someone's vehicle before it is even proved that they have committed the offence—an offence not directly related to the vehicle.

The opposition will not be supporting parts 5 and 6 of the bill but do support the sentiments.

**MS LE COUTEUR** (Molonglo) (7.38): The Greens will be basically supporting the bill today, as dumping is an ongoing issue here in the ACT and measures which reduce the amount of rubbish being dumped in inappropriate areas like nature reserves and behind houses are to be commended. I used to work in Bruce; every day I went past the ever-growing illegal dumping in the area there and I am well aware of the problems. Waste dumping is certainly an issue that needs to be addressed by the government; however, I am not sure that the bill necessarily does that.

Given that this is an area which is very hard to police, raising the penalties may not help to deter actions. Perhaps we need to give more thought to how communities can help reduce dumping. We could start with more signs in key areas stating that dumping is illegal and what the penalties are. Recently I have noticed an increase in green waste dumping since Canberra Sand and Gravel has started charging a few dollars to take green waste.

I support the sections which require the dumper to restore any damage to the area caused by dumping and also those which allow for any restoration costs borne by the government to be recouped by adding to the dumping penalty.

Though I support this bill today, I have concerns along the same lines as my colleague Mr Coe about the idea of simply increasing penalties and imposing strict liabilities for offences that are difficult to police. In particular, I am very concerned that this bill will allow for the impounding of a litterer's car for aggregated littering offences or dumping offences. This seems unnecessary and disproportionate, as Mr Coe said. I will be seeking support for an amendment I will move to remove these clauses.

**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) (7.40), in reply: I thank members for their contribution, though I am disappointed with their reluctance to support the bill as introduced in its entirety.

As members will be aware, the removal of asbestos-contaminated waste dumped on public land in Belconnen late last year cost the ACT government—that is, the people of the ACT—\$340,000 to remove, in direct costs and waived tip fees. The site has now been cleared of all contaminated materials; however, there are still rehabilitation works required to fully restore the land. I was as appalled as I am sure all members were that people within our community—in other words, our friends, our neighbours, our colleagues and our associates—felt that such actions were appropriate with their waste, their refuse and, I think most disappointingly, their hazardous waste. There they were, apparently, loading up their trailers, their utes and their trucks, all adding their own patch of waste to this growing pile. And none of them, it seems, cared.

The site was originally used during the construction of the GDE for storing materials, site sheds and soil waste by the GDE contractor. Once that process had been completed, and prior to that initial soil waste being fully removed, the process began. It is not good enough. It is an issue around which we do need a cultural change. We as a community expect more than such a blatant disregard of acceptable practices.

This bill amends a series of acts and regulations with a view to decreasing incidents of illegal dumping and facilitating the recovery of costs, public money, involved in removing illegally dumped material from public property.

First, the bill amends the Dangerous Substances Act to clarify its operation by the insertion of new examples regarding the dumping of dangerous substances. "Dangerous substances" is already defined in the act to include asbestos, arsenic and other poisons, flammable liquids and explosives. New examples directly relating to asbestos dumping are given in relation to section 43 (1), "Failure to comply with safety duty—exposing people to substantial risk of death or serious harm".

Secondly, the bill makes some substantial changes to the Litter Act. Penalties are being increased for aggravated littering under section 9 of the Litter Act, to a maximum of \$10,000, one year's imprisonment or both, for individuals, and a maximum penalty of \$50,000 for corporations—effectively doubling current penalties.

The bill also introduces three new offences into the Litter Act that focus on the act of dumping litter and commercial waste. These offences are in addition to the existing offences which are characterised by the act of depositing litter and commercial waste and introduce strict liability offences for the actions.

The new dumping offences do not alter the current offence provisions for small-scale littering such as the dropping of a wrapper or cigarette butt. The new offences are intended to deal with the dumping of things like waste soil, builders rubble, old appliances and whitegoods. Proposed penalties are a maximum of \$10,000 or a year's imprisonment for individuals and a maximum penalty of \$50,000 for corporations. A new on-the-spot fine of \$1,000 for dumping will be introduced.

The bill expands matters contained in the notices issued to persons who have littered. Notices presently require a person who has littered to remove or dispose of that litter. The bill now requires that person to also undertake restorative actions as a consequence of the littering. Provision has been specifically included for cases where the act of littering causes damage to a public place. A prime example would be a trailer load of rubble dumped in bushland, killing the grass or plants on which it has been dumped. The amendment is also reflected in section 22 of the Litter Act, which will permit the territory to arrange for the restoration of damaged public land with a view to recouping that cost under section 23 from persons who have been served with a removal and restore notice but who have failed to act upon the notice—which unfortunately is not an uncommon occurrence as the legislation currently operates.

The bill streamlines the process under the Litter Act by which the territory can recover from perpetrators the costs of removal of illegally dumped waste and the restoration of public areas affected by illegal dumping. It will no longer be necessary for the territory to identify a culprit and serve them with a notice before removing their rubbish if it wishes to seek compensation from the dumper. Under the proposed amendments, the territory will in certain circumstances be able to promptly remove the rubbish but still pursue the reasonable costs of the removal and disposal of the rubbish as well as the restoration of site costs from guilty parties if they are identified.

Finally, the bill proposes to extend the current motor vehicle impounding provisions contained in division 2.3 of the Road Transport (Safety and Traffic Management) Act to include the impounding of motor vehicles for offences under the Dangerous Substances Act 2004 and the Litter Act 2004. These are the same provisions that allow the police to impound vehicles used in illegal street racing and burnouts; the procedures dealing with impounding motor vehicles remain the same. Appropriate provisions have already been included within the Road Transport (Safety and Traffic Management) Act for the release of vehicles impounded.

Enforcement of these offences is difficult. We know that. However, we do need to ensure that people will think twice before they dump their waste in inappropriate and illegal places. They need to know that, should they be caught, there will be serious consequences for their actions.

I am aware that both the Liberal Party and the Greens have indicated that they will not be supporting the provisions in relation to the impounding of vehicles used in the dumping of significant amounts of waste in the way that the government proposes. I think it is interesting in the context of that that it will remain the case that a young hoon doing a wheel burn faces having his car impounded but a commercial operator dumping 20,000 tonnes or so of builders waste does not face the same possible penalty. There is an interesting standard being applied, most particularly by the

Liberal Party, in relation to that. You can lose your car if you do a burnout but you cannot lose your truck if you dump 10,000 tonnes of builders rubble. That is a very interesting position that those that are opposed to this particular provision take in relation to it.

I thank the members for the support that they are giving to those parts of the bill that they are supporting but I am bemused that they are not prepared to tackle this most difficult and intractable issue head on and seek to make a genuine difference to the amount of waste that is illegally dumped around our city.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MS LE COUTEUR** (Molonglo) (7.47), by leave: I move amendments Nos 1 and 2 circulated in my name together [*see schedule 1 at page 579*].

As both Mr Coe and I have alluded to, the purpose of those amendments is to remove the provisions which allow a vehicle to be impounded as a default punishment. Mr Stanhope also alluded to this. He talked about the commercial builder not being liable. But of course that is not actually the case, because you can still fine the builder to restore the damage that he created, which in general I would assume would be more than the value of his truck in that instance that he spoke of.

The reason that we are against this is that it is disproportionate. The proportionate response is, as in the rest of the bill, that the person who dumps has to restore. Members should note that the scrutiny of bills committee has pointed out that section 10 of the Human Rights Act may be seen to incorporate a principle that punishment should not be disproportionate to the offence. Impounding a vehicle also raises privacy and property rights which the government has not considered. The punishments currently available are sufficient without raising problematical rights issues.

**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) (7.48): I will not belabour the point or delay the Assembly unduly but I do need to respond to the suggestion that Ms Le Couteur makes, most particularly in relation to the notion of proportionality and human rights. I think it is very important that we draw the distinction. Ms Le Couteur is quite entitled to suggest that, in her opinion—and this is perhaps all she is doing—the government's proposal is disproportionate to the offence. I am always concerned, however, that we understand exactly the notion of proportionality as it applies to the Human Rights Act.

Certainly the scrutiny of bills committee made some comments and expressed some concern about whether or not this response was proportionate in the context of section

10 of the Human Rights Act and the government has responded on the basis of advice, expert advice, from its officials within the department of justice and, indeed, from the Human Rights Unit that yes, on the basis of international precedent, most particularly *Keenan v the United Kingdom*, a decision of the European Court of Human Rights, this response, the impounding of a vehicle in these circumstances, is a proportionate response so far as human rights jurisprudence is concerned.

Were that not the case, the government would not have introduced the bill and would not have tabled, as it has, a statement that on the basis of its advice the legislation is compliant with the Human Rights Act. And it is compliant. We believe, on the basis of advice to us, that it is compliant and that is a position that is supported by international jurisprudence. The case law relevant to this particular issue, most specifically directly at the impounding of vehicles, is that this response meets the proportionality test according to the European Court of Human Rights. And that is, of course, an authority of which we have due regard, and appropriately so.

So I want to make that point. I wish to offer that rebuttal to any suggestion that the impounding of a vehicle in the circumstances contemplated is a disproportionate response in the context of human rights. We all have a view about whether or not it is proportionate in terms of perhaps our own values or view of the world. I think it is quite proportionate. You do not. But so far as human rights law and jurisprudence are concerned, it is proportionate.

**MR COE** (Ginninderra) (7.51): In response to the Minister for Territory and Municipal Services' comments regarding proportionality, I find it very hard to believe that taking someone's car for dumping litter is proportionate. Cars are not impounded if a vehicle is used in a murder, in a manslaughter, in a break and enter or for fraud. So I find it very hard to believe that it would be applicable here for illegal dumping.

I think this is another classic example of the government being out of touch and not having their priorities right, simply because the penalty is not proportionate to the offence. After all, all this is simply hot air unless there are actual enforcement powers, unless there is a sizeable resource that can be utilised by rangers and by the police to visibly see people dumping or to have a considerable amount of evidence to show that someone did actually dump. Otherwise this is simply hot air; this would just be more text in a law that would not actually be implemented because of inappropriate resources.

I support the Greens' amendment to drop clauses 5 and 6 from this bill as I think the deterrent would still be there, the sentiment would very clearly be articulated and it would send a strong message to all of those that may have dumped before, or will dump in the future, that they should think twice before doing so.

Amendments agreed to.

Bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## Crimes (Murder) Amendment Bill 2008

Debate resumed from 11 December 2008, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (7.53): The opposition will be giving in-principle support to this bill. As a matter of principle, we support the notion of toughening up our laws as they relate to violent crimes, and I do not exclude matters such as murder from this statement. However, the opposition has some reservations about how this bill came into being. Accordingly, I foreshadow that the opposition will be proposing a motion for the bill to be sent to the Standing Committee on Justice and Community Safety for further detail, scrutiny and study before the detail stage is finalised.

This bill seeks to extend the elements which may lead to the finding of murder against an offender. Presently our law provides that the offence of murder may be found if the offender either intends to cause the death of another person or if the offender is reckless as to the likelihood of the result of their actions against another person causing that person's death.

This bill adds a third element, one that allows a finding of murder if the offender intends to cause serious harm to another person who, having been inflicted with that serious harm, subsequently dies from the effects of that harm. The ACT Criminal Code 2002 defines serious harm to be "harm (including the cumulative effect of more than one harm) that endangers or is likely to endanger life or harm that is, or is likely to be, significant and longstanding".

One of the arguments the government seeks to make is that this bill provides a higher level of certainty than that provided by the common law definition of grievous bodily harm, and it has to be acknowledged that currently the common law is somewhat nebulous as to the meaning of grievous bodily harm, describing it as "really serious" bodily harm. Certainly, the community is outraged when a particularly horrific act by one person on another ultimately results in death, and the community becomes even more outraged when they believe that the offender has been served a lenient punishment or, worse, escapes a conviction altogether because of the perceived shortcomings in our law.

However, the offence of murder is the most serious of offences in our criminal code. Conviction carries very serious penalties, and this is not a matter that can be taken lightly. Any change to our law must be given serious consideration, taking expert advice.

In laying out these cautions, let me reiterate what I said earlier: the opposition agrees in principle with tightening our murder laws but we would like to ensure that the way forward proposed by the Attorney-General is the best way. I am not suggesting that we should shut the law books and say that they are adequate as they currently stand. The effectiveness of our law should always be kept under review.

As legislators, we in this place should be ever vigilant to ensure that our laws are contemporary, meet the needs and expectations of the community and are effective in

their intention. We must never rest on our laurels, claiming that our laws have served us well in the past and will continue to do so. But to change our laws as a knee-jerk reaction, on the basis of political expediency or as an election stunt, as it seems to be the case in this bill, is irresponsible. We, as legislators, must not allow irresponsibility to be the catalyst of change.

In bringing forward this bill, this government's vehicle is on the road of irresponsibility. It has failed to consult again with the community on the import of this bill. And it is interesting to note that, in a briefing from the department when I actually asked about what consultation had been undertaken with any organisations in relation to this, I was told, with a straight face, "We had an election, Mrs Dunne."

It is true that in the run-up to the election, the attorney said that he would look to amend these laws after the election but there has been no consultation with a range of groups in relation to the precise wording and the effectiveness of this. For example, the Bar Association has written to me stating that the proposals are a marked and serious departure from the recommendations of MCCOC, that is, the federal Attorney-General's Model Criminal Code Officers Committee.

Back in 1998, MCCOC made particular recommendations in relation to the treatment of murder and the ACT, for the most part, has had bipartisan support for adopting the model criminal code and those elements of the model criminal code. In relation to the MCCOC recommendations on murder, there has been no action, and the minister points out in his response to the scrutiny of bills committee that no jurisdiction has acted on the MCCOC recommendations in relation to murder.

As it stands, the current commitment of this government and the previous government is to implement the model criminal code and, while there may be merit in departing from the MCCOC recommendations in relation to murder, these have not been particularly tested in the ACT to see whether this is what the community wants and, if we do want to depart from this recommendation, how is it best to do this.

Further, Civil Liberties Australia, in a letter to the Attorney-General and copied to me, stated:

It is unfortunate that, if enacted, the Bill would see the ACT depart from its commitment to implementing the model criminal code which has been the subject of more vigorous consideration than has been given to this bill.

To quote further from CLA's letter:

It does not bode well for the development of ACT law that major reforms to the criminal law are based on knee-jerk reaction to individual cases.

It is interesting to look at the history of these provisions in the Crimes Act and the Criminal Code. At this stage I have not had a satisfactory explanation why, for instance, back in 1990 the then federal Attorney-General, the Hon Michael Duffy, under the Crimes (Amendment) Ordinance No 2 of 1990, actually changed the provisions from something which is similar to what is now being proposed by the attorney to what we currently have. The government is now seeking to essentially reinstate the provisions that we had in the ACT before 1990, and I think that there

needs to be an explanation why the government wants to go back down this path. This is something which is more than an election-time press release, something where we look hard at what is being suggested by the government and work out whether this is the best way ahead.

The scrutiny of bills committee has, like the ACT Bar Association and Civil Liberties Australia, raised serious concerns about the bill. It seems to be common for the Attorney-General to cast aside these criticisms. He has eventually answered the scrutiny of bills committee in a lengthy, four-page letter that I received midway through the morning. The extent of his comments is hard to digest on a busy sitting day with other calls on one's time. There are, it seems to me, some issues that the minister has addressed, which are pertinent and to the point but I think that these matters would be best canvassed in a committee inquiry.

All of that said, the opposition is willing to give the bill the benefit of in-principle agreement. I repeat the opposition's commitment to keeping our laws under review to ensure they remain contemporary, meet the needs and expectations of the community and are effective in their intentions. However, we believe it deserves a great deal more consideration, not the least of which should be consultation with key stakeholder groups, such as the legal fraternity, legal representative bodies and organisations such as Civil Liberties Australia.

On that basis, the opposition is prepared to support the bill in principle. I foreshadow that when we get to the detail stage I will be moving a motion to refer the bill to the Standing Committee on Justice and Community Safety for inquiry and report.

**MR RATTENBURY** (Molonglo) (8.04): I share many of the concerns raised by Mrs Dunne in her speech. Similarly, the Greens will be supporting this bill in principle, but we feel there is great value in taking some time to put this through the committee process to examine the consequences and the detail rather more closely.

I particularly have serious concerns about any amendment which would potentially remove or seriously water down the existing element of intent in the crime of murder. The greatest moral and social condemnation attaches to the crime of murder. I share the reservations of the scrutiny of bills committee about the level of public support for these particular amendments. If passed in their entirety, these amendments would submerge a large part of what is now defined as manslaughter. I do not believe there is a community expectation that a person should be found guilty of murder if they neither intended to kill another person nor were they reckless or indifferent as to whether their actions could reasonably be foreseen to cause the death of another person.

The critical element in the crime of murder is intent. The government's amendments as they stand would remove the necessity for the Crown to prove that critical, subjective element to an acceptable standard. Adopting both limbs of the ACT Criminal Code definition of serious harm would make it far more likely that a person will be convicted of murder in a situation where they neither intended nor could reasonably be expected to have foreseen that their actions could have caused the death of another person. That would be a terrible outcome.

I commend the report of the scrutiny of bills committee on this bill, and I urge members to read it if they have any doubts about the possible scope and practical effect of these proposed amendments. I note that while the committee does not support these amendments in their totality, they are much more receptive to incorporating the first half of the code definition of serious harm. Incorporating the first part of the code definition would expand the current definition of murder to include actions that endanger or would be likely to endanger human life.

I am not a criminal lawyer, and fortunately I have not needed to examine the definition of murder since my days studying law at ANU. A lay man or woman might think that such an amendment would be unnecessary, because the existing mental element of recklessness as to whether one's actions might cause death would seem already to cover the field. But recklessness in this context is exceedingly hard to prove, and from the DPP's perspective, convictions are exceedingly difficult to obtain. The gravity that attaches to the crime of murder is so high that courts have rightly read down the various definitional elements of a crime in order to reserve it for the most heinous of offences.

The government argues that these amendments are necessary to bring the ACT's laws into line with other Australian jurisdictions. In fact, the amendments would bring us into line with only the Northern Territory. None of the other states rely on the code definition of serious harm to describe the crime of murder. In many areas, the ACT government has sought to standardise our laws with those of the other states and territories. It appears somewhat anomalous that the ACT should follow the recommendations of the Model Criminal Code Officers Committee in so many other areas and yet go directly against their recommendations in this area.

The Model Criminal Code Officers Committee recommends that the crime of murder should not extend to cases in which the accused intended serious harm rather than death, unless the accused was reckless as to the risk of death. That is a position I support, and it would take quite a deal of convincing to persuade me otherwise. I have not heard any argument today which would make me consider changing my mind.

The criminal law embodies a kind of continuum of culpability, from minor misdemeanours and victimless crimes, which reasonable people can and do disagree upon as to whether they belong in the realm of criminality, all the way to acts of premeditated and nightmarish violence resulting in death. These gradations in culpability are a necessary and intrinsic feature of our criminal justice system. The proposed amendments would blur the gradation between manslaughter and murder by introducing additional ambiguity into the definition of murder. This is the core of my concerns.

The second half of the code definition of serious harm which these amendments seek to import into the definition of murder reads:

... harm that is or is likely to be significant and longstanding.

The question as to whether any particular harm is likely to be significant and longstanding is fraught with uncertainty. Modern or future medical technology means

that many injuries which once would inevitably have been significant or longstanding, or perhaps even fatal, are now able to be treated in their entirety with complete recovery perhaps possible. I suspect that there would be instances where the Crown's case would fall over because it could not establish beyond reasonable doubt what the exact hypothetical longstanding prognosis would have been for a form of injury that in other circumstances could possibly have been longstanding or significant, bearing in mind that the charge is one of murder, so the harm that was actually caused was death.

I do not want to appear glib, but it strikes me as strange that a person could be charged with murder when they are proved to have intended to cause harm of a longstanding nature. Does that not imply then that they really did not want their victim to die, as that would thwart their intention of inflicting longstanding harm?

Having said all that, I want to put on the record that I have some considerable sympathy for the Attorney-General's plight, and I recognise that there may well be merit in some of the provisions of this bill. That is why the Greens will be voting to refer these amendments to the Standing Committee on Justice and Community Safety, as already referred to by Mrs Dunne. I think that more detailed consideration is well warranted in the circumstances.

It may well be that the reporting of a number of manslaughter convictions in the ACT would convince the general community that they belong more appropriately in the category of murder. I note that the Attorney-General has denied that these amendments arise as a result of any particular case, and this is as it should be. It would be a deplorable situation if the definitions of serious offences were altered as knee-jerk responses to individual, high profile and politically embarrassing criminal cases. It would also be deplorable if the definitions and penalty provisions of serious offences were to be subject to some kind of pre-election bidding war where parties were doing their best to be seen to be the toughest on crime. Such populism actually damages the rule of law and weakens the principle that the punishment should fit the crime.

Of course, I recognise that the beat of the law and order drum in an election year is difficult for the established parties to ignore. But anyone with more than a modicum of experience in legal matters knows that it is generally dangerous and ignorant in the extreme to reach conclusions about the correctness of particular judicial decisions without having either sat through all of the evidence or, alternatively, to have read the entire judgement. Merely reading the opinion of a journalist or a contributor to letters to the editor of the *Canberra Times* or listening to what some radio commentator has to say about a judicial decision is more likely to obscure than clarify the essential truth or justice of a matter.

I do not want to speculate too widely, but I have a sneaking suspicion that the government foresees that there is a problem with the conviction rate for murder and the sentencing regime for manslaughter in the ACT. Rather than examining or addressing the root causes of the problems, it has taken the path of attempting to widen the net so as to make it easier for the police and the DPP to obtain a conviction for murder rather than manslaughter.

It has been put to me that the staffing profile of ACT Policing makes it the most inexperienced police force in the country. The ACT provides the only community policing role for the AFP in Australia, with a potential consequence of limited experience in producing briefs on infrequently committed crimes such as murder. I expect that the committee will examine this matter in some detail and report back to the Assembly on whether there is a real problem that needs to be addressed.

It has also been put to me that the DPP is possibly lacking in both the experience and resources necessary to effectively manage the prosecution of such serious and resource-intensive matters as murder trials. It may be that the problem is a prosecutorial one and that changing the definition of murder is not a sensible or even effective response to the perceived problem. Again, I will look forward to reading what the committee has to say about this aspect of the ACT criminal justice system.

I have also heard argument that the government considers that the sentences for manslaughter are too low where they are imposed as an alternative to murder. Again, I expect that the committee will look into that and that the problem could be fixed or ameliorated by increasing the maximum penalty for manslaughter and issuing a recommendation to the courts that they look at imposing harsher penalties in cases where the facts fall only marginally short of satisfying the definition of murder.

The explanatory statement to this bill claims that it will provide certainty about the harm which must be intended in order for the offence to be made out. For the reasons I have already outlined, I do not agree that this achieves this objective. In fact, I suspect that it does the opposite.

There are a number of other concerns about this bill which are also contained in the scrutiny of bills reports. As Mrs Dunne has already noted, significant concerns were also raised by the Law Society of the ACT when we met with them, the Bar Association in their letter and by Civil Liberties Australia. I am not sure whether the government or JACS were sufficiently proactive in seeking to consult with the various stakeholders who had views which were at odds with the government's own view. These organisations are repositories of enormous experience and expertise on these issues, and their concerns need to be addressed.

It is not good enough for the government to claim a popular mandate for these particular amendments merely because it went to the election vaguely promising that it would do something about the low murder conviction rate. It should have released an exposure draft prior to the election if it wanted to claim a mandate for these particular amendments. If vague election promises actually constitute some form of political contractual relationship which could be sued upon for breach, the government's argument may carry some weight. But they do not, and it does not.

There is no need to canvass every issue in today's debate, because these issues will presumably arise in the course of the committee's inquiry and again when we debate any consequent amendments. I do not think it would be good law to rush this amendment through today without further consultation and examination. The committee will be able to gather together community, academic, philosophical, criminological and jurisprudential expertise in its inquiry into this matter. I am

convinced that its recommendation will form the basis for a much more considered approach to the government's perceived problem.

In finishing, I would like to draw members' attention to the problems identified by the scrutiny of bills committee regarding the detailed human rights compatibility statement. I congratulate the government and relevant public officials for trying to live up to the government's obligations under the Labor-Greens agreement to flesh out and publicise the human rights issues which arise in any piece of substantive legislation. However, I am sure the Attorney-General and the relevant officers in JACS and other departments are aware that the committee raises serious issues and shortcomings, and I can hope that these are taken on board as part of a process of continual improvement.

The Greens have insisted on greater substance to these human rights compatibility statements because we feel that the principles embodied in the Human Rights Act need to be explained, nurtured and entrenched in the community. It was counterproductive for the previous Labor government to keep its human rights reasonings out of the public eye. This educative function is clearly necessary in the interplay and feedback represented by the committee's report. Other public comment can only lead to more focused, relevant and informed statements in the future. I look forward to reading the human rights arguments relied upon by the government in its presentation of all future bills. Where such a statement is not presented, I would expect that the reasons for such a departure would be clearly spelt out.

That is the basis on which we are not willing to pass this legislation immediately. As I stated earlier—and we have indicated this to both the government and opposition—we are willing to support this bill in principle, and we look forward to the important discussions that will take place during the committee process. Thank you, Madam Assistant Speaker.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (8.17), in reply: I thank members for their contributions to the debate. The change that the government is proposing in relation to the law of murder is not a radical one. It is not a radical departure or a creation of some new law that has been untested and untried in Australia. Indeed, every other state and territory in the commonwealth has a murder law with a component that is known as constructive murder. The ACT stands alone as the only jurisdiction where a constructive murder provision does not exist.

The government believes quite strongly that there is a problem with the law of murder in the territory. And the government equally believes that the Canberra community has the same expectations about the circumstances in which someone should be charged with murder as exists in other communities—indeed, in every other community across the country; that is, where someone can be proven to have set out to cause serious harm to a person and that person dies as a consequence of those actions, that person should be charged with murder. That is what the government is proposing.

It is clear that we are going to face some conservatism from those opposite and from the crossbench on this issue. But I want to dispel a few myths in relation to the

process associated with this bill. The suggestion has been made by Mrs Dunne, quite falsely, that the only consultation that occurred was the assertion that there was an election. That is quite incorrect. I checked with people who were present at that briefing and, yes, it was said that the election was part of the consultation process, because clearly it was. The government went out and said: "This is our election proposal. This is how we believe the law should be changed and, if re-elected, we will introduce a change in a timely and prompt manner." And that is what we did in introducing it in December. But that is not the only consultation that occurred, and Mrs Dunne quite incorrectly suggests otherwise.

In the same week that the bill was introduced, I wrote to the President of the Law Society, the President of the Bar Association, the President of Civil Liberties Australia, the Chief Police Officer, the Chief Magistrate, the Chief Justice and the DPP, seeking their views on the bill and providing them with a copy of it. To date, I have received no response from the Law Society for the ACT. This week I received a reply from the Bar Association. I did receive a reply from the Chief Justice, and I thank him for that. We did receive advice also from the police, and I did receive a reply within the last fortnight from Civil Liberties Australia. So to suggest that the government has not sought to consult with interested stakeholders on this matter is completely false.

The changes that the government proposes, as I say, are not radical ones. I note that some argument has been made by Mrs Dunne and others that this would mean that the government and the territory, if the bill were adopted, would be moving outside the provisions of the Model Criminal Code when it comes to the offence of murder. And, yes, that is true. I made that quite clear when I introduced the bill. But the reason for moving outside it is that the government believes that, after 18 years of operation with this current formulation of murder, it is time to make some changes.

No other Australian jurisdiction has adopted the Model Criminal Code provisions, nor do they intend to do so. Indeed, at a meeting of Attorneys-General that I attended last year, before the election, the Standing Committee of Attorneys-General agreed that, when it came to adoption of the Model Criminal Code, jurisdictions would adopt a flexible approach to suit their own particular circumstances. It is quite clear that jurisdictions want to be able to pick and choose those elements of the Model Criminal Code that they think are most appropriate for their jurisdictions and to retain other provisions which are contrary to the Model Criminal Code where they believe it is appropriate for them to do so.

I just want to dispel the suggestion that there is this great big body of the Model Criminal Code which we are all collectively, across the states and territories, absolutely committed to implementing 100 per cent in every degree. That is not the case. So that argument that it is contrary to the Model Criminal Code and therefore we should not be doing it is one that I do not accept. It is a nonsense argument and it fails to appreciate the environment in which we are operating when it comes to other states and territories.

The real issue is: are the Liberal Party and the Greens going to work to adopt a definition of murder that the Labor Party would argue meets the expectations of the community? In what circumstances is it unreasonable for someone who inflicts

serious harm on a person, and they die as a consequence of those injuries, not to be charged with murder? I think that is the question that those opposite and those on the crossbench need to answer. In what circumstances is it unreasonable for the person not to be charged with murder? That is the matter that I am most concerned about.

This change to the law has not been developed in response to some knee-jerk political point of advantage. Anyone who knows this government and knows this government's record would know that we do not engage in law and order auctions. We do not engage in them and we have not engaged in them. But there is a problem with the law of murder in the ACT. There has not been a conviction for murder in over a decade in the ACT. The government believes that that is a cause of concern in the community.

The government believes that that is undermining confidence in our criminal justice system. The government does not accept the usual arguments that come from those who are interested in maintaining the status quo—that it is the police's fault or the DPP's fault. That is the argument of parties who are not interested in looking at the law itself and who are seeking to blame others. The government's view is that the law itself needs updating and modernising and, in particular, it needs to come in line with the community standard that is in place in every other state and territory in the country.

I would like, for the benefit of those members who have not seen it, to just deal with some matters which I have outlined in my response to the scrutiny of bills committee and their commentary on this bill, and I thank the committee for their comments. The first point I make is that it would appear that the committee contends that an intention to cause permanent injury to health is not sufficiently serious to warrant a charge of murder should the victim die from the injury.

The government's position is that there are many situations where an intention to cause permanent injury to health that results in death would not only warrant a charge of murder but would also give rise to an expectation in the community that a charge of murder would apply. I think this is the point I was trying to make earlier. It is that issue of community expectation that I think members in this place need to have more regard for, because that is one of the key issues which is causing concern for me and for the government.

It is also worth highlighting, as I have earlier, that whilst it is true that other jurisdictions in Australia do not have an offence that is identical in every way to the one proposed by the bill, each jurisdiction apart from the ACT has an offence of constructive murder. While the definitions of harm that make up these offences may differ in minor ways, the nature of the offences is the same, with each of these jurisdictions having a wide range of violent behaviours causing death that fall under the offence of murder. I think members need to think about that.

All other Australian jurisdictions capture a broad range of violent behaviour causing death that is captured by the offence of murder. Why not here in the ACT? Is our community expectation any different about that sort of behaviour? Do we think it is acceptable that people who cause violent injury to someone, and that person dies, should not be charged with murder? Or would the community expectation be that they

should be? The government would argue that they should be. They have caused violent injury to that person, so violent that the person has died. Why shouldn't they be charged with murder? Isn't that what it is, Madam Assistant Speaker?

I note also that there has been some discussion by the committee about human rights. I think this is why the government has gone to some lengths to try to outline the provisions proposed in the bill and their compatibility with human rights. In summary, without wanting to address all the detail that I outlined in my letter to the committee, it is quite clear, by decisions by courts in other human rights jurisdictions, that the provision for a form of constructive murder is compatible with a human rights jurisdiction and with regard to human rights. Decisions by the Court of Final Appeal in Hong Kong, in particular, are important, and there was also—

**Mrs Dunne:** Hong Kong is a human rights jurisdiction?

**MR CORBELL:** It is a human rights jurisdiction, Mrs Dunne; it does have a bill of rights and it does provide statutory protection for its citizens. There are decisions by the Canadian Supreme Court, which also has constitutional protections of rights, and similarly recognises that the provision of terms around constructive murder do not fundamentally interfere with people's human rights.

The government understands that a majority of members believe that this matter should be referred to a committee. We look forward to that committee process. We look forward to engaging with members on this detail. I would leave members simply with this thought: why is it acceptable in the ACT to cause someone such serious harm that they die as a result of their injuries and not be charged with murder, but it is unacceptable in every other Australian jurisdiction? I do not think our community is fundamentally different in that regard, and the law on murder should apply in those circumstances. The government will take the opportunity of the committee process to prosecute that case and to highlight why this reform is needed here in the ACT.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1.

**MRS DUNNE** (Ginninderra) (8.32): I move:

That:

- (1) the Crimes (Murder) Amendment Bill 2008 be referred to the Standing Committee on Justice and Community Safety for inquiry and report to the Assembly; and
- (2) the Committee report to the Assembly by the last sitting day in September 2009.

This is an important step in the consultation because, before this bill arrived in this place, there was no consultation with the community. By his own admission, the attorney said that after he tabled the bill he wrote to a range of people and he sent the

letters off. As a matter of fact, after the attorney tabled the bill, I wrote to a reasonable subset of the people on his list.

I have to go back to the briefing and make it perfectly clear that I did ask the question, “What was the consultation?” The answer I was given was the one that I related before, “We had an election, Mrs Dunne.” My response to that somewhat tongue-in-cheek, smarty-pants response was: “Is this then an exposure draft?”, to which I was told, “No, Mrs Dunne, this is not an exposure draft. This is what the government intends to do.”

In the consultation that I have undertaken—and it seems to reflect pretty much the consultation that Mr Rattenbury has undertaken—the advice that I have received in writing from Civil Liberties Australia and from the Bar Association and the advice that I received in a meeting with the Law Society expresses a degree of concern about this. I do know, for instance, that the Bar Association wrote to me with a view. It has been represented to me by members of the bar that that is not a unanimous view of the Bar Association and that there are other individual members of the bar who would hold a contrary view. This is why we are now in the process of referring this matter to a committee for proper inquiry, for proper discussion, about what is the community standard and whether the form proposed by the government meets the community standard and meets the needs of the community.

I think it is rather ironic that the attorney, when he cannot get his way, starts bandying around suggestions that those people who dare to thwart him today are being conservative. I think it makes strange bedfellows that Mr Rattenbury of the Greens and the Liberal Party are collectively lumped together as conservative. And it is clear that, in doing that, what the attorney was doing was basically venting his spleen. He did not listen to the words that I used when I said that it is never the case that we close the law books and say, “It cannot get any better.”

What we propose to do is ensure that what we do in the ACT is the best it possibly can be to meet the needs of the community, to meet community expectations, and that we do not do it just because it is done in other jurisdictions. For too long we have sat in this place and had people use this argument either one way or the other. But when it suits us—and I think all of us who have been here for some time have fallen into this trap—we say, “We should go down this path because they do it somewhere else.”

We most often say, “We should go down this path because they do it in New South Wales.” If that is the case, we may as well just give up now and become part of New South Wales. This is not New South Wales; this is the ACT. The people of the ACT will have different expectations and different demands from the populace of New South Wales and this is why we should be having a proper inquiry. We should be looking at how academics look at this matter, how prosecutors can deal with this matter.

This is not to say that anyone in this place thinks that, if someone goes out and commits a violent act on someone and they die, they should not be charged with murder. We have to make sure that we get it right because there are many people who have said that surely the current construction of intent and reckless indifference should be sufficient if we can prosecute the matter successfully.

It is not sufficient to say, as the attorney has, “It is a problem with the law. It is not a problem with the practice,” because we have different prosecutorial cultures in different jurisdictions, in the same way as we have different judicial cultures in different jurisdictions. New South Wales has a much more rigorous and inclined towards incarceration judicial culture than we have in the ACT and have ever had in the ACT. And that is part of the history of New South Wales and its violent past and its violent origins. The ACT does not have that. We need to look at what is different and what is special about the ACT and make sure that we come up with the right approach.

I have found, over the six or eight weeks since this piece of legislation was introduced, that there are enough issues of concern in the community for it to be better for them to be canvassed in an open way. We should use the mechanisms of a committee in an appropriate way and in a way that has been foreshadowed by the Greens in their commitment to open government, and in the way that I have long advocated the committees should be used in this place—to get to the bottom of issues. This will be an opportunity and this, I hope, will be a template for the way that we deal with a lot of legislation in this place.

In the last four years, legislation was not referred to committees or was referred very rarely. I have on occasions referred members to the practice in the New Zealand parliament, which also is a unicameral parliament, where every piece of legislation, unless it is declared urgent, is referred to an appropriate committee for investigation and report before it is dealt with. We may not want to go that far down the path. But this is momentous legislation. This is legislation about the most serious crime on our books, with the largest penalty, and it behoves us to make sure that we get it right. That is why we are referring it to a committee.

I notice that the minister has circulated an amendment to foreshorten the reporting date to June. I will foreshadow now, to save me speaking again, that that is not acceptable. I have had some discussions with a range of people about the time that this would require. The Standing Committee on Justice and Community Safety is already a busy committee and it has, in addition to annual reports, a substantial inquiry into the Alexander Maconochie Centre delays. It behoves us to do this right.

We picked the end of September because that gives the government an opportunity to respond and still deal with this matter inside this calendar year, if they so choose, if it is necessary to make further amendments. But June has real problems, especially in relation to the fact that in most of May the committee cannot meet because the estimates committee will be underway. I commend the motion to the house.

**MR RATTENBURY** (Molonglo) (8.41): I rise to speak very briefly to Mrs Dunne’s motion, just to flag that the Greens intend to support this motion. I think it is very important that this bill goes to the committee, as I spoke to during my earlier comments.

The particular reason I have for saying that is in some way reinforced by the attorney’s comments about consultation in which he said, “In the same week that I introduced the new legislation into parliament, I wrote to the stakeholders seeking

their views.” Where I come from, that is not consultation. If you were truly committed to consultation, if you were not coming off the back of four years of majority government where you could do whatever you liked, what you actually do is say, “We have got a problem,” or at least, “We perceive that there is a problem out there.” I think there is a fair argument that there is a problem. You pull in the stakeholders, you sit down and have a conversation and you say, “How can we fix this problem?”

But in fact what the government did was say, “We have the plan. We are going to table it and then we will go out and seek some rubberstamping exercise.” That is not consultation and that is why I think it is valuable to send this to a committee and have a process of sitting down, calling the stakeholders in, as Mrs Dunne proposes under her motion, through the justice and community safety committee, and seeking some views to help us find the best answer to the perceived problem that we have. That is why we will be supporting Mrs Dunne’s motion to send this to a committee.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (8.42): I move:

Omit “September”, substitute “June”.

The government is proposing that the reporting date for the committee be the end of June rather than the end of September. The end of September is over half a year to conduct an inquiry on a bill which is, I think, in the order of two pages. I do not have it in front of me but it is not a very big bill; it is not a very complex bill.

The change itself, in legislative terms, is quite straightforward. I acknowledge that some of the concepts at play are contested and have a variety of perspectives from different stakeholders but I really have to question whether seven months is the quite significant period of time that the committee really needs to do this work. I am suggesting 4½ months.

The expectations from the Greens and others have put upon us delivery of a whole range of legislative proposals in very short time frames. For example, we have had to deliver within three months a whole new regime for the implementation of a feed-in tariff, for example. We have done that. We have met that. We have worked hard and we have done it. But I do not really understand why the government has to go hell for leather and make sure that everything is introduced as soon as possible and as quickly as possible but the committees can take their time; they can take half a year to think about this. I wish I had the luxury of taking half a year to think about a whole range of policy issues but I do not.

These issues are not so complex and so onerous that it is not possible for an Assembly committee to consider them in a reasonable period of time. But I would argue that seven months is quite unreasonable and really is simply an attempt to delay this matter. Four-and-a-half months is a reasonable period of time and that is why the government is proposing it.

I respond also to the comments made by Mr Rattenbury in relation to consultation. It is an interesting take that the Greens have on consultation because, of course, that is

not the case when it comes to proposals that they themselves put forward. For example, the Greens have been very clear that there will be a trial on a levy for plastic bags in the ACT and it will commence by the middle of the year. No consultation on that! Is this the most appropriate way to deal with plastic bag waste? Is a trial sensible, given the other issues that are at play and the experience in other jurisdictions? No, that is the idea and that is what we are going to do. What is the difference?

The Labor Party went to the election and said, "This is what we believe needs to be done in relation to murder." We drafted the bill; we introduced the bill. On the same day as the bill was introduced and made public, I provided a copy to every important key stakeholder with an interest: the Bar Association, the Law Society, the DPP, the Chief Police Officer, the Chief Justice, the Chief Magistrate, Civil Liberties Australia. I think that is the lot. On the same day I made the bill public, I said, "I would welcome your views and I would like your feedback." If anything, a number of those stakeholders did not provide their feedback until this week or the last couple of weeks.

I think the critique from Mr Rattenbury is flawed because he seems to think that it is not acceptable for the government to put forward a proposal that it went to the election on but it is acceptable for the Greens to insist upon those things happening where it is a proposal that they put forward during the election. I think that approach is inconsistent, to say the least.

Returning to the motion and the amendment, seven months seems to be an inordinately long period of time to conduct an inquiry of this type. Four-and-a-half months, I would suggest, is plenty of time to do that work. The issues are not new. There will be a range of views on both sides in relation to them and I am confident that, in a community such as the ACT where people are very adept at putting their views to paper and making their opinions known, 4½ months is not going to compromise their ability to do so. So I commend the amendment to the Assembly.

**MR RATTENBURY** (Molonglo) (8.48): I have a couple of quick comments. I cannot let the opportunity pass to make the somewhat ironic observation that the Attorney-General put up the issue of plastic bags which he did say was in the Greens/ALP agreement. The interesting part of that story is that 24 hours after the minister was appointed to his portfolio he put out a press release that the government is driving forward with the plastic bag trial, without even consulting with the Greens over a matter that was in our own agreement. So I think it is an amusing example that the Attorney-General picks to try to make his political point.

Night sittings are turning out to be an interesting experiment. On the issue of the timing of the reporting date, the discussions are going on. I have not put forward a formal amendment yet, but I flag—and I can put this in writing—that we would be prepared to, or Mrs Dunne might like to, look at an earlier time frame. But I think it is most important that those on the committee propose a date that they find amenable to their workload, given that they already have a number of inquiries. I do not think we can do it by June but I think there is probably some period we can find that accelerates the process, probably quite not to the timetable Mr Corbell is suggesting.

Question put:

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

The Assembly voted—

Ayes 7

Noes 10

|               |             |            |               |
|---------------|-------------|------------|---------------|
| Mr Barr       | Ms Porter   | Ms Bresnan | Ms Hunter     |
| Ms Burch      | Mr Stanhope | Mr Coe     | Ms Le Couteur |
| Mr Corbell    |             | Mr Doszpot | Mr Rattenbury |
| Ms Gallagher  |             | Mrs Dunne  | Mr Seselja    |
| Mr Hargreaves |             | Mr Hanson  | Mr Smyth      |

Question so resolved in the negative.

Amendment negatived.

**MRS DUNNE** (Ginninderra) (8.54), by leave: I move an amendment which would change the reporting date proposed in my motion from September to August. I move:

Omit "September", substitute "August".

I had some discussions with Mr Rattenbury about an appropriate reporting date, but I did not take the time to discuss it with members of the justice and community safety committee. Admittedly, I had consultation with only Ms Hunter who has come to me. I think it is possible that we may be able to do this in a shorter time.

I would like to put on the record that the committee, in addition to its responsibility as a scrutiny of bills committee, already has two inquiries before it. We need to do this matter justice. It would not get the full attention of the committee. Although we could be seeking submissions very soon, we would not be able to have formal hearings or formally refer to it until April. Then, as you may know, it would be difficult, if not contrary to the standing orders, to conduct inquiry and hearings during May because that time is taken up with estimates.

There is no sitting day in July; so the next sitting periods where we could report are in August. I think that we can do it in that time frame. Of course, the expectation is that if we finish the work beforehand we are not going to sit on it. We will report.

So I think that this is reasonable compromise which, I suppose, puts a fair amount of pressure on the members of the committee, most of whom are much busier than I am because they sit on more than one committee. Ministers do not seem to recognise the amount of work that will be coming the way of committees and that the crossbench and the government members have a much heavier workload than do the opposition members in this case.

I was trying to make sure that the workload was not too onerous. I think this is a reasonable compromise and I commend the amendment to the house.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and

Emergency Services) (8.57): I love the selflessness. It is not about Mrs Dunne; it is the incredibly onerous workload on members on the government side.

I also note the incredibly generous concession of one month on the part of the Liberal Party. Instead of taking over half a year, it will just take half a year to do this inquiry. I shake my head. But if that is the will of the Assembly, so be it and we will work with it.

But I would simply make the point that I would have thought four or five months would have been quite adequate to conduct this inquiry, but apparently it needs to be at least half a year—of course, all this from a bill that the Liberal Party previously said was undercooked and needed to be tougher. Nevertheless, we will work with what we have got.

**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) (8.59): I think the point does need to be made, and I think the people of Canberra have a right to understand exactly what is happening here today. The government proposed legislation which has a degree of urgency in relation to protecting the community.

**Mr Smyth:** Seven years.

**MR STANHOPE:** Well, there we have it again. Seven years Mr Smyth laments, and then actually adds another year, in the context of a bill which the Liberal Party—

**Mr Seselja:** It is so urgent you waited seven years.

**MR STANHOPE:** No, it is an issue in relation to continuing and continuous law reform that this government has pursued over the last seven years. This is a particular issue over which we were castigated by the Liberal Party in the lead-up to the election last year for not being tough enough. The proposal we are pursuing through this particular bill was announced during the election campaign. It was a commitment we made in the election campaign. This is one of our promises we made to the people of Canberra, and we were criticised by the Liberal Party for being weak and soft on crime. They said we were not taking seriously enough the issue of the lack of capacity of courts and authorities to deliver a murder conviction.

It has now been 11 years in the ACT without a conviction for murder, and the people of Canberra ask questions about that. You can raise a whole range of hypothetical issues in relation to the definition as it currently stands and the scenarios that do play out in our community—the capacity to stab someone 60 or 70 times and not be convicted if there is no intent to kill.

**Mrs Dunne:** So it was a knee-jerk reaction to an individual case.

**MR STANHOPE:** It was not. I raised a hypothetical case and a possibility.

**Mr Hanson:** On a point of order, Madam Assistant Speaker, regarding relevance, the amendment is about reducing the amount of time that the committee will have to inquire into this bill. It is not about the appropriateness of the bill.

**MADAM ASSISTANT SPEAKER** (Ms Burch): Thank you, Mr Hanson. Mr Stanhope.

**MR STANHOPE:** The issue is about urgency in relation to an issue for which the Liberal Party have clamoured long and loud—that is, it is an urgent and overdue reform. I just think we need to understand this: this is a reform which the government committed to in the election campaign. I just want people to understand that. This is a commitment we made in the election campaign for which we are being denied the capacity to follow through on. It is a matter of urgency. It is a matter for which the Liberal Party castigated the government for not being serious enough about a serious issue. This would put us in step with the rest of Australia. We remain out of step with every other jurisdiction in Australia in relation to this matter. This particular amendment would have put us back in step with the rest of Australia.

This is an urgent matter and it deserves to be passed today. However, it will not be passed today and will be referred to a committee, along with a number of other matters which we propose to seek to have referred to the committees over the next week or two. That is consistent with the mood and the approach we have to a number of issues which we would like to refer to the committees, and we will be pursuing those in the short term. Of course, the government will look for your support when we ask the committees to pursue issues of concern to all of us. This is an urgent matter and it deserves urgent attention. To the extent that it is now being referred to a committee, it needs to be dealt with sooner rather than later.

Amendment agreed to.

Motion, as amended, agreed to.

## **Rhodium Asset Solutions Ltd**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (9.04), by leave: I move:

That:

- (1) in accordance with section 16(4) of the Territory-owned Corporations Act 1990, this Assembly approves the disposal of any of the main undertakings of Rhodium Asset Solutions Limited including the ACT Government Passenger and Light Commercial Fleet Vehicle Management Contract, as well as various categories of operating and novated leases; and
- (2) this Assembly approves the Voting Shareholders resolving to amend the constitution of Rhodium Asset Solutions Limited to remove the references to the Territory-owned Corporations Act 1990 upon removal of the company from Schedule 1 of the Act.

I thank the Assembly for allowing me to bring this on tonight when I missed the call earlier today.

On 22 July 2008 the government announced that the sale of Rhodium would not proceed and that it had been decided to engage an external manager to wind down the

company. It was also announced that the ACT government passenger and light commercial vehicle fleet management contract would be put to market tender. On 29 May 2007, in anticipation that Rhodium was going to be sold, the Legislative Assembly had resolved that, in accordance with section 11(3) of the Territory-owned Corporations Act, this Assembly approved the voting shareholders of Rhodium Asset Solutions resolving to amend the company's constitution to allow the shares of Rhodium to be sold and give effect to the sale. Members would be aware, however, that negotiations of the sale of shares of the company have ceased as it is no longer viable to sell the company as a going concern. The government subsequently announced the wind down of the business.

This wind down will require another resolution passed by the Assembly in order to dispose of any of Rhodium's main undertakings. This requirement is in accordance with section 16(4) of the Territory-owned Corporations Act, which stipulates that a territory-owned corporation must not dispose of any main undertakings unless approved by the Legislative Assembly.

As the previous resolution agreed to by the Assembly concerned the sale of Rhodium shares, I now seek the support of this Assembly for a revised resolution, which provides for the disposal of Rhodium's main undertakings and the technical amendments to Rhodium's constitution when Rhodium is removed from schedule 1 of the Territory-owned Corporations Act.

Rhodium has largely ceased writing new business since 1 October 2008 other than to issue new leases under the ACT government fleet contract and to extend existing leases, providing this does not prolong the period of the wind down. As the wind down cannot be completed until Rhodium has dealt with all its remaining assets and liabilities, this means that the company must continue functioning until all remaining leases have either been disposed of by Rhodium or have expired.

Although the bulk of the leases will expire in 2011, there are a several hundred leases that extend for several more years, some of which will not mature until 2018. Therefore, in order to complete the wind down as early as possible and avoid the costs of maintaining the company over an extended period, Rhodium is intending to test the level of market interest in acquiring the various components of the remaining business, including each of its main undertakings.

The potential transfer or assignment of each category of leases by Rhodium to another party would constitute a disposal of a main undertaking under the Territory-owned Corporations Act, which requires the consent of the Legislative Assembly by passing a resolution. Rhodium's main undertakings comprise the ACT government fleet management contract, which includes approximately 1,000 vehicles. There are also in the order of 640 operating leases as well as about 1,600 individual novated leases. This resolution will allow the company to transfer the ACT government fleet leases contract to another provider. The government has a tender process well underway to appoint a new fleet provider.

Further to the legislative requirements relating to this resolution, I would also like to remind members that if the voting shareholders agree to Rhodium disposing of a major undertaking, I am also required under section 16(3) of the Territory-owned

Corporations Act to provide a detailed statement to the Assembly. This reporting arrangement ensures that the Assembly is kept informed about any new developments concerning the wind-down process and is in addition to the information contained in the annual report and the statement of corporate intent.

I commend to members the revised resolution seeking the agreement of the Assembly to allow for the disposal of any of Rhodium's main undertakings as the opportunity arises.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (9.09): Mr Speaker, all the ACT Greens will support this motion today. I must highlight the ongoing problem that is Rhodium Asset Solutions. I understand that today's motion will allow the government to pursue an alternative approach to possibly receiving revenue from the sale of parts of Rhodium. However, we must remember that this strategy is now only being utilised after the failure of the government to sell Rhodium over the two-year period between 2006 and 2008.

Both the ACT Auditor-General and the Standing Committee on Public Accounts found that there had been excessive and inappropriate spending by the company and poor management practices. Each made a series of recommendations on transparency and governance, which I hope have been implemented by MAXimusSolutions Australia, who were brought in at great expense to manage the company during the caretaker period. No doubt we will be informed of these details when the government submits their response to the public accounts committee. This response is due to the committee three months after the report of its initial findings. Considering the findings were delivered in August of last year, we should be seeing this report any day now.

In supporting this motion, the Assembly will be approving the possible transfer of a significant number of short and long-term leases. It is vital that safeguards are put in place to ensure that no current leaseholders are disadvantaged under any new arrangements, and all leaseholders are kept well informed of any variations to the current provisions. Perhaps Rhodium should have been called Rodeo, as it appears we may have been taken for a ride. But, Mr Speaker, before we consider getting back on the horse, it is imperative that very careful consideration be given to these types of ventures in the future.

**MR SMYTH** (Brindabella) (9.11): I do appreciate the joke that it should be called Rodeo. I think that is probably appropriate. I thought maybe it was Derby day and we just keep falling off all the steeples. But the sentiment is quite accurate.

It is interesting that in the tabling statement the minister starts by saying that the sale of Rhodium would not proceed. In plain talk, the sale of Rhodium fell through because the government not only could not run Rhodium; they could not even sell it. In fact, they could not run it and they could not sell it and taxpayers will suffer. Now, because of the global financial crisis, it is probably worth even less than it was at this time last year.

I think the minister needs to tell the Assembly and, through the Assembly, the people of the ACT how much money has actually been lost through the mismanagement of Rhodium in which the two shareholders, the Chief Minister and the Deputy Chief

Minister, had a key role to play. I notice that in the minister's statement she talks about it, Rhodium, as being no longer viable to sell.

It is not viable because of mismanagement, and I will get to the mismanagement in a moment. But we all need to remember that this is the government that could not even run a car lease company. The two shareholders, the Chief Minister and the Deputy Chief Minister, could not direct the sound management of a car lease company.

The last paragraph on page one requests that we now approve the disposal of the main undertakings. Well, the problem is there that is no choice in this for the Assembly. Whether we want it to or not, it has to go, and it has to go because of the mismanagement of the Stanhope-Gallagher government.

I note that the minister speaks about some of the long leases. In the annual reports hearings the other day we heard from Rhodium. Most of these leases belong to Actew vehicles. There are several hundred leases that extend for several more years of Actew vehicles. So the winding-up process will take some time. The problem here is that the government not only mismanaged the start-up of Rhodium, the life of Rhodium; it is now mismanaging the death of Rhodium.

On page 3 of the statement, the minister says:

This resolution will allow the company to transfer the ACT government fleet leases contract to another provider. The government has a tender process well underway to appoint a new fleet provider.

This is discourteous at best and at worst it is probably a contempt of the Assembly because before you do this you have to come and get permission of the Assembly. But, no, the government has already put the tenders out there. They have already assumed and yet again taken for granted that the Assembly will do what they want. This pre-emptive taking the Assembly for granted is not how it should occur.

In the case that the Assembly does not give this permission tonight, the government would have to withdraw the tender, and this is something the government is getting a dreadful reputation for. Business tells me they are sick of tenders being put out to test the market and then withdrawn by this government. I think the minister should apologise to the Assembly for just assuming that this would go ahead.

I think we all know that it has to go ahead, but I think you should do this properly. Again, it is symptomatic of the way that Rhodium is run. They are now paying more attention to the winding-up of Rhodium, but it is a shame they did not pay as much attention to the actual running of Rhodium. Perhaps we might have got a better outcome for the people of the ACT.

Some of the things that came to light in the inquiry that we had last year are interesting. When presenting the report of the public accounts committee Dr Foskey said:

Our report is a fair and consensual one.

Dr Foskey went on to say:

I would like to read from the conclusion because it really sums up our findings  
...

5.1 ...The shareholders, while not directly responsible for the day to day failures and questionable behaviour at Rhodium, failed to establish and communicate its expectations to the company.

So we form the company, we are the two shareholders, but we do not tell you what we want you to do. And so the company languishes. It was not Ms Gallagher at the time.

Dr Foskey went on to say:

I think this was borne out by Mr Stanhope's comment in the hearing when he said that the shareholders had "a disinclination to hasten" and his tendency and his very direct laying of blame at the feet of the chief executive officer of Rhodium. The chief executive officer herself pointed out that there had been a disagreement, she believed, between the shareholders, who at that time were Mr Quinlan, as the Deputy Chief Minister, and Mr Stanhope. You will be aware that Mr Stanhope remains a shareholder and that Mr Quinlan's role has been taken up by Ms Gallagher as the existing Deputy Chief Minister.

The problem for Rhodium right from the start was that nobody told them what they should be doing. Part of the dynamic duo at that time was saying, "Build up the business." The other part of that dynamic duo was saying, "Hasten slowly because we do not know what we want you to do." This is the problem. Territory shareholders have very, very special requirements on them and under this act they have very, very special requirements in the things that they have to do.

Dr Foskey went on to say:

It is of concern to the committee that the shareholders did not demand more of the board and, through the board, the chief executive officer.

Then she said:

We were really concerned that the Territory-owned Corporations Act did not seem to have been really taken on board by the shareholders. The shareholders are the representatives of the government in the direction of a territory-owned corporation, and as a government they are meant to be acting in the best interests of the territory.

In this case, they did not. They did not make decisions, they did not sign off on business plans and they did not comply with the very special requirements that the act placed upon the territory shareholders. I think it is important as we wind-up Rhodium that we know well and truly who was responsible for the failure of Rhodium.

Page 3 of the Auditor-General's report says:

In Rhodium's case, it seems evident that the lack of clear strategic direction from the Shareholders created uncertainty and made it difficult for Rhodium to provide and commit to appropriate long-term strategic planning to achieve its business objectives.

The shareholders failed. On page 4 the report then goes on to say:

Audit acknowledges that, in the face of considerable uncertainty, there were significant efforts by the Board, the management and staff of Rhodium directed towards the successful operation of Rhodium.

So we had the board, the management and the staff all trying to do their best, but they were left high and dry by the shareholders—the Chief Minister and the Deputy Chief Minister. They did not know what was required of them or where they were to go because nobody would tell them. On page 8 the report goes on to say:

Rhodium has been facing uncertainty since its establishment due to a lack of clear strategic direction from the Shareholders.

So from the very start Rhodium was nobbled. If the shareholders, the Labor government, had wanted it to go ahead, it was nobbled at the start. If they had wanted to sell it, it was nobbled at the start. This litany of mistakes can only rest at the feet of the shareholders, that is, the government.

On page 11 the report goes on to say that in accordance with section 18 of the Auditor-General Act 1996 a draft report was sent, and the report lists the respondents. The responses are interesting. The report summarises in dot point format the response of the former CEO of Rhodium. It states:

- with a new CEO, and a shareholder-appointed Board who had not been effectively briefed ...

Another dot point states:

- attempting to rationalise competing demands from management, staff, Board, Shareholders, and ACT Government departments—

There was no plan and no objective. If you do not plan, if you do not know where you are going, inevitably you certainly cannot achieve anything.

On page 25, in the key findings, the report goes on to say:

- Rhodium has been facing uncertainty since its establishment due to a lack of clear strategic direction from the Shareholders.

I could read all the references, but I will not. The shareholders are mentioned on 48 different occasions in the report. For instance, the shareholders had things that they had to do under the law, and one of those things was to approve the draft business plan.

Paragraph 3.18 on page 29 states:

The Board advised that the Shareholders had not approved the draft business plan—

So the board and the management and the staff were trying to get ahead and the Chief Minister and Deputy Chief Minister sat on their hands. Rhodium could not do its job because the government did not let it.

Paragraph 3.20 on page 29 states:

... and a lack of clear directions from the Shareholders, made it difficult for the Board to provide and commit to appropriate long-term business strategies to drive Rhodium in achieving the best outcome for the shareholders.

So we had an asset, the asset had potential, but instead of allowing it to reach its full potential, the shareholders failed. That is the problem with this whole Rhodium saga.

In the conclusion on page 32 the report states:

Further, the absence of clear directions by the ACT Government as Shareholders has created uncertainty and made it difficult for the Board to develop and implement any long-term strategic directions to drive Rhodium in achieving its business objectives.

Further, the absence of clear direction by the ACT government as shareholders had created uncertainty and made it difficult for the Board to develop any long-term strategic directions to drive Rhodium in achieving its business objectives.

The report is littered with examples of this government's failures. If we have a government that cannot run a company or a territory owned corporation that was worth \$5 million or \$10 million or \$15 million or whatever it was worth at the time, how do we expect them to properly manage their share of a \$42 billion stimulus package, and, indeed, the ACT economy at all and deliver on the potential that lies within every ACT budget? That is the problem.

The observations on the role of the voting shareholders in the brief history of Rhodium Asset Solutions represent an indictment of their failure. I think we are all now aware of the issues relating to the management of the entity as a result of the Auditor-General's report. The fundamental question, which has never been answered, and perhaps the minister would like to answer when she wraps up is: how did this mess happen? Where does the responsibility ultimately lie for this mess?

The Chief Minister and the Treasurer have failed to take any responsibility for the diabolical mess that is Rhodium Asset Solutions. I believe that it is self-evident that it must be the voting shareholders. They are the two who are responsible, under law, to provide directions. They should know their responsibilities. They are very, very special people in regard to this act, but they did nothing. We heard the Chief Minister deny any involvement by him in this mess. That is typical of him and it reinforces the many instances in which he has distanced, or sought to distance, himself from any responsibility for any of the messes that the government has managed to get itself into.

On page 25 the Auditor-General makes key findings about the shareholders' role and the lack of strategic direction from the shareholders. The Auditor-General then draws conclusions about the actions of the voting shareholders and refers to:

... the absence of clear directions by the ACT Government as Shareholders has created uncertainty and made it difficult for the Board to develop and implement any long-term strategic directions ...

This was an orphaned child that was left to die on its own.

The Auditor-General makes a number of other comments about the role, or lack of role, of the voting shareholders. Of these 48 references to the shareholders, a quarter related to adverse consequences from the lack of appropriate action by the two voting shareholders. The two voting shareholders did nothing, did not do the things that were required of them, and the Auditor-General draws the conclusion that this led to adverse consequences for Rhodium and, indeed, for the people of the ACT. Ultimately, the taxpayers, at a time when every dollar is critical to the delivery of services, will be left high and dry.

By any judgement, very critical comments are made by the Auditor-General. We need to acknowledge that the voting shareholders in this context have a prominent role in the strategic direction and the activities of the entity. The voting shareholders can do many things under this act. They can tell the board to do certain things. They can request the board to do certain things. They can ask the board for certain reports. They never did. Indeed, the board itself must seek approval or agreement of the shareholders to do various things, and in most cases that approval was not forthcoming.

The board certainly should be required to provide certain documents to the voting shareholders for approval. The voting shareholders are not passive in this process. The Chief Minister and the Treasurer cannot sit there and say, “It was not us. We did not run Rhodium.” But the reality is that they have a role, a very, very special role given to them by laws passed in this place. It is essential—or it was essential because they will not give it now—that they give appropriate guidance and direction to the entity for which they are the voting shareholders.

Without apology, Chief Minister, the responsibility for this mess is right at your feet and those of your Deputy Chief Minister. You cannot hide behind the board or the former CEO of Rhodium. They themselves will answer for what they did. It is your failure and the failure of your colleague, with your two voting shares. You did not provide guidance. You did not provide direction. All you provided was confusion. Look at the awful mess that you have created and the legacy that the people of the ACT will now suffer from.

Unfortunately for the ACT community, the opportunity that might have been to realise a good value for Rhodium has gone. But fortunately for the ACT community, the Auditor-General has documented the failure of you and your colleagues.

Question resolved in the affirmative.

## **Adjournment**

Motion by **Ms Gallagher** agreed to:

That the Assembly do now adjourn.

**The Assembly adjourned at 9.27 pm.**

## Schedule of amendments

### Schedule 1

#### Dangerous Substances and Litter (Dumping) Legislation Amendment Bill 2008

Amendments moved by Ms Le Couteur

1

Part 5

Page 14, line 1—

*omit*

2

Part 6

Page 15, line 1—

*omit*

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