



# Debates

WEEKLY HANSARD  
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

16 JUNE 2009

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## Tuesday, 16 June 2009

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**Tuesday, 16 June 2009**

**The Assembly met at 10 am.**

*(Quorum formed.)*

**MR SPEAKER** (Mr Rattenbury) took the chair, 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.

## **Petitions**

### **Ministerial responses**

**The Clerk:** The following responses to petitions have been lodged by a minister:

By Mr Stanhope, Minister for Transport, dated 21 April 2009, in response to a petition lodged by Ms Hunter on 26 February 2009 concerning light rail.

### **Transport—light rail system—petition No 95**

*The response read as follows:*

The ACT Government notes the Petition submitted by the petitioners, tabled by Ms Meredith Hunter MLA on 26 February 2009, and makes the following comments:

- The ACT Government recognises through *Weathering the Change: the ACT Climate Change Strategy* and other policies and practices the real and significant threat that climate change poses for the people and places of the ACT. The Government also acknowledges that transport contributes to around 24% of the ACT's greenhouse emissions.
- The Light Rail Submission to Infrastructure Australia (IA) was prepared for the ACT Government by national accounting firm PricewaterhouseCoopers (PwC). It found that light rail in Canberra would cost around \$2 billion. This amount is higher than previous estimates due to increases in construction costs, the 30 year longer time period for the costings requested by IA, the inclusion of items (such as a ticketing system) that were not included in a 2004 public transport study and a more realistic allowance for construction staging and contingencies (e.g. to cover the costs of events resulting in unforeseen delays or cost increases). This costing was prepared by PwC, which has considerable experience in assessing similar proposals in other Australian jurisdictions; The Light Rail Submission is available at [www.tams.act.gov.au/move/light\\_rail](http://www.tams.act.gov.au/move/light_rail)
- A study into transport options for Canberra undertaken during the development of the Sustainable Transport Plan in 2004 found that there are a range of technologies that can deliver reduced emissions from public transport in the ACT. This was confirmed in the Light Rail Submission prepared for IA, where PwC advised that bus rapid transit could be a viable

alternative to light rail given its lower capital expenditure costs. PwC advised that this option could warrant a comparative study with light rail to identify the transport technology that would offer best value for money and would best suit the ACT transport environment.

- The work that was recently completed by PwC provided an understanding of the costs and benefits of the light rail project and potential timing for implementation, but did not include engineering, delivery models or other implementation details due to the tight timeframe imposed by IA. Further design and engineering work would be required before any new public transport system could be implemented. If the light rail does attract Commonwealth funding, it is not expected that the first phase of a new public transport system could be operational in the timeframe suggested by the petitioners.

By Mr Stanhope, Minister for Transport, dated 21 May 2009, in response to a petition lodged by Mr Stanhope on 6 May 2009 concerning traffic control measures in Macfarland Crescent, Pearce.

### **Macfarland Crescent, Pearce—petition No 97**

*The response read as follows:*

The ACT Government notes the petition submitted by the petitioners, tabled by Mr Jon Stanhope MLA, Minister for Transport on 6 May 2009 and makes the following comments:

- Macfarland Crescent is a major collector road in the hierarchy of ACT roads. Major collector roads should desirably carry no more than 6,000 vehicles per day. The average weekday daily traffic volume on Macfarland Crescent from the most recent traffic survey was 2, 578 vehicles.
- The Department of Territory and Municipal Services (TAMS) utilises the Traffic Warrant System to prioritise major and minor collector roads for investigation of traffic management issues and implementation of traffic management measures. The Traffic Warrant System has been endorsed by the Minister and is updated every two years to reflect the latest data.
- The Traffic Warrant System takes into account: volume of traffic, percentage of heavy vehicles; speed; accident history; and activity generators (land use).
- Macfarland Crescent is currently ranked 250 out of 430 collector streets in the system. On this basis, TAMS has no immediate plans to implement additional traffic management measures on Macfarland Crescent.
- Compliance with posted speed limits is a policing matter. The residents should report all speeding incidents or any inappropriate driver behaviour to ACT Policing on 13 14 44 or to Crime Stoppers on 1800 333 000.

## **Privilege Statement by Speaker**

**MR SPEAKER:** On Friday, 12 June 2009, Mr Hanson, in accordance with standing order 276, gave written notice of what he considered to be a breach of privilege. The matter relates to a letter he received from the Chief Executive of ACT Health concerning a press release by Mr Hanson. Both of these documents were provided to me by Mr Hanson.

Under the provisions of standing order 276, I must determine as soon as practicable whether or not a matter of privilege merits precedence over other business. In doing so, I have considered whether the issue is one of substance and supported by the facts as presented. If, in my opinion, the matter does merit precedence, I must inform the Assembly of the decision and the member who raised the matter may move a motion without notice forthwith to refer the matter to a select committee appointed by the Assembly for that purpose.

As Speaker, I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly; I can only judge whether a matter merits precedence. Having considered the letter, I am prepared to allow precedence to a motion to refer the matter to a select committee should Mr Hanson choose to move such a motion.

**Mr Stanhope:** On a point of order, Mr Speaker: would you be prepared to table advice that you received on this matter from the Clerk?

**MR SPEAKER:** I do not have any written advice, Mr Stanhope, so there is nothing to table.

**Mr Stanhope:** Would you be prepared to make a statement, Mr Speaker, on the advice that you did receive orally from the Clerk in relation to this matter?

**MR SPEAKER:** Mr Stanhope, in response to your matter, I will make a brief statement. As I said in my statement, I received a number of documents from Mr Hanson. I looked at those documents. I read the transcripts from the estimates committee to give myself further background. I sought advice from the Clerk. I read the standing orders. And I formed a view that, as required under the standing orders, I have to make essentially a prima facie judgement as to whether there is a matter here and whether it warrants the time of the Assembly to debate this matter further. I formed a view that there do seem to be matters that warrant putting this to the Assembly. That is the basis on which I proceeded.

## **Dissent from ruling**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10:05): Mr Speaker, I move:

That the Speaker's ruling be dissented from.

**MR SPEAKER:** There is no ruling here, Mr Corbell. I just simply, under the standing orders—

**MR CORBELL:** Mr Speaker, you have agreed that Mr Hanson should be given precedence to move a motion, and I am objecting to that decision and asking that the Assembly vote on the matter.

**Mr Smyth:** On a point of order, Mr Speaker: the Assembly will get to vote on the matter if Mr Hanson rises in his place—

**MR CORBELL:** No, not on the matter, Mr Speaker—

**MR SPEAKER:** Order, Mr Corbell! Mr Smyth has the floor. I will come to you in a moment.

**Mr Smyth:** Mr Speaker, if the leader of the house would acquaint himself with the standing orders, which obviously you are across, standing order 276, in chapter 26, “Privilege and contempt”, clearly outlines the process for this event. Standing order 276(e) says:

- (e) if, in the opinion of the Speaker, the matter merits precedence, the Speaker will inform the Member who raised the matter ... and the Member ... may move a motion ...

There is clearly a process outlined here, and I think Mr Corbell, in his attempt to deflect what is occurring here, is misinformed and should acquaint himself with the standing orders.

**MR CORBELL:** Mr Speaker, on the point of order: the objection is that the matter be granted precedence. That is the objection. You have ruled that you are prepared to give precedence to the matter and I object, and the government objects, to precedence being given to the matter and being debated at this time. We certainly do not object to Mr Hanson using the normal forms of the Assembly to progress the matter, but we do not agree that the matter be given precedence and we dissent from your ruling in that regard. It is a ruling of the chair providing precedence to Mr Hanson.

**MR SPEAKER:** Thank you, Mr Corbell. I have taken the opportunity, on advice from the Clerk, to look at *House of Representatives Practice*. Under this standing order, on a complaint raised under this standing order, it is not a ruling, according to *House of Representatives Practice*, so a dissent motion is not in order.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.07): Mr Speaker, I dissent from your ruling on my motion. I move:

That the Speaker’s ruling be dissented from.

**MR SPEAKER:** Okay, that is a ruling, Mr Corbell, so we will now consider this.

**MR CORBELL:** Thank you, Mr Speaker. Mr Speaker, your decisions this morning have been inappropriate and an abuse of the forms of this place. You have not been prepared to give any substantive reason as to why you believe it is appropriate for Mr Hanson to be given precedence in relation to moving a motion to establish a select committee on privileges. What we are seeing in this place this morning is a political stunt by the Liberal Party and the Greens to try—

**MR SPEAKER:** Order, Mr Corbell! You actually need leave to move a dissent motion.

**MR CORBELL:** Mr Speaker, I seek leave to move a motion of dissent from your ruling.

**MR SPEAKER:** Is leave granted?

**Mrs Dunne:** No.

**Mr Smyth:** Yes, go for your life.

**MR SPEAKER:** Leave is granted. Mr Corbell, please continue.

**MR CORBELL:** The Liberals can't even agree amongst themselves, Mr Speaker. What we are seeing this morning, Mr Speaker—

**Mr Stanhope:** Leave wasn't granted.

**Ms Gallagher:** No, it wasn't granted.

**Mr Seselja:** Leave was granted.

**MR SPEAKER:** Was leave granted?

**Ms Gallagher:** No, it wasn't. Vicki said no.

**Mr Smyth:** Yes, leave is granted. We said yes.

**MR SPEAKER:** Okay, leave is granted.

**MR CORBELL:** Mr Speaker, I am glad that the Liberal Party have decided they are prepared to give me leave after Mrs Dunne disagreed with her colleagues and was overruled. The issue here is that what we are seeing here this morning is a stunt from the Liberal Party and the Greens in an attempt to blacken the name of a minister and a senior public servant in this place. I have never heard such an absurd suggestion that it is appropriate—

**Mr Smyth:** On a point of order, Mr Speaker: Mr Corbell is attempting to debate the subject of what might become a matter before a privileges committee. In his motion he seeks leave to suspend standing orders, and he needs to come back to why standing orders should be suspended.

**MR SPEAKER:** Order, Mr Corbell, one moment. Mr Corbell—

**MR CORBELL:** Mr Smyth, I am not moving to suspend standing orders.

**Mr Smyth:** Yes, you are.

**MR CORBELL:** No, I am not.

**MR SPEAKER:** Resume your seat, Mr Corbell.

**MR CORBELL:** I am not moving to suspend standing orders, Mr Speaker.

**MR SPEAKER:** Yes. Mr Smyth, I presume your point of order is around the fact that Mr Corbell is not speaking to the motion, which is to dissent from my ruling and not the substance of the matter. We will come to the substance of the matter potentially in due course.

**MR CORBELL:** I will, Mr Speaker. If it is not within the forms of this place for a member of this place to object to the fact that you are giving precedence to a matter that we on this side of the place do not believe warrants any precedence whatsoever, then I do not know how your authority can be upheld in this place, Mr Speaker.

Mr Speaker, your ruling is incorrect. It is incorrect for me, for the government, to not be able to say to you that this matter should not be given precedence—and then for you to say that I can't object in any way to that decision. You are a servant of this place, Mr Speaker, not the other way around. Mr Speaker, all of this is being driven by an agenda on the part of the Liberal Party and the Greens in this place to propose a select committee on privileges to blacken the name of a minister and a senior public servant for no reason whatsoever. Mr Hanson made an allegation about senior public servants, Mr Speaker.

**Mrs Dunne:** Relevance, Mr Speaker.

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

**Mrs Dunne:** Again, Mr Speaker, the leader of the house is prosecuting the substantive issue of contempt. He should be talking about why he wants to dissent from your ruling, which is what he thinks he wants to do.

**MR CORBELL:** Indeed, Mr Speaker, it is important that the matter is placed in the context of the political manoeuvrings that are occurring in this place this morning. The manoeuvrings that are occurring in this place this morning are a deliberate agenda, a plan, a plot, hatched by the Liberal Party and the Greens, to blacken the name of the chief executive of the department of health and his department, Mr Speaker—

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

**MR CORBELL:** all for purely political purposes.

**MR SPEAKER:** Order, Mr Corbell! You are deviating from the matter, which is the dissent from my ruling. Let us stick to that matter. You can argue the merits of the privileges committee matter when we come to that item, if we get that far.

**MR CORBELL:** Mr Speaker, I find it extraordinary that you are unable to demonstrate to me why your decision to grant precedence to a matter is not a ruling. You have given no reason in this place as to why it is not a ruling. It is a decision that you have taken. It is a decision where you have said that all other business on the notice paper is to be given a lesser priority. You have given no clear and good reason as to why your decision cannot be reviewed in that case.

That is why I object to your subsequent ruling that I cannot move dissent from your decision. That is the issue that I am particularly concerned about—and that other members in this place should be concerned about as well. The crossbench members, if they were interested in fair play in this place, would simply allow the matter to be put to a vote as to whether or not it was reasonable to grant precedence to this matter.

I am disappointed that you are not prepared to have your decision brought to a vote in this place, but the point remains: there is a clear political agenda at play in this Assembly today. I know that the Liberals and the Greens do not want to talk about it, but that is what is going on. It is a deliberate political plot to blacken the name of a senior public servant without any good reason. Never before has resort to privileges been done in such a flippant and ad hoc manner and without any substantial argument.

If that is the new benchmark that the Greens are going to propose to put in place in this place when it comes to whether or not privileges committees should be established in this place, we will be having one every week, Mr Speaker. Every time someone gets a letter that they find a bit rude, we will have a privileges committee. That is exactly the objection that is being used to justify the establishment of this privileges committee in this place. It is as though people cannot write to a Liberal member objecting to their position, Mr Speaker. How extraordinary that someone else in this place objects to what Mr Hanson has to say, Mr Speaker!

**Mrs Dunne:** Relevance, Mr Speaker.

**MR SPEAKER:** Order, Mr Corbell! Mr Corbell, resume your seat. Mr Corbell, we have spoken about this a number of times. Let us stick to the dissent ruling. You will have plenty of opportunity to discuss the merits of Mr Hanson's motion.

**MR CORBELL:** Your decision this morning, Mr Speaker, is a terrible politicisation of your role. It is an appalling politicisation of your role. You, Mr Speaker, particularly as a Speaker in an Assembly where there is a clear balance of power situation, should be prepared to have your decisions put to a test in this place. Your ruling that I could not dissent from you granting precedence to that matter shows that you believe you are above this place.

Mr Speaker, you should have simply said, "Fine, Mr Corbell; let's have the debate." You refused to do so. Instead, Mr Speaker, you chose to politicise your position; you chose to show the partisan nature of your position; and you sided with the Liberals

and the Greens on this matter. You are not acting in this case as a Speaker who has the role of arbitrating these matters fairly and without favour. You are showing your political prejudices on this matter while refusing to have your decisions reviewed by this place, Mr Speaker. You should have stood above the matter. You should have said, “Well, that’s fine; let’s have the debate about whether or not granting precedence was appropriate.” But no; instead, you chose to refuse to have a member objecting to precedence being granted.

Mr Speaker, that is the issue of great concern to this government today. This morning on this matter you have behaved in a partisan manner, in a manner that betrays your political allegiances rather than your obligation as Speaker. For that reason, the government dissents from your ruling. It says that you have got it wrong in this case; you should not be granting this matter precedence; and you should not be prepared to put yourself in a situation where you are not even prepared to have your decision subject to any review in this place. It is wrong, it is unfair and it is a partisan move on your part which reduces your authority in this place.

**MR SMYTH** (Brindabella) (10.17): The great shame of this debate is that, if Mr Corbell had simply referred to page 746 of the *House of Representatives Practice*, from which, of course, we take guidance about the way matters are conducted in this place, he would simply know that he is wrong. If Mr Corbell—the father of the house, the longest serving member of this place and the manager of government business—instead of politicising what is happening, had acted in accordance with the standing orders, he would also know that he is wrong.

It is easy to throw around words like “flip”, “ad hoc”, “inappropriate” and “abuse of power”, but the simple reality, as confirmed by both the standing orders of the Assembly and the *House of Representatives Practice*, is that you have simply followed the process that this place detailed. Indeed, when these standing orders were put in place—I will remind Mr Corbell that they were put in place as of 2 April 2009, and my memory is that it was by the unanimous vote of the Assembly—the process for privilege and matters arising were clearly outlined in standing order 276. That is something Mr Corbell conveniently forgets, as he so often does.

But let us start with the source of where we make these decisions and how we make the decision. Mr Corbell contends that you have made a ruling, Mr Speaker. You, of course, are right in saying that you had not made a ruling. Indeed, if Mr Corbell and those opposite had listened to what you had said, they would know that you made it quite clear that you did not judge in favour of or against; you just said that there may be something here to answer—which is entirely appropriate.

Let me go to *House of Representatives Practice* on page 746; it starts on 745. The subheading is “Determination of whether a matter can be accorded precedence”. It goes through the House of Reps practice and then it goes to the final paragraph in this section. It says:

An opinion—

it is an opinion, Mr Corbell, an opinion—

by the Speaker on a complaint raised under standing order 51—

of the House of Representatives—

is not a ruling—

is not a ruling, Mr Corbell—

and so a dissent motion, as provided for in standing order 87—

of the House of Reps—

is not in order.

Mr Corbell, you are wrong. You should simply stand and, with some courtesy, apologise to the Speaker for your tirade. You should, in fact, apologise to this place for wasting our time when you know that what you have done is wrong.

Mr Speaker, for those opposite who clearly have not read the new chapter 26, “Privilege and contempt”, which sets out the general rules and guidelines for dealing with matters of privilege and contempt, let me say that it clearly outlines the process that this follows. It is a standing order. What Mr Corbell is saying, Mr Speaker, is that you, by acting in accordance with the standing orders, are wrong—simply because it does not suit Mr Corbell and his factional colleague the Minister for Health: therefore, you have to be wrong and they have to be right.

It is quite clear that standing order 276, entitled “Privilege”, says, and I refer members to part (e):

... if, in the opinion of the Speaker, the matter merits precedence, the Speaker will inform the Member who raised the matter and the Assembly of the decision—

which you did—

and the Member who raised the matter may move a motion without notice forthwith to refer the matter to a select committee appointed by the Assembly for that purpose.

That may happen if we can get over this charade.

The problem here is that, rather than obey the rules—which he voted for: Mr Stanhope, Ms Gallagher, Mr Corbell, Mr Hargreaves, Mr Barr, Ms Burch, Ms Porter, all of us, voted for these standing orders so that we would not have this sort of politicisation of the process—what you are getting today is simply an abuse of words, an abuse of the Assembly’s time, with a flurry of statements by the minister. There is a clear political agenda.

Perhaps what Mr Corbell has done here this morning should be referred to a privileges committee. He has disparaged the office of the chair; he has asserted that the chair acts in concert in a political nature; he has made comments that it was inappropriate

and an abuse of power. What he has not done is made a case—because he knows he does not have a case. This is the standard operating procedure for Mr Corbell. He gets up and he throws out the words, but if you challenge him to address the substance—in his entire speech, there was no reference to how you have broken the standing orders; and there was no reference to how you had acted not in accordance with the *House of Representatives Practice*, because he knows that you have.

That is the problem for this place. When the government do not like being held to account, they play the man. We see it in the Chief Minister all the time; we see it in the ministers all the time. When they cannot answer the question, they go to the man.

**Mr Corbell:** Relevance.

**MR SMYTH:** You say, “Relevance.” You did play the man. The allegations are all there. There is a clear political agenda. You accused him of being partisan; you said it was inappropriate; you said it was an abuse of form; you said it was flip-flop and ad hoc. You played the man, and you are now caught out, Mr Corbell, as so often you are caught out.

Mr Speaker, I will simply refer back to page 746 so that members can be clear about this when they vote. *House of Representatives Practice* says:

An opinion by the Speaker on a complaint raised under standing order 51 is not a ruling and so a dissent motion, as provided for in standing order 87, is not in order.

This motion is out of order. Mr Corbell was out of order. Mr Corbell should be invited to withdraw his accusations and his allegations and apologise to this place and to the Speaker. This vote should not be supported.

**MRS DUNNE** (Ginninderra) (10.23): Mr Speaker, what we have seen here today is the manager of government business out of control and out of his depth. What Mr Smyth has quoted is really the be-all and end-all about this argument. I will keep this quite short. An opinion by the Speaker on a complaint raised under the standing orders is not a ruling and so a dissent motion as provided for in the standing orders is not in order. It was not possible for the leader of the house, the manager of government business, to move dissent from your ruling, because you did not make one. What he did was confect a situation where you had to make a ruling that you did not make a ruling so that he could dissent from that.

This government is not prepared to go through the forms of the house. Mr Smyth is perfectly correct. When we made changes to these standing orders and created a new chapter in relation to privilege and contempt, which was voted on unanimously by the previous Assembly, Mr Corbell told how much time he personally had put into the compiling of the new standing orders and how important it was for him, as the manager of government business, to have a good grasp of the standing orders and to be involved in that process.

Somehow, Mr Speaker, he does not seem to have read about some of the most vital parts of this process. The mere fact that the Chief Minister stood up today and

attempted to challenge your ruling by asking you to table shows that he is completely ignorant of how the standing orders stand. The fact that we are here today having to debate dissent by the manager of government business from your ruling is a disgrace, because it shows that they have no understanding.

This is not partisanship on the part of the Liberal Party or the Greens. This is sour grapes on the part of the government, a minority government that are suddenly finding themselves out of their depth because they do not have the votes. They cannot command the votes on the floor. In the previous Assembly, they could bully their way through these things; now they have to rely on their own wit, their own guile, their own honesty and their own integrity.

What we have seen today is that these are people without integrity. When they get themselves in a tight place, the only thing they can do is lash out at the man. What we heard today from the leader of the house, the manager of government business, was an unparalleled attack on the office of the Speaker, on the integrity of the Speaker, on a point of order which is wrong. A newbie in this place should know, and if he does not know he should inform himself before he stands in this place and moves dissent from a ruling of the Speaker. If he took one second to go and ask the Clerk what was the reference for that, he would know how foolish and how wrong he really is.

It is quite simple. The Clerk's advice is right. Your ruling is correct, Mr Speaker. What we rely upon here is *House of Representatives Practice*. It says:

An opinion by the Speaker on a complaint raised under standing order 51 is not a ruling ...

And so no dissent motion is in order. Mr Speaker, we cannot move dissent. I have no wish to move dissent. What we have here today is proof that this government is out of control and the manager of government business is not fit for the job.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.26), in reply: For those opposite who say that when the government is unhappy with something it plays the man, let me say that we just saw the prime example of playing the man from Mrs Dunne. As always, when it comes to Mrs Dunne, she is not able to differentiate between playing the man and objecting to a decision. Mr Speaker, what the government is doing, and what I am doing, is objecting to your decision. Your approach—

**Mrs Dunne:** You cannot. You do not have the capacity to do so. You do not have the capacity to do so.

**MR CORBELL:** And your approach, Mr Speaker, is one which faced me with no choice but to move the dissent that I have.

**Mrs Dunne:** You could have voted against Mr Hanson's motion if he moved it.

**MR CORBELL:** Mr Speaker, the reason for that is that—

**Mrs Dunne:** That is where you do it.

**MR CORBELL:** Mrs Dunne is not satisfied with having 10 minutes; she has to continue to interject. That is Mrs Dunne's style when it comes to playing the man, Mr Speaker; thank you for calling her to order, Mr Speaker.

Mr Speaker, the issue of concern for me and the government is that your decision reflects a level of partisanship that we have not seen before in this place. There are no grounds—no grounds—for saying that the matter that Mr Hanson has raised with you warrants precedence. That is what this is all about at the end of the day. There are no grounds. A public servant writes a letter correcting the record; Mr Hanson takes objection and writes to you, and you give it precedence. I get letters every day from members of the opposition objecting to things I do. I do not rush off to you and seek precedence for privileges committee motions every time I get a letter like that.

Mr Speaker, that is the point: you are showing yourself to be partisan in this matter because it is in your interests to portray the government as unwilling to subject itself to scrutiny. You are allowing a political agenda to be advanced in this place ahead of your role as Speaker. For that reason, I have been given no choice but to move the dissent in your authority that I am moving today. You have acted in a partisan manner.

We can hear all the technical arguments about standing orders until the cows come home, but the issue at play today is much more important than that—whether or not you are going to inject yourself into the political debate or stand above it. You have chosen to be a player rather than the umpire. That is the real problem with your decision today, Mr Speaker, and that is why we dissent from your ruling.

Question put:

That the Speaker's ruling be dissented from.

Ayes 6

Noes 9

Mr Barr  
Ms Burch  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves

Mr Stanhope

Ms Bresnan  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Ms Hunter

Ms Le Couteur  
Mr Rattenbury  
Mr Seselja  
Mr Smyth

Question so resolved in the negative.

## **Privileges—Select Committee Appointment**

**MR HANSON** (Molonglo) (10.33): I move:

- (1) pursuant to standing order 276, a Select Committee on Privileges be established to examine whether a breach of privilege, improper interference or influence of a Member or contempt of the Assembly has

been committed by Mr Mark Cormack, Chief Executive of ACT Health, in relation to a letter he sent to Mr Hanson on 25 May 2009 instructing him to retract public statements he made following a public hearing of the Select Committee on Estimates 2009-2010;

(2) the committee is to consider:

- (a) whether Mr Cormack's letter, and its instructions, amounted to interference with Mr Hanson's duties as a Member of the Legislative Assembly; and
- (b) whether this constitutes a breach of privilege or contempt of the Legislative Assembly by Mr Cormack;

(3) the Committee shall report back to the Assembly on 18 August 2009; and

(4) the Committee shall be composed of:

- (a) one member nominated by the Government;
- (b) one member nominated by the Crossbench; and
- (c) one member nominated by the Opposition;

to be notified to the Speaker by 4 p.m. today.

As members of the Assembly, we must be allowed to conduct our duties freely and without any interference or improper influence, and it is of genuine concern that I am, through this motion, seeking to refer a matter to a select committee on privileges. The issue relates to a letter that I received on 25 May from the Chief Executive of ACT Health that made certain assertions and requests that, I believe, had I complied with those requests, would have restricted me in the free performance of my duties of holding the executive—in this case, the Minister for Health—to account.

I am not referring this matter as a result of any personal grievance or any political motive. I might add that I am doing this not with my interests at heart but in the interests of the fair operation of the Assembly. This is a matter that goes to the heart of the Westminster system and the ability of the non-executive members of the Assembly to perform their duties free from interference or improper influence. It goes to the relationship between the executive, the non-executive members of the Assembly and the public service, and it is an issue that affects all members equally. Those who have a genuine interest in the proper functioning of the Assembly will, no doubt, share my concerns.

I would like to turn now to the facts of the matter and briefly outline for members what has occurred. In March, a number of reports in the media alleged that the property adjoining the proposed site of the bush healing farm had plans for a winery. This was subject to some political and public debate at the time. Prior to the estimates hearings, Mr Seselja received a document under freedom of information legislation relating to the bush healing farm. It was an email written to the Chief Minister from

owners of a property that adjoined that site. This was partially exempted under section 41 of the FOI Act and had a number of words censored. I seek leave to table that document.

Leave granted.

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

Email dated 15 July 2008.

Section 41 of the act relates to personal information, so information that would identify the individuals such as names and addresses and so on. But during the estimates hearings, the opposition was provided with the original copy of the email that was sent to the Chief Minister which had not been censored. I seek leave to table that document, but I would ask that you note that I have, myself, obscured the identifying information that relates to the personal identity of those owners.

Leave granted.

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

Email dated 26 May 2009.

By comparing the documents, it is revealed that the words that have been censored related to the owners' intent to develop a cellar door, a winery and a bed and breakfast. My view, and that shared by my colleagues, was that the information that had been obscured related to information that was of a politically sensitive nature to the government, and particularly to the Minister for Health. This was made all the more damning by the fact that information that actually identified the address of the writer of the email had not been obscured. As a result, I issued a press release titled "Another Gallagher cover-up", and I seek leave to table a copy.

**Ms Gallagher:** That's right, because I'm involved in the FOI, aren't I, Jeremy? So there's a lie in the title. Do you have to tell the truth as part of your job?

Leave granted.

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

Media release by Mr Hanson, dated 21 May 2009.

If you review the press release, you will note the minister is clearly the subject of my criticism. In my view, any failing or improper action apparent in the minister's portfolio areas is for a minister, and for a minister alone, to account for. I have made this clear in this place, as I have done in most of the other 57 press releases that I have issued that have been critical in most part of ministers of this government. This is a press release that goes to the heart of ministerial accountability, and that is the point I am making.

On 25 May, I received a letter from Mr Cormack, the CEO of ACT Health, implying certain things and making certain requests of me. I seek leave to table that letter.

Leave granted.

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

Letter to Mr Hanson from Mr Cormack, Chief Executive, ACT Health, dated 25 May 2009.

You will read from the tone of the letter that it is quite specific about what action he believes I should take—that is, I should withdraw the media release and take steps to clarify public statements. But, further, I am of the view that the letter certainly implies and intimates that, if I do not take certain actions that he prescribes, I may be subject to further action from him, including possible legal action. I have sought legal advice which has confirmed that opinion. This may or may not have been Mr Cormack's intent, but it is certainly the result of his letter.

I responded to Mr Cormack on receipt of this letter in which I refuted his allegations. I advised him that I thought his letter was inappropriate and I asked that in future he direct his grievances through the minister. I seek leave to table my letter of response to Mr Cormack.

Leave granted.

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

Letter to Mr Cormack, Chief Executive, ACT Health, from Mr Hanson, dated 28 May 2009.

You will note that I cc'd the minister and the Speaker. As this matter arose from the estimates committee hearings, I also advised the chair of this situation in writing, and I seek leave to table that letter.

Leave granted.

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

Letter to Mr Seselja, Chair, Select Committee on Estimates 2009-2010, from Mr Hanson, dated 4 June 2009.

The matter was discussed at the estimates hearing on 9 June when the minister was recalled, and I refer members to the *Hansard* of Tuesday, 9 June to learn more from that debate. But it is worth noting that the CEO and the minister admitted that they had discussed the issue and agreed together that Mr Cormack should write to me.

By not pursuing this matter, I fear I would establish a precedent whereby public servants may be encouraged or believe it is appropriate to correspond with an MLA in such a manner. It may be of interest to members of the Assembly—it certainly was to

me—to find out that this is not the first time such a letter has been written by the CEO of ACT Health. He also wrote to the previous shadow minister for health criticising one of her media releases. I do not have a copy of that letter, but I do have a copy of the ABC media report of this event titled “ACT opposition warned away from criticising health system”. I seek leave to table the media report.

Leave granted.

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

Media report—ABC News, dated 8 September 2007.

Mrs Burke is reported in the media as saying the letters are alarming, and it is the first time that the head of the department has written to her in such a way.

With regard to matters of precedence and matters of contempt, I turn to the *Companion to the standing orders of the Legislative Assembly for the Australian Capital Territory*, and I note that a finding of contempt against officials of the Department of Health was made by the Assembly in 2003. I refer specifically to page 318, paragraph 17.29, and also to appendix 16. In this case, what occurred is that advice was distributed to senior management of the department appearing before estimates committee hearings on how they should manipulate the proceedings, avoid answering questions, present information selectively and make party-political points.

This matter has broad implications and precedence, and the implications for all of the non-executive members of the Assembly, I believe, are significant. We should be free to publicly criticise the government—

**Ms Gallagher:** And tell lies.

**MR HANSON:** and the executive—

**Ms Gallagher:** And tell lies.

**MR HANSON:** robustly—

**Ms Gallagher:** And tell lies.

**MR HANSON:** without fear—

**Ms Gallagher:** And tell lies.

**MR HANSON:** and without interference. Let me quote from standing orders 277(a) and (b) to do with matters of contempt:

A person shall not improperly interfere with the free exercise by the Assembly or a committee of its authority, or with the free performance by a Member of the Member’s duties as a Member ... A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a Member in the Member’s conduct ...

I contend that the letter from Mr Cormack was inappropriate and did attempt to influence me. Should I have complied with his letter, it would have interfered with my free performance as a member of the Assembly.

**Ms Gallagher:** To tell lies?

**MR HANSON:** I am concerned—

**Mrs Dunne:** On a point of order, Mr Speaker—sorry, Jeremy, to do this—I was going to let it go, but this is about the sixth or seventh time that Ms Gallagher has interjected that Mr Hanson tells lies, and I think it is time that it was withdrawn.

**Ms Gallagher:** I am happy to withdraw, Mr Speaker.

**MR HANSON:** I am concerned that the minister, by condoning Mr Cormack's writing to me, somewhat politicised her departmental officials by doing so. I contend, therefore, that there is some need for clarification guidelines for where CEOs write to non-executive members. We also need to examine what protections are available for non-executive members. For example, if a department head, with the agreement of a minister, were to take legal action against a member because they believed their department had been unjustly criticised, what legal aid or support does the member have? I believe the answer is that there is no legal aid or recourse that a member has.

At this point I state for the record, as I have done in estimates already, that the opposition is fully supportive of the bush healing farm, and any attempt to characterise the issues that I have raised as an attack on the bush healing farm would be entirely disingenuous. I have not made any judgement of the appropriateness or not of a cellar door being next to that facility. That is not the issue in question, and any attempt to twist the debate to that issue would simply be an attempt to deflect attention away from the concerns that I have raised.

I would like also to express my support for the ACT public service, and assure them that any criticism—

**Mr Corbell:** Hypocrite!

**MR HANSON:** I have of the government is directed at the minister, and not at them.

**Mr Corbell:** Hypocrite!

**Mrs Dunne:** On a point of order, Mr Speaker: Mr Corbell called Mr Hanson a hypocrite. It is unparliamentary, and it needs to be withdrawn.

**Mr Corbell:** I withdraw.

**MR HANSON:** The minister is yet to sit on the opposition benches and, no doubt, she may have a different perspective on this issue from me. I therefore believe it would be wise to put the matter before a select committee of members of the

Assembly, one each from the government, the opposition and the crossbench, who could look at this not only from the perspective of this particular issue but also in regard to maintaining the integrity of the Assembly and of the public service.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (10.45): Just when you think the Assembly can't sink to a new low, it does. We return after the estimates break and we come to a new low standard in the Assembly. What a surprise! When we have got matters to debate such as the budget, Mr Hanson had his feelings hurt during the adjournment. Instead, we have to spend the next two hours working through his issues with him, but with serious consequences.

We expect this from the opposition, but what we see today is a new low from the ACT Greens, who have now decided that, if someone in public service wants to respond to criticisms, unsubstantiated claims and serious allegations that are being portrayed in the media, they do so with the fear of a privileges inquiry being launched against them if they choose to take that action. This is a new low, and one I had not expected from the Greens but, you know, if you stay in this place long enough you do get surprised and you see it all.

I will respond to Mr Hanson's concerns. We did deal with this matter at estimates, where we answered a number of questions. Following that, a media release went out with some quite unsubstantiated but very serious allegations being made in that media release. In fact, whilst Mr Hanson tabled all the documents, I note that he did not read from any of them. The claims in the media release were that the document was censored by the government to try to avoid this embarrassing fact becoming public. That is one of the claims.

The other claim in the media release is that the only rational explanation to remove these words was to cover up the government's embarrassment and that there is no legitimate excuse for their removal. Obviously, Mr Hanson had been to the decision maker, Mrs Dunne's office, and got that little gem from there. We are told that this shows yet another case of a shameful attempt to cover up the minister's embarrassment by misuse of process. What we have from Mr Hanson is claims that there was a misuse of process, that the decision maker was wrong and that the government had censored this information to stop this information becoming public.

For the record, I could not care less if information on the winery cellar door bed-and-breakfast was released. I could not have cared less. I actually do not find it embarrassing at all, and I do not find it compromises the issue of the bush healing farm. Nonetheless, a decision maker viewing that FOI application had views about that and, should I say, there are channels within the FOI process if you want to appeal that decision. But Mr Hanson decides not to appeal. He decides to make all these claims public. Then he gets offended when the agency that he is slandering in public actually responds and seeks to protect its reputation. That is what he objects to.

When we look to Mr Cormack's letter—and I note Mr Hanson did not read that out—he further alleges that he was instructed to do certain things. There is no instruction in this letter at all. I will read it:

Dear Mr Hanson

I am writing following the issuing by your office and continued publication on the Canberra Liberals' website of the above media release.

I wish to make you aware of a number of concerns that I have with the accuracy of the information contained within the release, and possible interpretations to be drawn by readers, commentators and the general public arising from the release.

Firstly, the management of matters relating to requests under the Freedom of Information (FOI) Act for documents held by ACT Health rest with ACT Health. The Minister for Health has played no role in the response to any request for access to documents under the FOI Act, nor did the Minister exercise any decision making capacity in relation to this or any other application. You may not have been aware of this, so I am informing you of this now.

Secondly, any criticism that you or your colleagues have with the handling of any matter dealt with by ACT Health under the FOI Act should be directed to ACT Health in the first instance. As you may be aware the Act has a number of provisions available to applicants to seek a review of any decision taken by an agency in relation to any application. In the matter that you referred to in your media release, ACT Health is not aware of any action that the applicant has taken to formally address any concerns with the handling of this matter by us, consistent with provisions of the Act. Again, you may not be aware of these provisions, so I am informing you of these provisions now.

Thirdly, you have asserted in writing, published and encouraged the public utterance and broadcasting of the following claim, "*this shows yet another case of a shameful attempt to cover up the Minister's embarrassment by misuse of process*". Given that the Minister has played no role in this FOI application, and that the FOI application process is being handled exclusively by ACT Health, it would be reasonable for a member of the public to assume that ACT Health is the object of your claims of "cover up" and "misuse of process." I am prepared to accept that you may not have intended this interpretation. Nevertheless the interpretation is open to be made by a reasonable person.

Fourthly, (and for the sake of completeness) I categorically reject as baseless and untrue any allegation that I, or any of the ACT Health officers responsible for dealing with this FOI application have participated in a "cover up" or "misuse of process."

In the light of the above, I believe that it is appropriate that you withdraw this allegation, and this is best done by withdrawing the media release in its current form. I believe that it is also appropriate that you take appropriate steps to clarify your published statement.

While ever this remains unclarified by you, the reputation of the integrity of myself and that of the officers responsible for managing this FOI process has the potential to be unfairly called into question.

I look forward to your response.

It is a perfectly reasonable letter clarifying comments that were made in a media release. There was no instruction to behave in any particular way. The letter draws issues to Mr Hanson's attention and asks that he consider those issues, with a suggestion that he withdraw certain information. That is a completely reasonable response to a completely unreasonable media release. Let us just remember that that media release was sent out everywhere. This letter was sent from Mr Cormack to Mr Hanson.

Mr Hanson then gets angry, writes back a letter, cc's in the Speaker and myself, and then gets further angry and writes to the entire estimates committee. This was not only published I think on your website; it was published on ABC Online, and it ran in the newspaper. Your comments were allowed to be made to anybody and everybody. Mr Cormack's comments and response to that, raising serious concerns about the allegations you raised, were made directly to you in an extremely polite manner, seeking to address those concerns. One standard for Mr Hanson and one standard for anybody else.

**Mr Stanhope:** Have the defamation withdrawn.

**Mr Smyth:** Oh, so it is defamation. So it is actionable; it is legal.

**Mr Stanhope:** Absolutely actionable.

**Mr Smyth:** Fine.

**MS GALLAGHER** I was intending to write back to Mr Hanson as well. The chief executive—

**Mr Hanson:** My point exactly, Jon.

**Mr Stanhope:** No, yours is actionable; not his. He should have just sued you, and I wouldn't mind betting he does.

**MR SPEAKER:** Order! Ms Gallagher has the floor.

**Mr Stanhope:** I would be waiting for the letter from the lawyer after this stunt today—the fact that you are continuing the defamation.

**MR SPEAKER:** Order! Ms Gallagher has the floor.

**MS GALLAGHER:** Thank you, Mr Speaker. As we know in this place, all members of the Assembly are entitled to criticise the government of the day and they do so. They criticise policies, they criticise government departments, but the criticisms must be credible and they must be substantiated. The claims that Mr Hanson made were neither credible and nor were they substantiated. What the Assembly is saying today is that a member of this place can put anything in a media release and send it out. It does not need to be substantiated, does not need to be supported. In fact, the facts will show that it is completely unsubstantiated. A person seeking to protect their reputation

from the allegations raised is not allowed to do that without fear of coming to this place and being judged through a privileges process.

This has never happened in the ACT Assembly before. That is the warning that this joke of an Assembly today is sending. It is sending a message that if you criticise anything, regardless of whether those criticisms are true, and in this case they are not true, you can make those claims, you can fax-stream it out to every media outlet in Canberra and the person that you are offending is not allowed to write a letter back to the member correcting that record. That is what this Assembly is saying today as it starts this shambolic, joke process. That is what it will be: a joke. No-one will take it seriously.

Mr Hanson has had his feelings hurt. He has had a month off, he has had his feelings hurt and he is going to waste this Assembly's time by prosecuting a matter that he should be embarrassed about. If you read his letters, he should be sitting here embarrassed by the media release he put out, the letters he wrote and the fact that he had to go running and crying to the Leader of the Opposition, to the estimates committee and to the Speaker because he got upset because he was caught out because someone sought to protect their reputation and the reputation of their agency. That is what this Assembly is agreeing to today if it supports this motion, and the government will not be supporting it.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.55): Mr Speaker, there are absolutely no grounds for this motion today. It is important I think to draw just on what matters constitute contempt. Mr Hanson asserted them himself when he quoted from the standing order, which states:

A person shall not improperly interfere with the free exercise by the Assembly or the committee of its authority ... A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a Member in the Member's conduct as a Member ...

Mr Speaker, the question before us today is: where is the fraud in Mr Cormack's letter? There is no fraud in Mr Cormack's letter. Where is the intimidation? Where is the threat? Where is the force? There is none of those elements that are necessary to prove even the potential for a breach of privilege, a contempt of this place and an infringement on a member's responsibilities and rights.

Indeed, Mr Speaker, what we have heard very clearly from the Deputy Chief Minister is that what Mr Cormack did was write a letter to Mr Hanson correcting the record and inviting him to reflect on those facts and to choose for himself whether or not he should take steps to clarify his statement. Mr Speaker, the fraud is not Mr Cormack's; the fraud is Mr Hanson's, because Mr Hanson fraudulently alleged—

**Mr Smyth:** On a point of order, Mr Speaker: "fraud" is an imputation and it should be withdrawn. If there is an allegation of fraud it should be run through a substantive motion, not in this matter.

**MR SPEAKER:** Mr Corbell, do you wish to—

**MR CORBELL:** Well, what is your ruling, Mr Speaker?

**MR SPEAKER:** I was giving you the benefit of the doubt, Mr Corbell.

**MR CORBELL:** I am unclear as to what you are asking me to do, Mr Speaker.

**MR SPEAKER:** I am suggesting that you withdraw the imputation. I was going to invite you to do it rather than demand.

**MR CORBELL:** I am seeking clarification of your view on the point of order, Mr Speaker. But if that is your view, I withdraw the imputation. The fact is that Mr Hanson made claims that are untrue, that are fundamentally untrue. He suggested that the minister effectively instructed her department to cover up facts in an FOI release. That is the imputation that Mr Hanson made and what Mr Cormack did was draw Mr Hanson's attention to the fact that that had no basis in fact, that he found it an unfair allegation and one which reflected poorly and inappropriately on the professionalism of himself and the staff that he is administratively responsible for. How unreasonable is that? It is not, is the answer. It is not unreasonable.

Yet because Mr Hanson takes offence at someone pointing out that he was wrong, that he had got it wrong, that he made allegations that were false, he wants to set up a privileges committee. That is the force, that is the threat, that is the intimidation. In the instance when you disagree with a member of the opposition, you had better watch out because they are going to set up a privileges committee inquiry into you.

Let us remember what is being proposed here. For the first time in the history of this Assembly, it is being suggested that a senior public servant be called before a select committee on privileges because they had the temerity to suggest that factually a statement from a member of the opposition was incorrect. That is the new low, as Ms Gallagher rightly says, that the Liberal Party and the Greens are sinking to in this place today. That is why the Labor government objects most vehemently to this whole process. We object most vehemently. It was wrong to suggest the matter should be granted precedence. It is wrong to establish this committee.

There has been no breach of privilege and there is not even any suggestion of any threat, intimidation or force of any kind on the part of Mr Cormack. Yet we are going to have a senior public servant hauled over the coals because Mr Hanson does not like being told that he got it wrong. Well, grow up, Mr Hanson; grow up, Liberal Party. If you cannot cop a bit of critique of your own arguments and resort to privileges committees then you should not be in this place.

Reject the allegation. Say you think it is wrong. Demonstrate why you believe Mr Cormack is wrong and you are right. Engage in the political processes. But no, that is not what you are doing. Instead, you decide that you are going to use your powers to intimidate a public servant to threaten and force them to come before a privileges committee and answer questions about why he had the temerity to point out

to you that you got it wrong. This is a farce. This is a new low for this Assembly, Mr Speaker. To establish a privileges committee in these circumstances is political grandstanding; it is a farce; and it is without any substance whatsoever. We reject the suggestion and we will not be supporting the motion.

**MS BRESNAN** (Brindabella) (11.03): I move:

Omit all words after “pursuant to standing order 276”, substitute:

“a Select Committee on Privileges be established to examine whether:

(a) a breach of privilege or contempt has been committed by Mr Mark Cormack, Chief Executive of ACT Health, in relation to a letter he sent to Mr Hanson on 25 May 2009; or

(b) the letter was an appropriate response in the circumstances of Mr Hanson’s media release of 21 May 2009;

(2) the Committee shall report back to the Assembly on 18 August 2009; and

(3) the Committee shall be composed of:

(a) one member nominated by the Government;

(b) one member nominated by the Crossbench; and

(c) one member nominated by the Opposition;

notified to the Speaker by 4 p.m. on Tuesday, 16 June 2009.”.

I will be very brief. I am moving this amendment as the key issues of correspondence which have led to this privileges matter need to be examined. Also, it is obvious from the debate which has already occurred this morning over this time that the matter does need to be investigated further and the best means for this is through a committee.

**MR SESELJA** (Molonglo—Leader of the Opposition) (11.03) Mr Hanson has given quite a detailed case with all the documents. We need to get back to some of the core facts, and there are some core facts here that no-one has actually disputed. We have not heard anything from Ms Gallagher or Mr Corbell on this matter. This started with the blacking out of certain words in an FOI document, a document provided to the opposition under freedom of information. What Mr Hanson commented about in his press release, and in the Assembly before that, was why it was appropriate to black out the politically sensitive words that in no way went to the issue of personal privacy. That was at the heart of this matter.

We have the government using the issue of personal privacy to black out words which were clearly politically sensitive. There was political sensitivity about these words; there is no doubt about it. We saw that play out in the media before this, we saw it play out in the hearings, and we saw it with the response to this. But what has not been refuted by anyone here is that those words were blacked out, and no-one has

given a justification as to why. Mr Hanson drew a very reasonable conclusion, which is that it was an inappropriate covering up of those words. There was no justification given as to why that particular piece of information was personal information that needed to be censored and blacked out whereas other parts of the email, which clearly could have the effect of identifying the individuals, were not blacked out.

**Mr Corbell:** I raise a point of order, Mr Speaker,

**Ms Gallagher:** You are not inquiring into this then. You are not inquiring into it.

**MR SESELJA:** Sorry; we are.

**Ms Gallagher:** No, you are not. You are not inquiring into the FOI decisions.

**Mr Corbell:** Mr Speaker, the motion before us is whether or not a privileges committee should be established—

**Ms Gallagher:** Haven't you made the leap? You try to do someone—

**MR SESELJA:** This is the genesis of the correspondence.

**Ms Gallagher:** the Chief Executive of ACT Health over—

**MR SPEAKER:** Order! Mr Corbell has the floor.

**Mr Corbell:** and whether Mr Cormack's letter and its instructions amounted to interference with Mr Hanson's duties and whether this constitutes a breach of privilege. It is about Mr Cormack's letter and Mr Hanson's duties. It is not about re-agitating an FOI request decision. It has got nothing to do with that.

**MR SESELJA:** On the point of order, Mr Speaker: Mr Corbell and Ms Gallagher have had a lot of latitude and they have questioned Mr Hanson's motives. They have made all sorts of allegations about why he has brought this, and it is reasonable—I know they do not like it, but it is reasonable—that we respond to that and we go to what was the genesis of this correspondence.

**MR SPEAKER:** There is no point of order. I think the discussion has been quite wide ranging thus far and Ms Bresnan's amendment specifically refers to Mr Hanson's media release.

**MR SESELJA:** Thank you, Mr Speaker. I know they do not want to hear this, because there is a reason why they did not address this issue of substance and it goes to how this matter emerged. It emerged because, quite blatantly, words were blacked out which were embarrassing. No-one has disputed that words were blacked out that were embarrassing, and no-one has even attempted to make the case that those embarrassing words were blacked out because of personal privacy reasons. It was not about personal privacy, which is—

**Ms Gallagher:** Because this debate isn't to do with the FOI process, Zed. You are appealing it, aren't you?

**MR SESELJA:** We have already dealt with that. Ms Gallagher is interjecting, but we have dealt with this issue and it is the reason why we are here. It is the reason why we saw the press release, the correspondence and why we have got here.

**Mr Corbell:** I raise a point of order, Mr Speaker. Mr Seselja is yet to address the substance of the motion. He is now four minutes into his speech. He is yet to address the substance of the motion, which is why a select committee on privileges should be established. It is not about the FOI matter. It is not about a decision by an FOI maker. It is about why a committee should be established and why Mr Hanson's privileges have apparently been abused. That is the matter before us, Mr Speaker. Mr Seselja at some point has to move away from his conspiracy theory—"the truth is out there" argument—and get to the point, which is the substance of the motion.

**MR SPEAKER:** Thank you, Mr Corbell. I hear your point of order.

**MR SESELJA:** Mr Speaker, on the point of order, I think you have ruled on the relevance. You have pointed to the press release, and this goes to the heart of that. It is not up to Mr Corbell to debate whether he likes where I am going with an argument. You have ruled that this is relevant and in order and I would ask you to ask Mr Corbell to stop the frivolous interjections.

**MR SPEAKER:** There is no point of order, Mr Corbell. Mr Seselja, I think you have quite a bit of background now. It would be good if you came to the argument.

**MR SESELJA:** Sure. Mr Speaker, the next part of this, and this is why it is right that this be examined by the Assembly, is the appropriateness of correspondence between public servants and MLAs. What we are seeing is a shocking double standard on the part of this minister where, when it suits them, ministers speak on behalf of the public service, but when it does not suit them the public servants attack on behalf of the minister. That is what we have seen here.

We heard very clearly Mr Stanhope put his views on the record and actually correct them in relation to the public service versus the executive and the government. The public service does not exist in and of its own right; it is part of the government. It is a very dangerous situation when a member of this place criticises the government, criticises the minister and the actions of the government, and we see the public servants attacking that member.

**Ms Gallagher:** Sending a letter, Zed.

**MR SESELJA:** We do need to reverse it, because if the new standard is that it does not have to come through the minister, if the new standard that Ms Gallagher is proposing is that it does not have to come through the minister—

**Ms Gallagher:** So your FOI requests come through me, do they?

**MR SESELJA:** This is about press statements. If the new standard is that, whether it is press statements or anything else, it does not have to come through the minister,

presumably we can just get on the phone to the Minister for Health, to the chief executive, and we can seek briefings, we can have correspondence, regardless of the minister's office. I am sure they are not proposing that that is the new standard. They are simply trying to have it both ways. They are saying that when it suits them the public servants will deal direct, but the rest of the time they will make sure it is all filtered through the minister's office.

Mr Speaker, this is at the heart of this issue: it is the double standard being applied by this government. When they do not like it, they distance themselves from it; they have no responsibility. You are responsible for your department.

**Ms Gallagher:** Who do you write to on FOI then?

**MR SESELJA:** The Treasurer, the minister not responsible, the minister who never claims responsibility for anything unless there is good news—

*Government members interjecting—*

**MR SPEAKER:** Order! Mr Seselja has the floor, thank you.

**MR SESELJA:** Thank you, Mr Speaker. The minister who simply appears to never be responsible for anything that goes wrong, for anything that goes wrong in her department, and then we see public servants, on her behalf when it suits, attacking members of the opposition and members of this place. That is why we believe it is unreasonable. That is why we believe this process was incorrect and inappropriate and that is why it should be examined. It is an inappropriate use of the public service.

It must be said that we saw the politicisation of the public service by ministers right throughout the estimates process. It is disingenuous for the minister to claim that it is now appropriate for chief executives to launch political attacks on the part of ministers but that we are not to have the right to correspond directly with departments, to seek briefings directly from departments.

Departments are part of the government. The minister is answerable for what happens in the department and, no matter how Ms Gallagher tries to deflect from that, how Ms Gallagher tries to claim that it is not so, she is responsible for what goes on in her department and she needs to take responsibility for it instead of having her battles fought for her by the chief executive of her department. We saw a number of concerning issues, which no doubt will be dealt with in debates about the estimates report.

Mr Hanson's motion is completely appropriate. We acknowledge the amendment that has been moved by Ms Bresnan. I think Mr Hanson's wording got it right but I do not think there is a substantial difference. I think it is important that this issue be examined and I think it is important that we stand up on this issue of principle, to ensure that we do not see this kind of behaviour in future and that this issue can be examined. It is proper that the Assembly look at it and I look forward to the conclusion of this process.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.13): I want to speak in response to the amendment moved by Ms Bresnan. Ms Bresnan stood up in this place and spoke for all of 10 seconds. On such a fundamental and important issue as to whether or not one of the most senior public servants in the ACT should be hauled before a committee to answer questions, and the grounds that warrant such an investigation and drastic course of action, Ms Bresnan stood up and spoke for 10 seconds—and that is it.

We have heard no other explanation from the Greens, who stand up in this place and say they are the advocates of scrutiny and they are the advocates of fairness and impartiality in making sure the Assembly operates an appropriate parliament and does not abuse its powers and so on and so forth. But when it comes to the exercise of one of the parliament's most significant and potentially draconian powers, which is the establishment and the conduct of a privileges committee, where was the argument from the Greens? Where were their considered reasons? Where was their explanation as to whether or not this course of action was warranted? Where was their argument? Where were their reasons? There were none, Mr Speaker. There were none whatsoever. Instead, Ms Bresnan said: "I am moving this motion. I am moving this amendment. Here it is, and that's all I've got to say on the matter." That is not good enough—not good enough from crossbench members who should know better; not good enough from crossbench members who need to make an argument.

Where is the argument? There has been none. I think the Greens are out of their league on this matter and they are conniving with the Liberal Party in a political stunt that seeks to threaten, intimidate, public servants who have the temerity to point out to members of the opposition where they are factually incorrect. It is not a political debate. This is what was very interesting about Mr Seselja's comments—the suggestion by Mr Seselja that this was a political attack by Mr Cormack. It was no such thing; it was a letter pointing out where Mr Hanson was factually incorrect.

This leads me to my other point: why is it that Mr Cormack wrote directly to Mr Hanson? The reason for that, of course, is first and foremost because Mr Cormack is responsible under law for the administration of the Freedom of Information Act as it relates to his department. He is responsible, under law, for the administration of the act—not the Minister for Health. The Minister for Health is not responsible for ensuring that the provisions of the Freedom of Information Act are applied in the department of health; the chief executive of the department of health is. That is why when members opposite make freedom of information requests of departments they do not write to the minister. They write to the chief executive. They do not write to the minister. Indeed, Mr Hanson, in making this a freedom of information request, did not write to Ms Gallagher. He wrote to Mr Cormack, and Mr Cormack wrote back to him—or his delegate did—and provided him with his response to the request.

Mr Hanson then made allegations about the conduct of that freedom of information request—suggested that the department had been complicit in a political cover-up. Mr Cormack rejected those assertions by outlining on a factual basis—not a political basis—where Mr Hanson's assertions were incorrect and invited him to reconsider

whether or not his complaints should remain on the record. At no time did he instruct Mr Hanson to do anything. At no time did he threaten any action as a result of that. He simply drew to Mr Hanson's attention the fact that his statements were incorrect and asked him to reflect on that—hardly a political attack.

I think this comes to the heart of how it would appear that the Greens and the Liberals view such correspondence. They view it as political. They view it as part of some grand conspiracy to silence or threaten or intimidate them. There is no such thing. Yet we have today the most serious of all actions available to the Assembly being contemplated, the establishment of a select committee on privileges, to haul before it, in what will be undoubtedly a kangaroo court, one of the most senior public servants in the ACT administration.

**Mr Smyth:** I raise a point of order, Madam Deputy Speaker. That is an imputation on the committee process of this place—that it will be a kangaroo court. It needs to be withdrawn. That is totally disorderly. It is also a reflection on any potential member who might be in that, that they might operate in this way, which, of course, includes some of Mr Corbell's own colleagues.

**MR CORBELL:** No such body has been established. I cannot reflect on something that has not been established.

**Mr Smyth:** You erode it right from the start. You have not learned anything from 2003, have you, Simon?

**MR CORBELL:** You cannot reflect on something that does not exist or a decision that has not been made.

**MADAM DEPUTY SPEAKER:** There is no point of order, Mr Smyth.

**Mrs Dunne:** I raise a point of order, Madam Deputy Speaker. As a person who may potentially be a member of this privileges committee, if it is formed, I take exception. I think it is a reflection upon me and any other member who forms that committee, and as a member of this place I demand that the minister withdraw the imputation that the privileges committee would be a kangaroo court.

**MADAM DEPUTY SPEAKER:** Mrs Dunne, thank you. This committee has not been formed. You are not a member of this privileges committee, so there is no imputation on your reputation.

**MR CORBELL:** You cannot reflect on something that has not been established and you certainly cannot reflect on a decision that has not been taken.

The Greens and the Liberals really are shaping up, if they are successful today—and I hope that they are not—to establish this kangaroo court, to persecute a senior public servant who seeks to draw a member's attention to the truth. That is what this is today. By threat and intimidation, which is what this motion is today, they are sending a clear message to all public servants: "Don't tell us the truth. Don't tell us what it is you think or believe to be accurate. If we find it objectionable, we are going to

establish a select committee of privileges into you.” The position of the Liberals and the Greens on this matter is simply untenable and it is completely unreasonable. I go back again to chapter 26 of the standing orders, matters constituting contempt:

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence a Member in the Member’s conduct ...

We are yet to hear the suggestion from any member here this morning where in Mr Cormack’s letter there is fraud, where in Mr Cormack’s letter there is intimidation, where in Mr Cormack’s letter there is force or threat of any kind. Where? Tell us. Explain it. You have not. There is no case and there is no justification for the establishment of this select committee.

**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) (11.23): The points that I would make have been made by my colleagues, and made well. This action today in this place by the Liberal Party and the Greens really is an outrage. There are two pieces of correspondence that go to the heart of the issue. One is a press release issued by Jeremy Hanson on behalf of the Liberal Party. In that press release certain claims are made. One claim is that the document was censored by the government to try to avoid this embarrassing fact becoming public. The press release states:

The only rational explanation to remove these words was to cover up the government’s embarrassment and there is no legitimate excuse for their removal.

The press release concludes:

This shows yet another case of a shameful attempt to cover up the Minister’s embarrassment by misuse of process ...

Those are significant claims. The point that has been made, and made well, is that the Freedom of Information Act is not administered by ministers; it is administered by departments and by officials. What Mr Hanson and the Liberal Party are saying in this press release is not a challenge aimed at the minister over something the minister is alleged to have done. The allegation is that public servants, those within the chain of decision making in relation to the administration of the Freedom of Information Act within the department of health, pursued these particular strategies.

At the heart of the matter—and this is what has not been understood—is the woeful lack of understanding by members of the opposition and the Greens of how the Freedom of Information Act is administered. The Freedom of Information Act and decisions made under it are made exclusively by public servants—exclusively. No minister is involved in the decision-making process on whether to release or not release or whether to release in full or in part.

The allegations contained in this press release are allegations of inappropriate behaviour—behaviour lacking integrity and behaviour that is not consistent with

statutory responsibilities of public servants. These are serious defamations. The defamation of Mr Cormack and his staff, those involved in the administration of the Freedom of Information Act, is implicit in these allegations. The press release states:

The only rational explanation to remove these words—

the logical extension is that these words were removed by public servants—

was to cover up ...

There is an allegation that officers within the department of health are deliberately engaging in a cover-up. The defamation continues. The press release concludes:

This shows yet another shameful attempt ...

A shameful attempt by whom—by a public servant, most particularly identified as the head of that department, Mr Cormack. In the words of the Liberal Party, this is a shameful attempt by officers within the department of health to cover up, in other words, to not actually meet a statutory requirement or obligation on them.

Let us be under no misapprehension here. Those claims and statements can only be read as being directed at public servants in the department of health—those identifiable officers in the department of health who administer the Freedom of Information Act within the department of health. That is why I say this is actionable, because those public servants are identified to their colleagues.

Here is a claim made and broadcast to the world at large that the Liberal Party believes that Mr Cormack and those officers within the department of health that administer the Freedom of Information Act engaged in a deliberate cover-up for political purposes; in other words, that they lack integrity, that they do not administer a statute consistent with their statutory obligations or responsibilities, that they have corrupted the system, that they have not acted professionally with integrity and in a way one expects a public servant to act.

The head of that department, obviously concerned at allegations made publicly about the way in which he and his department administer the Freedom of Information Act—that they would engage themselves in a political cover-up, that they are not professional, that they lack integrity, that they are not to be trusted, that they as public servants engaged in behaviour of that order—wrote a reasonable and polite letter to the person who perpetrated that defamation. To give some reflection of the mood in which he wrote the letter, he even addresses it “Dear Jeremy”. He says, “I am writing to let you know that you are wrong.” He did a private letter—a private letter from the head of the department of health to the person who he believed was making a serious mistake which he, Mr Cormack—

**Mr Hanson:** The minister was not aware of it then, it was so private.

**MR STANHOPE:** Well, it was not. But I am aware of it now because you have actually traduced his reputation.

**Mr Hanson:** The health minister.

**MR STANHOPE:** Of course she is aware of it now. You want to drag Mr Cormack before a privileges committee. You want to destroy his reputation more than you have already done. That is at the heart of this. We are talking here about the most senior officer of the department of health, the most respected chief executive that we have, and you want to drag him, you want to humiliate him, you want him to be subjected to questioning by a privileges committee on why he wrote a polite letter—"Dear Jeremy", not "Mr Hanson"—saying, "I need to let you know that you are wrong. These claims that you made are simply wrong. It is not the case that we engaged in a political cover-up. You need to understand that these claims that you made have the possibility of seriously compromising my reputation and the reputation of officers of my department. It would be appropriate, in the first place, having regard to your mistaken notion of how the Freedom of Information Act operates, for you to appeal the decision that we have made."

Mr Cormack goes to some length to say, "If you do not like the decision, appeal it. You need to understand the decisions were not made by the minister, so that your press release and your statements, your public statements, are wrong and false. If you do not like the decision, appeal the decision, but you need to understand that it is false." This is the only reasonable conclusion to be drawn from your press release. In his letter Mr Cormack says:

Given that the Minister has played no role in this FOI application, and the FOI application process has been handled exclusively by ACT Health, it would be reasonable for a member of the public to assume that ACT Health is the object of your claims of "cover up" and "misuse of process". I am prepared to accept—

this is the extent of his politeness and his professionalism—

that you may not have intended this interpretation. Nevertheless it is an interpretation that is open to be made by a reasonable person.

Fourthly, (and for the sake of completeness)—

he does not state, of course, that it is to protect his reputation and that of his officers—

I categorically reject as baseless and untrue any allegation that I or any ACT Health officers responsible for dealing with this FOI application have participated in a "cover up" or "misuse of process".

There we have it. A public servant concerned for his own reputation and that of his officers, for whom he has responsibility, seeks to correct the record and to have a damaging and defamatory allegation withdrawn from publication.

And what is the response of those that made the damaging and defamatory application? The response is to compound the defamation with the support of the Greens. The response is to compound the belittling of this public servant and his officers. The response is actually to belittle him further. The response is to actually

aggravate the defamation through this place by establishing a privileges committee. The response is to drag that public servant and other public servants before a privileges committee to compound the very issue that Mr Cormack wrote to Mr Hanson to seek to address in a polite and professional way; namely, “Mr Hanson, you are wrong. You have defamed me. You have defamed my officers. I would appreciate it if you desisted.” What he should have said in this letter is, “If you do not desist, I will sue you.” I would support him in that. (*Time expired.*)

**MR SMYTH** (Brindabella) (11.33): I think I am speaking to Ms Bresnan’s amendment. Madam Deputy Speaker, there is a lot of misunderstanding about privilege and what it means, and I simply refer members back to page 4163 of *Hansard* of Tuesday, 18 November 2003. Ms Dundas reported on a privileges committee that inquired into the contempt of Mr Corbell and his department in 2003. Her first recommendation is that the public service be better educated about how the Assembly works, how the committee works and how privilege works. It would appear that in 2009 we still do not understand how privilege works. This proposed inquiry would seek to investigate whether there has been a breach of privilege.

It is interesting to cast back to 2003. Sometimes, when I hear Mr Corbell, it is like being in a time warp. Perhaps Mr Corbell is a time lord. In 2003 he said, “It is just innuendo. It is just wild assertions. Do they have evidence to back that up?” Well, that is the point of a privileges inquiry. It is not for us in this place to judge what has gone on. The Speaker does not make a ruling as to what has happened. The Speaker gives precedence to a motion of privilege and the Assembly decides whether a matter should go to a privileges committee for the committee to decide. That is the appropriate procedure. Indeed, in 2003 officers in the department of health produced a document that gave officials the tools to undermine the estimates process.

There are issues here and the question really is: have those issues been addressed in this department? All we are saying is that for members to do their jobs properly people have to understand how privilege works, what the implications of privilege are and to seek advice from a committee of privilege, in this case as to whether or not there is a contempt here, whether there is a breach of the privilege of this place. It is a longstanding issue in this place and it has not been resolved. I would hope that the committee might also look at issues concerning what protections members have and what assistance they might receive to get that protection. It is very easy, with the full force of the government, to take one action. Alone in the Legislative Assembly and with limited resources, it is an entirely different prospect.

Simply, the Speaker has ruled on precedence. He has not made a ruling as to the truth or not of the matter. He says there an issue here to be addressed. The appropriate place for that issue to be addressed is in a committee of privilege.

Question put:

That **Ms Bresnan’s** amendment 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.

**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) (11.40): I move the following amendment circulated in my name:

Add the following paragraphs:

- “(4) the Committee shall inquire into whether the claims made by the Liberal Party through Mr Hanson are true;
- (5) the Committee shall report on whether the claims made by Mr Hanson malign and/or defame the Minister for Health, the Chief Executive of the Department of Health and other officers of the Department of Health; and
- (6) the Committee shall provide recommendations on the provision of legal advice and support to all officers of the Department of Health defamed by the Liberal Party and Mr Hanson.”.

Now that the Assembly has decided that this privileges committee should proceed with this inquiry—and that is a decision, of course, which we did not support; we have stated our reasons for not supporting it—the government believes it is only appropriate that the committee should inquire into all aspects of this particular issue. The committee should not just be focused on the allegations made in relation to the matter by the Liberal Party but it should inquire more fully into all issues of concern in relation to this episode. Most particularly, it should test the veracity of claims made by the Liberal Party in its press release. That is only reasonable.

Why would a committee of privileges created by the Assembly not look into all issues? At the heart of this issue, of course, is whether or not the claims by the Liberal Party are true. Surely, that is fundamental. You can't look at the issue of privilege or you can't look just at the response by Mr Cormack on this particular issue without first determining the truth of the claims, of the allegations, made by the Liberal Party in relation to this. It is just self-evident. It is probably so self-evident that it does not, at some levels, one would hope, need to be stated explicitly. But having regard to the political nature of these things, it is only appropriate that we state it explicitly—namely, that the committee should look to determine whether or not the claims in the press release which Mr Cormack responded to are, in fact, true.

The committee should then, of course, as part of the process of inquiring into this matter, look at whether those claims do actually impact, malign or defame the

Minister for Health, the chief executive of the department of health and officers of the department of health. That would be only reasonable. It would be totally unreasonable for a privileges committee looking at these issues not to look at that full range of issues—namely, the truth of the claims made by Mr Hanson. Was he being honest? Does he understand the FOI Act? Were his claims of cover-up, misuse of process, justified? What is the evidence for that? If there is evidence of misuse or cover-up, what is it? What is the basis of that evidence? If there is no evidence of cover-up by the minister as claimed, or by others, do those claims or assertions actually malign Mr Cormack? These are the issues that, of course, would be taken into account in the full sweep of an objective inquiry by a privileges committee.

In the event that the committee finds that, yes, these claims by the Liberal Party are truly damaging, that they are damaging to professional reputation, at its heart, of course, is the fact that we have a professional public service—true professionals who are jealous of their hard-earned reputations. Allegations that they have subverted the administration of the Freedom of Information Act, that they have engaged in political activity, destroy public service reputations. An allegation left to stand that a public servant abandoned their commitment to objectivity, to frank and fearless advice, to bipartisanship, destroys public servant reputations. It is only appropriate in that circumstance, if the privileges committee says that, yes, this is defamatory, and that the claim that a public servant did deliberately involve himself or herself in the public process is substantiated, that that public servant's reputation is destroyed forever.

What is the effect or implications of that? What support should we then, as a government or as an administration, give public servants who are deliberately or recklessly maligned? Of course, we should give serious consideration to ensuring that they have the means and the wherewithal to pursue what legal action they should necessarily pursue in order to protect their reputations. It is only appropriate in relation to a privileges investigation of this order, which goes to the heart of the professionalism and the standing of the most senior public servant in the health administration, that due consideration should be given to the level of support that we will give to him and to his colleagues to pursue that action that they might wish or decide to pursue through the courts, to actually restore their reputations, maligned today just through the action of establishing this privileges committee and through this whole-scale assault by others in this place of their reputations today.

These three proposals that the government makes through this amendment are unremarkable. They are the sorts of things that I would expect the privileges committee to have done anyway. One would hope that, on that basis, there is no hesitation in supporting these proposals.

**MR SMYTH** (Brindabella) (11.46): The opposition will not be supporting the amendment. I think there are some problems with the amendment, because one of the things that the Chief Minister would like the committee to do is to work out whether or not certain individuals have been defamed. I would have thought that was the purpose of the courts. If the Chief Minister is suggesting that we blur what is a well-established convention in this territory, that is a very interesting move from the Chief Minister. Again, it goes to the point that, when the Chief Minister is under pressure, he plays the man, not the issue. The issue here is about the privilege of this place. It is not about what may or may not have come out of a press release.

It is interesting, because in the third paragraph the Chief Minister then asserts that the defamation has occurred. So we have got this internal inconsistency. He wants the committee to find out what he has already decided—that a defamation has occurred. I suspect that the amendment may well be out of order.

The question is: what is privilege about? Again, those opposite show their ignorance of (1) the process today and (2) what it is that this committee is going to inquire into. The minister is responsible for the overall good management of the department. We know that ministers do not make these decisions. Minister Barr, who has been conspicuous by his absence throughout this debate—he is not down here supporting the Deputy Chief Minister and his colleague—does not make DAs. He does not approve DAs—unless he calls them in, of course—but he is responsible for ensuring that his department provides good decision-making processes, and that is what this is about.

There are three paragraphs here that should not be supported. The first one seeks to turn a privileges committee into a court; the second one then prejudices that process by saying that the committee should decide what the Chief Minister has already decided—and this is typical of the Chief Minister; this is the way he operates. This is the man who believes in civil liberties but then makes decisions because he knows better than everybody else. The argument seems to be that, if you call a public servant to account, the whole system will fall apart and public servants will start lying to committees into the future. But we called public servants to account in 2003. We insisted upon better processes, we insisted upon training, and the system did not fall over. The arguments of the government are flawed. The amendment should not be supported.

**MS BRESNAN** (Brindabella) (11.49): The Greens will not be supporting Mr Stanhope's amendment. Clearly—and the reason I moved my amendment—by including both Mr Cormack's letter and Mr Hanson's press release, we will draw out the issues of whether the actions of both parties have breached privilege or not. That is why I included both of those documents in my amendment. As I also noted in the estimates committee, I believe that both parties are at fault here in this instance. In relation to that, I do believe we have crossed a line somewhat when a department official does suggest a course of action to a member. But I also stated that I believed there were inappropriate statements in Mr Hanson's press release. Therefore, that is why I believe we should be examining both of these matters as a privilege matter and looking at both of these documents, because they have led to where we are now.

In relation to why I spoke briefly, which does seem to be something which is not accepted in this place—you have to talk over and over about something—speaking briefly is an appropriate course of action to take.

**Mr Corbell:** More than 10 seconds would be a good contribution.

**MS BRESNAN:** Well, we could probably argue as to whether any of what has been said today has been appropriate. The fact of the matter is that the substance of this issue has been discussed at length during estimates. Also, the simple fact of the matter

is that the Speaker made a ruling on this and sought objective advice in making his ruling—which Mr Corbell made an unwarranted and politicised attack on, I have to say. That is why we will not be supporting Mr Stanhope's amendment.

Question put:

That **Mr Stanhope'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.

**MADAM DEPUTY SPEAKER:** The question is that Mr Hanson's motion, as amended, be agreed to.

**MR HANSON** (Molonglo) (11.54): This does go to the heart of the Westminster system and who is accountable for their department. With respect to my press release—this one is an example; I have put 57 others out—and the press releases put out by my colleagues, those on the crossbench and, indeed, by members of the Labor Party when they are in opposition, the criticisms that we make of the areas of responsibility of ministers are rightly for the ministers to account for and to respond to. Be it a criticism I may have made of the Minister for Corrections about the Belconnen Remand Centre or the Alexander Maconochie Centre, in every instance, it was he that responded, and so on. That is the normal form of practice that would occur in this place.

The appropriate response, if the minister disputed elements of my press release and felt that it was untrue or she disagreed with it and had those discussions with her chief executive, would have been for her to respond to me in kind, as the minister in response to a shadow minister, to a non-executive member of this place. It is not appropriate, in my view, for a letter then to be provided to me, in response to criticisms that I have clearly made of a minister in a public forum, from a departmental official in relation to that. I refer in particular to the way in which that letter, in my view, was constructed and the issues surrounding it. The letter that was provided to me clearly intimated a precursor to defamation action. That is certainly the way that I interpreted it, and certainly that is how it has been interpreted by others. Indeed, the Chief Minister has actually confirmed that that was the threat with which I was faced by receiving that letter, because he has said—

**Mr Stanhope:** On a point of order, Madam Deputy Speaker: just so as not to malign or misunderstand this, with respect to interjections and comments that I have made in relation to defamation, I believe that the claims made by the Liberal Party are clearly defamatory.

**Mr Seselja:** On a point of order, Madam Deputy Speaker: this is not a point of order. He is debating the issue.

**Mr Stanhope:** If I was the subject of them and I was a public servant, I would sue. That is what I said. If they were made about me as a public servant, I would have sued.

**MADAM DEPUTY SPEAKER:** Mr Seselja, Mr Stanhope! What is your point of order, Mr Stanhope?

**Mr Stanhope:** I was just correcting the record.

**MADAM DEPUTY SPEAKER:** Okay.

**MR HANSON:** The point is that I have not made any assertions about a public servant. If you read my press release, if you read all of my press releases, you will see that they are clearly directed at the executive, as they appropriately should be. And it is for the executive to respond.

In receiving the letter that I did, my concern was that, if I did not comply with those actions—I was being intimidated; I was being threatened—and with what I was being requested to do, all through the letter, further action would be taken against me. As a result of that, I considered that to be interference with my free ability to conduct my duties as a member of this place. Certainly, a number of views have been expressed here today in this debate—and I thank members for their contributions.

**Mr Stanhope:** On a point of order, Madam Deputy Speaker—

**MADAM DEPUTY SPEAKER:** Stop the clock, please.

**Mr Stanhope:** it is simply not true that that letter from Mr Cormack contains an allegation that further action will be taken.

**Mr Seselja:** On a point of order, Madam Deputy Speaker: there is no point of order here.

**Mr Stanhope:** That is not true and it should be withdrawn.

**Mr Seselja:** He is constantly interjecting.

**Mr Stanhope:** It is simply not true, and must be withdrawn.

**Mr Seselja:** He is debating the issue, Madam Deputy Speaker.

**MADAM DEPUTY SPEAKER:** There is no point of order, Mr Stanhope. Mr Hanson.

**MR HANSON:** Thank you, Madam Deputy Speaker. Certainly, a number of issues have been raised here. This is not an attempt by me to malign any individual, but we

certainly need to address this process that is subject to so much debate here today in terms of what is appropriate for ministers to account for, and whether it is appropriate for them to have discussions with their department heads and get them to then write to a non-executive member requesting that certain actions occur in terms of withdrawing statements which are critical of the government. We believe that that is inappropriate. The government has a differing view on that, and that is why this matter should be put to a committee to look at this matter and make a ruling in that regard. We need to clarify what the correct guidelines are for operating in this place. I thank members once again for their contributions to this debate. I look forward to the results of the committee's deliberations.

Question put:

That **Mr Hanson's** motion, as amended, 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.

**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), by leave: In his closing remarks and during this debate, Mr Hanson said on a number of occasions that Mr Cormack had, in his letter, insisted that if certain things were not done he would take further action. That is not true. Mr Cormack actually expressed an opinion. The opinion was:

In the light of the above I believe that it is appropriate that you withdraw this allegation, and this is best done by withdrawing the media release in its current form. I believe that it is also appropriate that you take appropriate steps to clarify your published statement.

That is an expression of a personal opinion: "I believe it would be appropriate for you to correct the record." There is no threat. There is no suggestion that he, Mr Cormack, would take further action or further steps. He expressed an opinion as to something that he thought you should do. You have stated repeatedly today that he said he would take further action. That is not true. I wish simply to say that, if Mr Hanson does not correct the record today, the government will move to censure him.

## **Estimates 2009-2010—Select Committee Report 1**

**MR SESELJA** (Molonglo—Leader of the Opposition) (12.05): Pursuant to order, I present the following report:

Estimates 2009-2010—Select Committee—Report (3 volumes)—*Appropriation Bill 2009-2010*, dated 15 June 2009, including a dissenting report (*Ms Burch*), together with a copy of the minutes of proceedings and answers to questions on notice and questions taken on notice (2 volumes).

I move:

That the report be noted.

This report is a lengthy one, which examines the budget in as much detail as is possible in such a short space of time and with a government which is so reluctant to give information either in hearings or through questions on notice. I will come back to that.

First, I would like to thank members of the secretariat who worked so hard to bring the report together under difficult circumstances. I would particularly like to thank Grace Concannon and Hannah Jaireth for their outstanding work. Second, I would like to thank committee members. For the most part, members of the committee worked well together, particularly during the laborious deliberations phase.

The report does not represent all of what any individual member would like. I would personally have liked to have seen more recommendations and discussions about savings and how to get the budget into surplus. No doubt other members would have liked other things in the report which are not there. That said, what is there is a reflection of the will of the committee, and what is reflected in this multiparty report is damning at a number of levels for the Stanhope-Gallagher government.

There is unlikely to be dispute that this was a difficult process. It was not easy; it was not comfortable; it has been criticised by both those questioned and those asking the questions but it was necessary. The role of the committee system in a single chamber cannot be underestimated. It is our sole opportunity to inquire deeply, to ask the uncomfortable questions, to pursue lines of inquiry otherwise avoided and to uncover answers to questions that deserve to be asked in the interests of open and accountable government.

As the committee delved ever deeper, a range of revelations were uncovered. Sifting through the myriad, sometimes conflicting evidence, analysing the results and distilling those findings and recommendations into a refined, defined and coherent assessment, three clear themes emerged that permeated nearly all levels of inquiries.

Given there are over 200 pages, I cannot deal with all these issues but I will focus on three key findings or themes: the government's lack of a clear and credible plan to return the budget to surplus, with hidden aspects not explained; the willingness of ministers in this government to misuse public resources for their own ends and to politicise and compromise our hardworking public servants; and the contempt that some ministers showed for the process of estimates and accountability to the Assembly through a failure to answer questions, through misrepresentation and, in one case, by simply thumbing his nose at the committee and refusing to show up. I will use extracts from the committee report to demonstrate these themes.

It is fair to say there is a reasonable degree of scepticism reflected in the report about this government's budgetary management. A summary of what we heard was that the plan for seven years of deficits consists of increasing spending this year and making no real savings this year. After that, this government is hoping that a combination of increasing revenue in the outyears, for which the government could provide no substantiation, and efficiency, which could not be defined, identified or explained, will eventually see revenue match expenditure.

The committee "discussed at length the lack of detail in the budget papers that made it impossible to clearly identify a plan to achieve the recovery predicted by the ACT government". For example, the committee noted that "despite reductions in revenue in some areas, overall revenue is projected to grow strongly in the outyears". The committee also noted that there was "no substantiation for those predictions, and are contradicted by other submissions received by the committee".

What do we make of such findings? When it came to what savings may be found, the committee report said that Katy Gallagher, health minister, "provided no further detail on the cost-cutting measures that would be required". The committee found that "no other plans were provided by the Treasurer or had been developed to show how, when or where necessary cuts would be made".

Throughout this document, across portfolios, across ministers, across the government, the committee has found this budget does not outline a plan for recovery. The report notes:

No other plans were presented in the budget to demonstrate a plan to return the budget to surplus.

Further on:

The committee noted that some of the projections for revenue predict revenue growth with no substantiation for those predictions, and are contradicted by other submissions received by the Committee ... The Committee also noted there was limited detail presented relating to the efficiency dividends expected by the ACT government. The Committee is concerned at the lack of a clear plan for returning the budget to surplus.

It is not just the committee that reached these conclusions but key industry groups as well. The Canberra Business Council was concerned that the 2009-10 budget "does not clearly outline how the ACT government expects to eliminate the deficit by 2015-16". It states the territory may be headed for "a perfect storm" and refers to the "ridiculous paperwork that its members say makes the ACT the most difficult jurisdiction in the country". In regard to the Property Council, the report states:

The Property Council believes the ACT government's dependence on a narrow revenue base—through Commonwealth Government GST and ACT property taxes—is unsustainable, a major concern and the budget failed to address this problem. It also believes this reliance will result in fewer publicly funded services, a loss of investment in the sector and a reduction in the capacity to pay taxes.

The lack of detail of a plan to get us out of debt and deficit imposed by this budget was so concerning that the committee recommends:

That the ACT government provide to the Assembly substantiation for its revenue predictions, detailed information regarding efficiency dividend application, and justification for how revenue and expenditure will be reconciled to return the budget to surplus within the specified seven years.

That is recommendation 17. I think that is a critical recommendation. The committee was showing its scepticism about what is being presented. It is extraordinary in fact that the committee would have to make such a recommendation in relation to a budget. You would think that these things would have been adequately explained but the committee concluded differently.

**Ms Gallagher:** I think you were asleep at that point, Zed.

**MR SESELJA:** Apparently the entire committee was. The Deputy Chief Minister interjects, but this is a finding of the committee. Of course, she attacks the entire committee again.

It is important to remember that these factors are not hypothetical; they relate to the actual delivery of real services. When asked about the imposition of the efficiency dividend on Health, for example, Ms Gallagher “did not rule out ACT Health being subject to an allocation of those savings”. Furthermore, the report states:

The Committee notes a significant difficulty in reconciling the stated intent to impose an efficiency dividend with the proposition that health expenditure would simultaneously grow. No detail was provided to explain this.

In the area of business, the committee was concerned about the lack of “sufficiently detailed information on business and industry development programs”. The committee went on:

As presented, the information in Budget Paper 4 does not disclose the picture with respect to funding these programs.

Once again, transparency!

The government was unable or unwilling to stipulate where savings will come from or what services will be cut to end the need for deficits. It does not substantiate where the growth in revenue will come from or upon what basis it was calculated. The theme is clear, consistent and undeniable. This budget does not contain a plan for recovery.

The second theme to emerge was the lack of regard to due process and the misuse of public assets for partisan purposes. We see one example of this in relation to the Calvary deal. The Canberra Liberals have expressed grave concerns about the way in which the proposed purchase of the Calvary hospital has been conducted and my shadow health minister, Jeremy Hanson, has been leading the charge to open up this process to proper scrutiny.

First, there is the issue of transparency. The committee notes that the government's position was that the government would "like to own and operate Calvary" and that this was the minister's position at the beginning of the discussion. I note that that was prior to the election. When asked when precisely that occurred, the report notes "the minister advised that discussions had started in August 2008".

The committee reported that they are concerned that "the sale might proceed without a specific reference in the budget and that such a major purchase is being considered without estimates committee scrutiny, and the implications of this for the integrity of the budget and estimates process". This is a serious conclusion on the part of the committee as a result of this process.

I will read that again. The committee is concerned that "the sale might proceed without a specific reference in the budget and that such a major purchase is being considered without estimates committee scrutiny, and the implications of this for the integrity of the budget and estimates process". This is a serious claim and no doubt one about which we will have much more to say as these debates continue. Therefore, flowing on from that conclusion, the committee recommends that "the Minister for Health advise the Assembly, before the Appropriation Bill is debated, how the possible purchase of Calvary will be funded". That is recommendation 54.

In this case, not only is there no transparency in relation to this process but no openness and no accountability about what is obviously a matter of the highest significance to the provision of health services for the entire territory. Dr Paul Jones, president of the AMA, according to the committee, "was less than supportive of the proposed purchase of Calvary hospital and raised a number of concerns". This decision deserves more scrutiny but the secretive matter of its execution shuts out the committee and the community from this process. We can only hope that this process will improve from here.

In the use of ACT government resources for party-political purposes, the committee concluded that "the ACT Labor Party used the Canberra Hospital and Amaroo school for election purposes". ACT Health staff were also used in one of these advertisements and the committee concluded that this may be "a breach of the conflict of interest provisions of the ACT Public Service Code of Conduct".

The committee is "concerned at the lack of proper process by the health minister in initiating a request to use a facility and staff of her own department for election advertising for her own party". The committee goes on:

The Committee considers such action, without due process, leaves open the conclusion that government agency resources have been improperly used for party political purposes, and the inclusion of staff in the advertisements may create an unnecessary appearance of conflict of interest.

These are serious claims; these are serious conclusions made by this committee. They are not my words; they are the words of this committee, after inquiring into this matter. And we saw, in relation to the Minister for Health, not one shred of documentary evidence to back up use of a government facility for ALP advertising.

It is not just us; it is not just members of the committee and the committee as a whole that made these kinds of conclusions. We heard from Minister Barr, as education minister, whose comments are noted by the committee. He said:

It would have been improper for me as minister to have sought advantage for my political party in relation to such a request.

So Minister Barr said that what Ms Gallagher did in requesting that of the Chief Executive Officer of ACT Health would have been improper. It was inappropriate and we see strong conclusions from the committee but we also see not one shred of documentary evidence. And just to repeat that:

The Committee considers such action, without due process, leaves open the conclusion that government agency resources have been improperly used for party political purposes, and the inclusion of staff in the advertisements may create an unnecessary appearance of conflict of interest.

The committee goes on:

The Committee notes with concern the use of ACT government facilities for political purposes and the involvement of both Ministers and Ministerial staff in the organisation of their use, and is very concerned with direct Ministerial influence on using facilities and staff in this way, and the misuse and conflict of interest this process inherently engenders.

It is worth drawing a distinction somewhat. We heard from the minister for education—and I have quoted him—that it would have been improper. Indeed we had Janet Davy, who was acting head of the department, make the statement in fact that she would not approve such a request because it would have been a conflict of interest. We later saw a correction and, to Ms Davy’s credit, I do not think there was any implication that that had been in any way anything other than an inadvertent mislead. But she did come back and correct the record and, in correcting the record, she identified that in fact Minister Barr, through his chief of staff, had actually done that. So Minister Barr said it was inappropriate; he said what Ms Gallagher had done essentially was inappropriate; but apparently also it was happening with him. It was one step removed but it was his chief of staff requesting such use.

Also we note the difference between what happened with the department of education and what happened with the department of health. There was documentary evidence to back it up and there were some restrictions placed on the use. Whilst we think that was a far from ideal process, it was better than what was demonstrated in the department of health.

One of the clearest examples of misuse of power is the email from the Chief Minister’s office which, according to the committee, “instructed several government departments to take action, including to produce the advertisement, a media release and a letter to the editor attacking the reporting”. The committee continued:

The Committee is concerned about the role of the public service in this matter and the resulting politicisation of the public service.

As a result, the committee recommends that “the executive refrain from ordering government agencies to place advertisements, or write letters attacking reporters where they feel personally aggrieved”. It is extraordinary that the committee would have to make such a finding and such a recommendation. I repeat:

The Committee is concerned about the role of the public service in this matter and the resulting politicisation of the public service.

We are seeing it, unfortunately, across the board. We are seeing the ministers putting public servants in difficult positions where they have to walk the fine line between partisan political activity and their legitimate role as servants of the ACT people and serving them as faithfully as they possibly can. That committee recommendation, I think, is worth particular attention. (*Extension of time granted.*)

We saw the issue of the FOI exemptions, and I will not go into too much detail on that because that will now no doubt be a matter which is considered by the privileges committee.

**Ms Gallagher:** No, it will not be.

**MR SESELJA:** It will, in part. I will touch on it. We saw and noted the words “cellar door” and “vineyard” were blacked out in an email, ostensibly under section 41 of the FOI Act, in that the words related to personal details. The committee questioned what justification existed for their deletion and, indeed, I personally questioned what justification there is for the deletion of those words.

**Ms Gallagher:** So you have appealed the decision, I presume, Zed, in accordance with the FOI Act?

**MR SESELJA:** I will. I am but that is a separate process. Thank you.

Dealing with contempt, the committee noted in several instances the use of techniques by this government that are concerning in the most serious way as they speak of a direct contempt for the committee system. This is the third consistent theme to emerge as a result of this committee process. The task of deciphering these techniques was not assisted by the inconsistent evidence presented to the committee.

On contradictory evidence, the committee noted that in relation to land rent “concerns were raised about the contradiction in the evidence provided to it and the facts on the record presented to the committee”. The committee went on:

It was apparent in several instances the documentary evidence trail was not consistent with testimony given to the committee.

It is, once again, very serious that we are seeing contradictions between documentary evidence and what was presented to the committee. We saw it in a number of cases. Sometimes it was corrected; sometimes it was not.

I pay credit to those public servants who came back to us on a number of occasions with inadvertent misleads or inadvertent incorrect information and corrected it at the first possible opportunity. There is nothing more we can ask from them when that occurs. We do have serious concerns, though, that it did happen a fair bit and that, in fact, in some cases it was not corrected.

This would be bad enough on its own were it not compounded by the Chief Minister's technique of misrepresenting proceedings in the committee to external parties and then presenting the responses to those misrepresentations back to the committee as some form of evidence of the correctness of his own position. The committee was not taken in by this technique, and I will quote from the report:

The Committee also notes that the Chief Minister misrepresented the Committee during hearings, claiming 'defamatory allegations' had been made ... The Committee recommends that the Chief Minister write again to the builders involved in the OwnPlace scheme ... and that the Chief Minister correct the record.

This is the tactic of the Chief Minister and he has been called to account on it by this committee. He misrepresented what was said and then he sought to use the response to those misrepresentations to his advantage. The committee has very clearly sent a message that this is unacceptable:

The Committee also notes that the Chief Minister misrepresented the Committee during hearings, claiming 'defamatory allegations' had been made ... The Committee recommends that the Chief Minister write again to the builders involved in the OwnPlace scheme ... and that the Chief Minister correct the record.

In addition, the committee resolved, as a result of Mr Stanhope's misrepresentation of committee proceedings, that the chair write to the companies and industry associations to correct the record. It is unfortunate that we were placed in the position where we had to do that. But the committee agreed, because of the misrepresentation, it was right that we write to those individuals.

In relation to the call-in exercise by Mr Barr on the Canberra hospital car park development, the committee went on:

The Committee considers that withholding—

**Ms Burch:** The majority of the committee.

**MR SESELJA:** Ms Burch has dissenting comments and I acknowledge that she did not agree with every decision of the committee. There is no doubt about that and that is reflected in her dissenting comments. In contempt of process, here is the quote:

The Committee considers that withholding of this information by omission may be seen to be an act of avoidance of scrutiny.

The pattern, again! It goes on:

The Committee noted with concern that the date that Ms Gallagher chose to write to the Minister for Planning—21 May 2009—the final day of estimates hearings devoted to Health, removed herself from scrutiny on this issue.

Although the health minister returned to the committee to answer questions, Mr Barr refused to do so. And this was considered such a blatant act of contempt for proceedings that the committee went on:

The Committee recommends that the Assembly pursue the Minister for Planning, Mr Andrew Barr MLA, for his contempt of the Committee and accountability processes.

That is a serious recommendation on the back of a serious conclusion on the contempt this minister has shown for this process. He has put himself above the Assembly and above the processes put in place by the Assembly to inquire into matters. The committee recommended:

The Committee recommends that the Assembly pursue the Minister for Planning ... for his contempt of the committee and accountability processes.

I think it is important that we actually follow up on that. No doubt the Assembly will now consider this recommendation and what further action needs to be taken as a result of that.

Another very concerning development—and we have already touched on the issue—is Ms Gallagher’s communications with the CEO of the department of health. As a result we have this quote:

The Committee is concerned about the departmental interference and the effect this may have on non-executive members’ ability to perform their role.

Sorry, that is the separate issue which we dealt with in relation to Mr Cormack’s correspondence.

In regard to questions on notice, after all this has been uncovered, example after example of lack of detail, misuse of process and contempt for proceedings, the committee has been criticised by the Chief Minister via the media for asking too many questions. Quite simply, the number of questions is a result of the desire to get information and as a result of the lack of detail, absence of accountability and attitude of contempt that this government has demonstrated to the committee.

We had the statement from Ms Gallagher that it is not up to her to write our questions for us, and that is true. But it is up to her to be open and it is up to us to ask questions. And the criticism of us for asking questions is one of the most laughable critiques of a committee: we were working too hard, we were asking too many questions, we were doing too much. Is he expecting that next year, as a result of this press release, members will not ask questions about the important issues?

Of course, he belittles the local government issues. He belittles the idea that you should be asking questions about local issues. I frankly have no opinion on whether

a question about a footpath or a football stadium or a road or a hospital is appropriate. If I am asking questions about expenditure of public money, it is reasonable. That is the purpose of this process. This goes to the heart of it: their attitude has been that they have been unwilling.

At the time this report was actually put to bed, when it was actually finally ticked off—as opposed to the last time we looked at the substance, which was on Friday, and at that point 16 per cent of questions on notice had been answered—by the time we actually formally ticked off on it on Monday, I believe it was 35 per cent. Regardless, these are ridiculously low figures. They do not want to answer the questions.

We have the pattern here: no plan for recovery, absolute misuse of process and contempt for these proceedings. There is much, much more to flow out of this report. I commend this lengthy and detailed report to the Assembly.

**Mr Smyth:** Mr Speaker, on a point of order, given the time: this morning there were a number of wildly intemperate comments made during the debate, particularly by Mr Corbell. Many of them reflected on this place, the decision of this place, individual members or indeed you. I was curious whether you would review the *Hansard* and direct which of the comments are parliamentary or are not and perhaps whether some members need to make withdrawals for the comments that they have made.

**MR SPEAKER:** Certainly, Mr Smyth, I will review the *Hansard* when it becomes available and I will provide a response to the Assembly.

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

**Sitting suspended from 12.29 to 2 pm.**

## **Questions without notice**

### **Hospitals—Calvary Public Hospital**

**MR SESELJA:** Mr Speaker, my question is to the Minister for Health. Minister, 11 days out from the 2008 election you stated in regard to health policy:

We have put our plans on the table.

In the estimates committee it emerged that you had formed a view in August 2008 that you “would like to own and operate Calvary” and were in discussion on that basis. Minister, why were you dishonest with the community and why didn’t you disclose your plans to purchase Calvary Public Hospital?

**MS GALLAGHER:** I am happy to answer this question. I think I have answered it previously in estimates. In fact, I do not have the correspondence on me from the chair of the Little Company of Mary.

We had certainly started some very early discussions in August. They continued up until caretaker, at which point they ceased until some time after the election, probably

midway through November. At that point in time, those discussions were in the very early stage and the Little Company of Mary had requested of me that I keep those discussions, at that point in time, confidential while they went through their own processes and considered their own response to the discussions we were having within government.

I think I have been pretty clear about that. The plans for health remain the same. We wanted to invest a billion dollars in the healthcare system. That was the plan that we went to the election with, and that was the plan that was endorsed by the community, as it turned out, in stark contrast to the opposition's plans for health, which were to remove the growth funding that we had allocated responsibly.

**Mr Seselja:** No, it wasn't.

**MS GALLAGHER:** Not allocated to health, anyway. You did not allocate it to health. I do not know what you were going to do with it; it was not allocated to health.

The government's plans were clear. We were the only party with a vision for health and the long-term strategic vision for health in the ACT. That included a massive rebuild of both our public hospitals. The discussions that we have had today very much go to those plans to implement that plan for the rebuild of the health system. In terms of the budget, in terms of how we can invest that money in Calvary health care, we genuinely believe that it is going to be a lot easier for our budget to withstand that level of investment if it is done on an asset that we own.

I do think it is interesting, though, that yet again we have an example from the opposition where they do not actually have a view on this. They will criticise and they will carp on the sidelines—

**Mr Seselja:** You haven't put a case. You haven't told us anything about it.

**MS GALLAGHER:** You know everything about it. You know that the government stands here wanting to purchase Calvary Public Hospital so that we can invest hundreds of millions of dollars into a new hospital, into an asset that the ACT community owns—which it does not own at this point in time. That is what we would like to do. We have given you all that information. What we hear is absolute silence—don't have a view on it, neither here nor there.

We were clear about our commitments to health. We are delivering on those commitments to health. We stand by our position that we think, in the long-term interests of the health care of this community, it will be a significant advancement if the ACT community owns and operates Calvary Public Hospital.

In relation to my comments and the discussions in August, as I said before the estimates committee inquiry, at that point in time they were early discussions and I had been asked by the Little Company of Mary to keep them in confidence at that point.

**MR SPEAKER:** A supplementary question, Mr Seselja?

**MR SESELJA:** Yes, thank you. Minister, why then did you say that all of your plans were on the table, when clearly they were not.

**MS GALLAGHER:** The plans were on the table. They remain on the table. In fact, we are busy implementing those plans that are on the table right now. They involve significant investments in public health infrastructure on the north side of Canberra and the south side of Canberra. In terms of the community, nothing changes. Those investments will be made on the north side and the south side of Canberra.

Our health plan will be implemented. It will take a lot of time to do it, it will be the priority of this government, and I look forward at some point in time for the party that has no position on anything to actually come up with a position, surprise the community and let them know what it is.

### **ACTION bus service—Belconnen bus interchange**

**MS HUNTER:** My question is for the Minister for Transport and concerns the Belconnen bus interchange redevelopment. Minister, are you actively seeking feedback from the community on the interim arrangements on Cohen Street, Lathlain Street and Cameron Avenue for the Belconnen bus interchange and, if so, what is the feedback process?

**MR STANHOPE:** I thank the member for the question. The Belconnen town centre redevelopment is a major project. It certainly has involved very significant disruption for ACTION, and indeed for members of the community, but most particularly for ACTION, for ACTION routes and for patrons of ACTION. ACTION has worked assiduously over the last few months to ensure that information in relation to the new arrangements was readily available. I applaud the detail and the extent to which ACTION—ACTION management and members of staff—have worked closely with the community, most particularly with their clients, to ensure that there was a real understanding of the implications in terms of the changed arrangements.

Generally speaking, despite, of course, some quite understandable frustration at the nature of the change and at the changes that have occurred, the changes have been essentially, if not so much willingly, accepted, at least accepted as a necessary transition to fantastic new infrastructural arrangements for ACTION, particularly in the context of the integration into Westfield Mall at Belconnen of a bus lounge. It is a quite new concept, for the ACT at least, in relation to a place in which to await the arrival of a service.

There has been, I think, significant feedback and contact by commuters with ACTION and ACTION management in relation to the nature in which this has been pursued. As to the extent to which ACTION has responded to suggestions—as it does regularly and willingly and fully—and comments by travellers, I will take that on notice and happily provide the Assembly with details of the contact that there has been and the nature of the community's response to the implementation of new arrangements at Belconnen. I will inform members of that.

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

**MS HUNTER:** How are you ensuring the safety and amenity of the interim bus services and facilities in Belconnen for commuters?

**MR STANHOPE:** Certainly in the context of everything that ACTION or Roads ACT do, there is a partnership in relation to the new arrangements. It is work that at one level, of course, has been pursued quite correctly, as one would expect, by ACTION in relation to the infrastructure upgrades, particularly the installation of new sets of traffic lights, new bus layovers, new bus stops and services at bus stops for commuters and the availability of information at each of the new stops and the new configurations and arrangements for commuters.

Safety is always an issue. In relation to the engineering, in the establishment and introduction of the new infrastructure, safety would always have been one of the engineering considerations and design considerations taken in relation to the new arrangements.

In the context of the question that you ask around safety, I am not aware that any safety issues per se have been raised with ACTION or with Roads ACT in relation to the new infrastructure or the configuration. Now that you have raised it with me, Ms Hunter, I will seek assurances from ACTION and from Roads ACT that the new infrastructure and the new arrangements comply, as I would always expect they would, with all appropriate and relevant Australian standards. I will seek that assurance explicitly from my officials.

### **Hospitals—Calvary Public Hospital**

**MR SMYTH:** My question is to the Treasurer. Treasurer, in your capacity as Minister for Health, you have told the Canberra community that you wished to purchase Calvary Public Hospital. Treasurer, will the Assembly have the opportunity to vote on an appropriation to achieve the purchase of Calvary or, if not, why not?

**MS GALLAGHER:** That would force you out of the corner, would it not? If you actually had to have a vote, you would have to have a view on it. That is interesting. We might have to put everything through appropriation bills. All these controversial matters that you seek to prosecute, we will put them all in an appropriation bill and make you vote line by line on them and maybe we will draw you out. For the party that stands for nothing but criticism, it is the way to go. Thank you for that tremendous strategic advice.

Depending on the outcomes of the negotiation process, which is still ongoing, as to the nature of the timing of that, my understanding is that an appropriation bill will be required.

**Mr Smyth:** You told the Property Council the other day—

**MS GALLAGHER:** No, I did not tell the Property Council that. Again, I have to pat myself on the back for predicting the question you would ask. I said I was taking further advice on mechanisms—and you will recall this—involving the Assembly that

would be required if the purchase of Calvary was to proceed. That is what I actually said and that I was unclear on that; I had not received full advice. I was unclear; I sought advice, which is what ministers do. That advice has come back. Whether it is in a standard appropriation or a supplementary appropriation will be dependent upon the timings of the negotiations concluding. And I cannot predict when that will be.

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

**MR SMYTH:** Treasurer, has Treasury or any other department or agency provided any advice about the need to make an appropriation to fund the proposed purchase of Calvary Public Hospital? If so, will you table that advice?

**MS GALLAGHER:** They have provided that initial advice to me. It was in a discussion with Treasury. This matter has got processes that need to be worked through—this process, the discussion on Calvary and whether or not we are able to buy it. Yes, we stand here with our hands up in the air saying we would like to buy it as long as we can agree on price with the Little Company of Mary but it is dependent on them actually wanting to sell it to us. So there are quite a number of processes that need to be worked through. All of the agencies involved—in fact, the whole of government—will be providing advice to cabinet as to whether it is to proceed when the negotiations reach that point, which they have not at this point in time.

### **Energy—solar**

**MS BURCH:** My question is to the Minister for the Environment, Climate Change and Water. Minister, can you provide an update on the government's efforts to establish Canberra as the solar capital of Australia?

**MR CORBELL:** I thank Ms Burch for the question because this is an important policy priority for the Labor government—the establishment of major solar facilities in the ACT and policies that encourage the deployment of solar technology. The government made a commitment at the last election that, if re-elected, Labor would move to establish Canberra as the solar capital of Australia, and I am pleased to report to members that we are taking significant steps to do just that.

Just last month the government formally called for expressions of interest in a solar facility for the ACT, a solar facility capable of powering at least 10,000 Canberra homes and delivering 30 megawatts of generation capacity. The closing date for the expressions of interest process is 9 July and, depending upon the response, it is expected that a request for detailed proposals will be issued in September this year to selected respondents from the stage one process. The facility will provide at least 86,000 megawatt hours per annum—enough, as I have said, to power at least 10,000 homes.

We are also moving ahead with a very detailed community consultation process in relation to this power facility and I note that the Leader of the Opposition and others have criticised the government for embarking on this consultation process and have cast scorn on it before it has even got underway. But we have undertaken a very comprehensive process. Coming up as part of the consultation process there will be a

series of information sessions where residents will be able to hear about the projects and the proposed locations and give their views and feedback in relation to them. The first is a lunchtime session being held here in the Assembly this Thursday and the second, in the evening, again this coming Thursday, in Tuggeranong. That will be followed by two more, on Wednesday next week, a daytime session in Tuggeranong and the evening session here in the Assembly.

I have to say that there has been very positive feedback to date from sections of the community in relation to this process. Earlier this month, for example, officers of my department met with representatives of the Smiths Road Community Group, who have a particular interest in the proposed Ingledene site. I am pleased to say that the response has been overwhelmingly positive. There has been strong support of the project, which is obviously going to help improve our environment overall by displacing the need for energy generated from non-renewable sources.

There has also been strong acknowledgement of the economic benefits of the project. Just as strong was the Smiths Road Community Group's expression of appreciation to the government and my department for making this concerted effort to engage with the community in relation to the proposal. That is right—a Labor government out there listening to and talking with people about a significant project which will greatly benefit the territory. The government has already sent out over 100 information packs to interested parties. These contain information on the solar power proposal, the consultation sessions that will take place and the longer-term plan for keeping the community informed about the progress of the project.

My aim is to announce the successful proponent for the project in 2010 and at that point we will know for certain whether they are interested in using one of the potential sites on unleased land identified by the government or, alternatively, the proponent may have identified a site of their own. Of course, at this point the formal consultation process in line with a development assessment process will begin and this will once again allow the community to be involved in meaningful and productive discussions on the proposed facility.

This is a very important project for Canberra. Canberra and this Labor government are moving ahead with a significant investment in sustainable energy, a significant investment in tackling climate change in our community. We are proud of our efforts. We are very pleased to hear the response to date from the community. We will continue to engage with them in a direct and collaborative way, and I look forward to providing the Assembly with further updates in relation to this project.

**Mrs Dunne:** As you move at your glacial speed.

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

**MS BURCH:** Thank you. Minister, what other programs does the government have to help build Canberra as the solar capital of Australia?

**MR CORBELL:** Thank you very much, Mr Speaker. Once again, the chief chairwoman of opposition for opposition's sake, Mrs Dunne, always finds the little bit of negative in anything good, even something as positive as one of the largest solar power facilities to be built in this country to date. That is what this project will

be. This project will be one of the largest solar powered facilities built to date. That is the commitment of this Labor government. But what do we hear from those opposite—nothing but carping and moaning and opposition for the sake of opposition from the Liberal Party. Get behind this project. This is good for Canberra. This is good for the economy and good for the environment. They are just not interested.

As members would know, the government is preparing a range of other responses to help build Canberra as the solar capital of the country. We have, of course, enacted the nation-leading feed-in tariff scheme, which commenced operation in March this year and we are seeing good take-up in relation to this scheme.

In the 15 months before the scheme was launched, there were 255 solar PV installations in the ACT. By the time the scheme was launched, this had doubled to 575, and three months on we are at approximately 700 installations—or 21 per cent growth in three months. That is a very strong endorsement from the Canberra community of their support for progressive Labor policy.

We are very pleased to be building on this program. I flagged that the government is undertaking further review of the feed-in tariff legislation and looking at its potential expansion in stage 2. I look forward to providing a detailed discussion paper on that matter shortly to allow the community to give their say on how they believe the scheme could be expanded.

The government is also focussing on improving the provision of green power. Electricity use in Canberra is, of course, the most significant generator of greenhouse gas emissions for our city in the stationary energy sector. For that reason we are putting, and have put, in place detailed policies to encourage more widespread use of renewable energy through the green power scheme.

Green power is a government-accredited emissions-free renewable energy purchased by energy retailers and sourced from sun, wind, water and waste sources. As of 1 April this year, I was very pleased to make a new regulation that makes it easier for people to connect to green power as their first product energy choice. The new legislation means that all electricity retailers must offer the green power product as the first offer to all people signing up for an electricity contract or renewing an existing electricity contract. This will hopefully put this product at the forefront of people's minds and, had it been demonstrated in other places, increase the take-up of green power. This is an exciting initiative and one that we hope will deliver substantial benefits to the territory in encouraging greater take-up of renewable energy.

In summary, Labor has a strong record on renewable energy. It is doing the work to establish a solar power facility. It has done the work to put in place a feed-in tariff. It has done the work to put in place the green power first offer choice scheme. These are important initiatives, all undertaken in the first six months of the government's term. We will be building on this record and continuing to deliver, in the way people expect of this Labor government, progressive, sustainable policy for the future of our city.

**Recycling—Aussie Junk**

**MS LE COUTEUR:** My question is for the Minister for Territory and Municipal Services and it concerns the application recently made to wind up the company Aussie Junk. What action is the government now going to take regarding the ACT NOWaste contract with Aussie Junk to manage the reusable facilities at the resource management centres and how are you going to ensure that there is no interruption in these recycling centres?

**MR STANHOPE:** I thank Ms Le Couteur for the question. Certainly, as everybody is aware, as a result of an inquiry by the Workplace Ombudsman, certain concerns have been raised in relation to some workplace practices employed by Aussie Junk, particularly in relation to employee entitlements. These are matters that at one level are still being agitated. They are matters that still involve legal process. And at one level there are aspects of this that I do not believe it appropriate for me to pursue publicly.

Aussie Junk is a provider of services to Thiess, the head contractor in relation to the management of the reusable facility or the recycling facilities at Mitchell. TAMS does, however, have a direct contract with Aussie Junk, including the management of the reusable or recyclable facility at Mugga. It does need to be understood that the contractual arrangements in relation to Aussie Junk do vary or are different as between the two waste sites.

The investigation that was undertaken by the Workplace Ombudsman relates specifically to the Mitchell depot and did not extend to work practices at Mugga. It is important to understand that difference or distinction. In relation to the inquiry, TAMS, of course, cooperated quite fully. It has made some findings and certainly recommendations that are of significant concern in relation to those employees and those workplace practices.

Additional action is now being pursued in relation to Aussie Junk and it will have quite significant potential implications, of course, for recycling facilities and our capacity to ensure that the transfer of responsibility—if any transfer, indeed, is undertaken—is seamless and that our services are not interrupted.

Contingency discussions in relation to that are occurring, most particularly between TAMS, waste and Thiess. It does need to be understood that there are different levels of responsibility and different contractual arrangements. We of course have arrangements with Thiess and we are in essentially what I might term contingency discussions with Thiess in relation to the maintenance, perhaps in an interim or transitional sense, to ensure that our recycling activity is maintained.

I am not sure that there is much more I can say. Of course, Ms Le Couteur, it is an issue in relation to which we are acutely aware of the need to ensure that we maintain the capacity to recycle at the level that we have or at an enhanced level. We are in some discussions already to cover the difficulties which we anticipate as a result of the findings of the Workplace Ombudsman in relation to Aussie Junk. And I will be

more than happy to keep the Assembly up to date in relation to those discussions, those negotiations, as this particular issue develops.

**MR SPEAKER:** Ms Le Couteur, a supplementary question?

**MS LE COUTEUR:** Thank you, Mr Speaker. In addition, will the government be revisiting its negotiations with Revolve, who previously ran the facility at Mugga Lane?

**MR STANHOPE:** I am not sure that it is in the government's anticipation at this stage that it will open up specific negotiations with Revolve. The previous position or attitude adopted by the government in relation to recycling or waste recovery at Mitchell and at Mugga was to go to the market. We believe that to be appropriate in relation to the provision of this particular service and I would not anticipate that, as a result of the issues that we now face in relation to Aussie Junk, we would deviate in the future in the event that we do need to retender or renegotiate—that we would do that on a single, select basis.

The government, of course, is aware of the previous role which Revolve played. We went through a process which involved Thiess, and ultimately Aussie Junk was successful in a public tender process. That now, with the benefit of hindsight, has raised some issues which perhaps were not anticipated at the time, but going forward I would not anticipate why we would—and I cannot understand why we would—enter into single, select negotiations with a particular potential provider.

### **Hospitals—Calvary Public Hospital**

**MR HANSON:** My question is to the Minister for Health. Minister, has analysis been conducted to demonstrate that the purchase of Calvary hospital is in the interest of Canberra's public health, and if not, why not? If so, will you table the analysis?

**MS GALLAGHER:** There have been a number of reports done into the government's arrangements for Calvary Health Care and a number of submissions that the government has considered over a number of years. There is a question on notice about this from the estimates committee.

**Mr Smyth:** There is, an answer.

**MS GALLAGHER:** I have signed it off this morning, I think—and there are a number of documents which at the moment are commercial-in-confidence. As you can probably imagine, considering we are in negotiations with the current owner-operator of Little Company of Mary you would not be surprised that a number of the documents that government is currently considering cannot be released for public consumption at this point in time.

**MR SPEAKER:** A supplementary question, Mr Hanson?

**MR HANSON:** What analysis has the ACT government conducted to provide evidence that this is in the best interest of the ACT public over the longer term?

**MS GALLAGHER:** There has been analysis provided across government, plus also separate reviews commissioned by government, and worked cooperatively on with the Little Company of Mary, that assist the government with their considerations at this point in time. Of course, if it proceeds to the next level—and I think you have already jumped to that point, looking at the motion on the notice paper for tomorrow, where you want me to introduce an appropriation bill for this purchase to go ahead that you do not have a view on—there are a number of documents that will be created and commissioned by the government for consideration should this proceed to the next level. This is an ongoing dialogue negotiation process. Advice is being created across agencies.

**Mr Hanson:** You are going to sign the deal and then do the analysis.

**MS GALLAGHER:** We have not signed any deal, Mr Hanson, and I challenge you to show me where the government has signed any deal to do this. Just to be clear: we are in the negotiation process at the moment. It will go through the appropriate government decision-making channels when it needs to. It is not there yet, Mr Hanson. I do not know what you do not understand about this.

### **Hospitals—Calvary Public Hospital**

**MR COE:** My question is to the Minister for Health. Minister, the AMA has expressed concerns over the lack of details surrounding the proposed purchase of Calvary hospital. In particular, Dr Jones said:

It is ... a bit hard for us to understand why you take a service which currently runs to budget and has done for a number of years and hand it over to be run by another service which regularly runs over budget and goes to the government and says, "Please, sir, I want some more."

That is from the public hearings on the estimates. Is Dr Jones mistaken in his criticism?

**MS GALLAGHER:** I have got a lot of time for Dr Jones. He is a very good president of the local AMA but on that issue, on that point of fact, he is incorrect. Calvary Public Hospital has not run to budget for the last three years, from my recollection. We have needed to make additional allocations to their funding agreement and that is solely based on activity, as is the request—

**Mr Hanson:** Because they overachieve on their targets, is that not correct?

**MS GALLAGHER:** Where are we getting to here? I am just trying to find out what the opposition are saying. Are you saying that the government should not purchase Calvary Public Hospital? Is that what you are saying? Just listening to the interjections there—

**Mrs Dunne:** We're not saying it.

**MS GALLAGHER:** Hang on a minute! Shock, horror, I actually want to find out whether the opposition has a view on something. Do you have a view on something? I have had four of the six questions from the opposition. I am predicting, if the strategy holds, I might get Mr Doszpot's and Mrs Dunne's, just maybe, on Calvary Public Hospital. I might get it.

We have got Mr Hanson interjecting that because they overdeliver on their targets they get additional money from government. Can we take, from that, that that is not what occurs at Canberra Hospital when we say their budget overruns are activity related because they are overdelivering on their targets or is that just something special that happens at Calvary Public Hospital?

Have a view on it. Stand up, be counted. It is in your electorate, Mr Coe. What do you reckon? Do you reckon it is a good idea? Do you reckon the people of the ACT should own and operate a public health asset? Do you reckon if we invest \$200 million into that effort that maybe it should sit on ACT taxpayers' books? What do you reckon? That is the challenge for you, Mr Coe. Have a view on something for once.

**MR SPEAKER:** A supplementary question, Mr Coe?

**MR COE:** Are the concerns raised by the AMA addressed in any business plan relating to the purchase of Calvary hospital?

**MS GALLAGHER:** The concerns raised by Dr Jones, I believe it was in the estimates inquiry, have not been raised with me by him in subsequent meetings that I have had but I will meet with Dr Jones to talk about any concerns he has with this proposal. I am confident that, if this proposal does go ahead, the doctors at Calvary should not have any cause for any concern on service changes on that site.

Indeed, the whole aim behind the government's willingness to purchase Calvary Public Hospital is about building up the services on the north side of Canberra, actually enhancing the services that operate at Calvary Public Hospital, because that is where they are needed. I think some of the concerns that Dr Jones has expressed at the estimates committee can be addressed and will be addressed should this sale proceed.

### **Canberra international airport**

**MS BRESNAN:** Thank you, Mr Speaker. My question is to the Chief Minister and concerns the consultation for the Canberra international airport 2009 preliminary draft master plan, for which submissions closed on 8 May 2009.

Can you confirm that the ACT government has made a submission to the draft master plan and, if so, why it has not been made publicly available so that the people of Canberra can learn of the ACT government's position on the inclusion of the 24-hour freight hub in the master plan?

**MR STANHOPE:** Thank you, Mr Speaker, and I thank the member for the question. Yes, the ACT government has made a submission. I think we first made a submission

on 10 February 2009. No, we did not. The Canberra airport released its preliminary draft master plan on 10 February. There was a 60 business day public consultation period, which closed on 8 May.

The ACT government made a submission on the preliminary draft master plan. In that submission we raised a number of issues in relation to the future development of the Canberra airport, including issues in relation to aircraft noise. The government has not released that submission. We do expect that the submission will become public. The position that the government has adopted in relation to the submission is that, as a submission to an inquiry or a decision making process in relation to the draft master plan, we made the submission to the commonwealth, and we have taken the attitude and adopted the position in relation to that that it is probably for the commonwealth to release those submissions, if that is what it chooses to do.

These are always difficult issues for government. In relation to documents and submissions to inquiries, indeed, in relation to parliamentary inquiries, there is a process and it is not unusual for some submissions not to be released by the investigating authority.

In relation to the Canberra airport master plan, indeed, in relation to the issue of noise, we did raise implications and issues in relation to noise. In addition to that, we have engaged a noise expert, Miss Marion Burgess, to undertake a review of an Airservices Australia aircraft noise monitoring study which is currently being undertaken. Airservices Australia has agreed that it will make its results available for independent analysis, and we expect that to happen within the next month or so. That independent review which we are undertaking is in direct response to aircraft noise concerns that have been raised and are raised regularly by members of the community, most particularly from north Canberra and probably most particularly from Hackett.

The government's intention in relation to that is to ensure that there is independent, objective advice available to this government and to others in relation to what is a significant decision for this community in relation to Canberra airport and a potential freight hub there, that we make our decisions objectively on the basis of evidence and on the basis of definitive and independent validated data so that we are all informed and the decisions we take are backed by objective, definitive, validated evidence and data. It is the way decisions should be made and it is the way we intend to finalise decisions that we make in relation to the government's position in relation to noise and the Canberra airport and the implications of that for its future development.

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

**MS BRESNAN:** Does the ACT government support the position of Canberra airport's managing director, who stated on 5 June that the 24-hour freight hub should be built so as to relieve Sydney of aircraft noise?

**MR STANHOPE:** The government's position in relation to the freight hub is that decisions in relation to that should be taken around noise and amenity, and at least decisions in relation to that should be informed most particularly by issues in relation to noise and potential impact on amenity for Canberrans. Most particularly, those that

would be directly affected, and the Canberra residents that would be most directly affected, by any decisions ultimately taken are residents of north Canberra, and potentially residents of Tuggeranong, in the event that there would be noise sharing to ameliorate some of the issues that we do fear will become a reality if Tralee is developed.

But, as I have said, the ACT government's final position in relation to a 24-hour freight hub will be determined at the end of the day by the validity of noise that is emitted by activities at the airport, and it is for that reason that we have engaged an independent noise expert to monitor noise at the airport, to either validate or otherwise an Airservices Australia noise monitoring study which is currently underway and which will be finalised, we understand, in the next month.

We have taken a position that we want to be in a position to have the evidence to be able to validate decisions taken by Airservices Australia into the noise implications of a freight hub and we need some base validated definitive data. That is the attitude we have adopted and we will not be declaring a particular position in relation to this until we have the Airservices noise monitoring study and we have information from an ACT independently engaged noise expert on that. That is our position.

### **Hospitals—Calvary Public Hospital and Clare Holland House**

**MR DOSZPOT:** My question is to the Minister for Health. Minister, is the purchase of Calvary in any way contingent on the sale of Clare Holland House, and, if so, what are the details?

**MS GALLAGHER:** We are certainly talking with the Little Company of Mary around the ownership arrangements for Clare Holland House—it is part of the discussions—but no decision has been reached. There has not been any agreement reached. It is in the mix; it is something that we have been prepared to consider. They have been operating Clare Holland House very successfully. It is an area the sisters are very keen on pursuing further—their role in palliative care. We have been happy to include it as part of the discussions around the potential ownership and operations of Calvary Public Hospital.

I cannot give you any more information on it, because there is no more information. The negotiations have not been finalised. There are still outstanding issues that are being discussed between the parties. At the right point in time, I will be very happy to provide the Assembly with a full and comprehensive update.

**MR SPEAKER:** Mr Doszpot, a supplementary question?

**MR DOSZPOT:** Are there any proposed changes for the provision of palliative care arrangements?

**MS GALLAGHER:** No. The Little Company of Mary currently operate Clare Holland House for us even though we own the facility—as they operate the Calvary Public Hospital for us, but they own the facility out there. In terms of service provision for the community, regardless of who owns and operates either of the

buildings, there will be no noticeable change to the provision of healthcare services to the community—regardless of who owns and operates either one of those facilities.

The discussions really have been focused on ensuring the long-term interests of the ACT community, because of the investments we need to make at Calvary Public Hospital. This goes directly to the questions I have been asked earlier around the business case and the support for this. On the money that we need to invest in that facility, the government is of the view that it is only right, with that significant investment, that that asset is owned and retained by the ACT community as one of our public assets, which at this point in time it is not.

### **Hospitals—Calvary Public Hospital**

**MRS DUNNE:** My question is to the Minister for Health. Minister, when and how are you going to consult with the community on the proposed sale of Calvary hospital?

**MS GALLAGHER:** The consultation is underway. I have received a few submissions, not many—it would not even exceed 10 submissions, from recollection—from interested community members and interested stakeholders. The business discussions are not around changing government service delivery, because the actual service delivery of Health Care will remain as it is. In fact, it will be enhanced with further injections, regardless of who owns or operates these facilities. At some point in time the government is elected to make decisions. We have been very clear about what our preference is. The community understands that and I have received some submissions on it.

There have been mixed views. I have received one from a parish church which is opposed to it. I have received some from community members who cannot believe we do not own the asset and that we have to buy it back. There have been some concerns around having the Catholic Church run the palliative care services for the territory. As we all know, they have been providing a tremendous service for many years now. I have to say that for such a public matter the people who are interested have been providing me with ideas and suggestions. I have to say that I have not received a submission from the Liberal Party or the ACT Greens yet about what their position is, but the door is open. If you ever do form a view on this let me know about it.

**MR SPEAKER:** A supplementary question, Mrs Dunne?

**MRS DUNNE:** Thank you, Mr Speaker. What process will be undertaken to ensure that appropriate community and stakeholder feedback will be taken into consideration in the decision to purchase Calvary hospital?

**MS GALLAGHER:** If it gets to the point where we reach agreement on price, which is really, I think, at the heart of the negotiations—and they always are part of business negotiations like this—the government will be in a position to bring legislation before the Assembly. There will be appropriate scrutiny of that legislation. Pending that legislation passing for an appropriation of this type we would also consult with stakeholders about what it means for them. But I have to say, again, that for people on

the street this will make absolutely not one scrap of difference. If someone goes to the Calvary emergency department today or in six months or a year's time and the ACT government owns and operates it, it will not make one bit of difference to them in terms of the provision of health care services.

I understand the need to consult widely around the provision of health care services. I think the issues around ownership and governance can be discussed, as they have been discussed now and in this place, but in business negotiations—and I guess Mr Smyth is the only member of a previous government on the opposition side—between government and a third party it is incredibly difficult to work out at what point you have some community consultation process: just say we reach agreement with the Little Company of Mary on a price and then we say, “Now we are going out to consult with the community about whether or not they think that is the right idea.” At some point in time we have to make the decision.

We have made some initial decisions about negotiations to continue. Of course, it has to go through the government processes, quite rightly, before any further decisions are taken and then it will come to this place. I think then, as leaders of the community, it is up to the Assembly to have that discussion. Hopefully they will come to support a view that the two public hospitals in the ACT should be owned and operated by the ACT community and exist as an asset on our balance sheet, particularly when we are talking about the level of investment that the ACT community is going to have to make over the next few years to make that hospital the hospital it needs to be for the future.

### **Self-government act—reform**

**MS PORTER:** My question is to the Attorney-General. Can you please advise the Assembly of the government's position on the reform of the self-government act, including the government's response to the views expressed by Senator Humphries in the media yesterday?

**MR CORBELL:** I thank Ms Porter for the question. The issue of reform of the self-government act is an important one for the community and for this Assembly. The ACT government remains committed to pursuing review of the self-government act to ensure that a range of its antidemocratic provisions is addressed. What is of particular interest, however, is the views that have been expressed by members of the community in relation to this debate. In particular, I welcome the comments made by the former Liberal Chief Minister and now senator, Senator Humphries, when he said, in relation to whether or not further powers should be granted to the Assembly, “There is no evidence whatsoever that the ACT parliament is likely to randomly, wantonly or indiscriminately abuse the privilege given to it by the ACT community.”

I endorse Senator Humphries's comments. It is a considered approach and an approach of someone who obviously has extensive experience and understanding of the constitutional arrangements within which we operate. What is particularly disappointing, however, is the less than fulsome comments of the Leader of the Opposition. The Leader of the Opposition said in relation to the same matter: “Just imagine the situation where Jon Stanhope had unfettered power. I think most Canberrans would be very concerned about that.”

Well, I know who I would want to have on my side of the fight about democratic self-government—and it would not be Mr Seselja, because Mr Seselja is the one person in this place who thinks he should not have the right to properly and fully represent his constituents. What is it about this place that he thinks he should not have the power to make laws without the interference of the commonwealth parliament? This parliament should be able to determine its own size and be accountable to the electorate for it. What is it about being the current Leader of the Opposition that he thinks he has to rely on the guidance and the support of his elders and betters up on the hill? What is it about his state of mind that would suggest that he feels he does not have the confidence to make these decisions for himself?

In fact, it seems that the opposition has real trouble making decisions generally. Whether it is about Calvary hospital, whether it is about important reforms in education or whether it is about whether or not we should have the right to govern for ourselves, the Liberal Party does not have a view. This shows a lack of leadership on the part of those opposite.

This government stands committed to a review and reform of the self-government act. We believe provisions of the act are completely inadequate and undemocratic. Of particular regard is the provision that allows for veto of ACT laws without any reference to the commonwealth parliament beforehand. We believe those provisions that provide for the executive disallowance of ACT statutes to be completely undemocratic and unacceptable. It is not even a provision that exists in the Northern Territory. In the Northern Territory, if the commonwealth are unhappy with a territory law they have to legislate. But apparently that difference is okay for us here in the ACT.

We need to unite and we need to argue for improvements in terms of self-determination in this territory, and it is not aided by the weasel words and the ambivalence of the Leader of the Opposition. He should take a leaf out of the book of Senator Humphries. Senator Humphries has the courage of his convictions. He says that these provisions should be removed from the self-government act. The question is: why doesn't Mr Seselja think they should be removed as well?

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

**MS PORTER:** Thank you, Mr Speaker. Can the Attorney-General advise what steps will be taken to further progress reform of self-government in the territory?

**MR CORBELL:** I thank Ms Porter for the supplementary. The government will be working with the commonwealth government to try to convince them of the need to review the self-government act. This is a project the government flagged before the last election. I am delighted that the Greens are now lending their support to this cause because this is a matter that this Labor government has argued long and loudly for for a number of years.

Ever since 2005, we have argued consistently for reform in this area and I am pleased that the Greens are now joining us in that argument. We welcome their support. In

2009-10, we will be dedicating resources to preparing detailed options for amendment of the self-government act and we will undertake a comprehensive consultation with relevant Assembly, commonwealth, community and other stakeholders.

I and the Chief Minister have met with the former Minister for Home Affairs, Mr Debus, on a significant number of occasions to discuss this matter. The Chief Minister has made several detailed representations to the Prime Minister. We will continue with this course of action. In particular, with the appointment of the new home affairs minister, Mr O'Connor, we will seek to pursue the issue with him and win his support.

But the real question, of course, is: where is the Liberal Party in this important debate? We have seen their ambivalence in the past. Previous Liberal MLAs have come out and welcomed commonwealth intervention in ACT law making. We saw that in relation to the civil unions act.

Now is the time for all leaders in this place to unequivocally state self-determination is a vital issue for the territory. The removal of undemocratic provisions in the self-government act is an essential reform and we should be united in our pursuit of those goals.

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

### **Answers to questions on notice Question Nos 30 and 211**

**MRS DUNNE:** In accordance with standing order 118A, I seek an explanation from the Attorney-General as to the reasons for his failure to answer question No 30, which was due on 12 March 2009 and which the minister told the Assembly on 6 May was essentially in the mail, that he had signed off. It still has not arrived; it is still on the notice paper. And question 211, for which the 30 days expired on 4 June 2009, has not been received by me. Can I have an explanation.

**MR CORBELL:** In relation to Mrs Dunne's question on notice No 30, it is a large and complex answer which has required significant resources from my department and ACT Policing to answer. It is currently awaiting clearance from the deputy chief executive of my department. I will endeavour to provide it to members as soon as possible. In relation to question on notice No 211, that has been provided to the Secretariat today.

**MRS DUNNE:** On the standing order, I seek your guidance, Mr Speaker. On 6 May, the minister told me that that matter would be with me shortly. He said:

I thank Mrs Dunne for the question. Mr Speaker, those questions have now been cleared by my office and they should be with Mrs Dunne shortly.

Now, a month later, I am being told that the matter has not been dealt with and has not yet been cleared. I think the Assembly should take note of the minister's failure to not provide an answer to the question.

**MR SPEAKER:** Mr Corbell, do you want to clarify the situation?

**MR CORBELL:** Yes, Mr Speaker. If I can clarify the matter, I think that what occurred on that occasion was that I mistook one question for another in relation to that matter. There were a number of questions outstanding. I apologise for any confusion or inadvertent misleading that that may have caused. There were a number of questions outstanding. I assumed they had all been dealt with; in fact, only a number of them had. This is one of those that had not.

**MR SPEAKER:** Thank you. Mrs Dunne.

**MRS DUNNE (Ginninderra) (3.00):** Mr Speaker, could I move that the Assembly note that the minister has had question No 30 in his possession and has been having an answer compiled for more than three months—that the Assembly note, in accordance with standing order 118A(c), that the answer has not been provided.

**MR SPEAKER:** Mrs Dunne, you are seeking to move a—

**MRS DUNNE:** I seek to move that the Assembly note that the minister has not answered the question in the time provided, in accordance with standing order 118A(c). I move:

That the Assembly takes note that the Attorney-General has failed to answer question on notice No 30 in the time provided by the standing order.

**MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.01):** Mr Speaker, the government has no objection to noting it. It is unfortunately the case that sometimes members ask questions which involve considerable use and considerable devotion of territory resources to answer questions that then appear to be used for no practical purpose whatsoever. My department is endeavouring to answer the question as soon as possible. It is a long, lengthy and detailed question that involves the compilation of a broad range of statistics that are not regularly retained and used by my agency over the period of time for which Mrs Dunne has requested the answer.

We are working to provide that answer, but it is not data that is routinely held: it has to be compiled, and it has to be put together in a way that is not commonly done. It is not a straightforward way or a straightforward question to answer. I regret the period of time it has taken, but if members insist on asking questions that involve the deployment of a large number of territory resources to answer them, unfortunately there will be occasions on which the questions will not be delivered within the required time frame.

**MRS DUNNE (Ginninderra) (3.02):** Just to round out this issue, can I say that standing order 118A is very clear on the process if the minister cannot answer the question in time. At any time, he can give the member or the Assembly an explanation. That has not been forthcoming, and it has not been forthcoming for more than three

months now, which is why I think it is time that the Assembly note the failure to answer the question.

Question resolved in the affirmative.

### **Question No 205**

**MR SESELJA:** Under standing order 118A, I seek an explanation from the Attorney-General in relation to question 205, which I understand expired on 2 May.

**MR CORBELL:** The answer to that question was delivered to the secretariat today.

### **Question No 76**

**MR DOSZPOT:** Under standing order 118A, I had a question of the Chief Minister, which was redirected to the Chief Minister on 20 March. The question was:

- (1) How many people with a disability are in (a) permanent full-time, (b) permanent part-time and (c) casual employment in the ACT Government.
- (2) What percentage of each category does this represent.

This expired on 27 March 2009.

**MR STANHOPE:** Mr Speaker, I have, I regret, no memory of the question at all. I will seek advice and inform the member about it. I am afraid that that is something I have absolutely no memory or recollection of at all.

### **Question No 219**

**MR COE:** Under standing order 118A, I seek an explanation from the Minister for Disability and Housing as to why question 219 has not been answered.

**MR HARGREAVES:** I am sorry; I do not know the content of the question that Mr Coe referred to.

**MR COE:** Fire extinguishers.

**MR HARGREAVES:** Fire extinguishers? I understood that that letter had been finalised and that I had signed it, but I will take it on board and get it to you as soon as I can.

### **Question Nos 100 and 153**

**MR HANSON:** Under standing order 118A, I seek an explanation from the Attorney-General as to why questions 100 and 153 on the notice paper, under my name, have not been answered.

**MR CORBELL:** Again, the answers to these questions have involved a significant deployment of resources. I regret the delay. They will be delivered to the member as soon as possible.

## Papers

**Madam Assistant Speaker Dunne** presented the following papers, which were circulated to members when the Assembly was not sitting:

Auditor-General Act—Auditor-General's Report No 3/2009—Management of Respite Care Services, dated 19 May 2009.

Hawker—Block 8, section 34—Resolution of the Assembly of 25 February 2009—Letter to the Speaker from the Minister for Planning, dated 7 May 2009.

**Madam Assistant Speaker Dunne** presented the following papers:

Study trip—Report by Mr Rattenbury MLA—CPA 58th Westminster Seminar on Parliamentary Practice and Procedures—London, 2-13 March 2009.

Speaker's travel—Visit to New South Wales Parliament by the Speaker and the Clerk, 3 June 2009.

Giralang shopping centre site—Proposed development—Petition out-of-order—Resolution of the Assembly of 2 April 2009—Response from Mr Barr (Minister for Planning), dated 7 May 2009.

## 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:

Kuan Yian Sim, dated 8 May 2009.

Megan Cahill.

Sandra Georges, dated 12 May 2009.

Short-term contracts:

Andrew Taylor, dated 30 March 2009.

Ben Morris, dated 24 April 2009.

Carol Cartwright, dated 13 March 2009.

Conrad Barr, dated 29 April 2009.

David Richardson, dated 4 May 2009.

Doug Gillespie, dated 30 March 2009.

Floyd Kennedy, dated 24 April 2009.  
Greg Kent, dated 29 April 2009.  
Hamish McNulty, dated 6 May 2009.  
James Ryan, dated 19 May 2009.  
Jennifer Page, dated 20 May 2009.  
Kathy Melsom, dated 23 April 2009.  
Leanne Cover, dated 14 April 2009.  
Mary Durkin, dated 13 May 2009.  
Mary Toohey, dated 24 April 2009.  
Monica Lindemann, dated 8 April 2009.  
Patricia Wilks, dated 9 April 2009.  
Rosalind Lambert, dated 23 April 2009.  
Sandra Kennedy (2), dated 9 April and 21 May 2009.  
Stephen Goggs, dated 17 April 2009.  
Tania Manuel, dated 9 April 2009.  
Timothy Grace, dated 4 May 2009.

Contract variations:

Bren Burkevics, dated 14 May 2009.  
Frank Duggan, dated 20 May 2009.  
Gregory Newton, dated 29 April 2009.  
Liesl Centenera, dated 15 and 16 April 2009.  
Phillip Tardif, dated 9 April 2009.

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

Leave granted.

**MR STANHOPE:** Thank you, Madam Assistant Speaker. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 5 May 2009. Today I present three long-term contracts, 23 short-term contracts and five contract variations. The details of the contracts will be circulated to members.

### **Light rail—proposal to Infrastructure Australia Paper**

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

ACT light rail—Proposal to infrastructure Australia, dated December 2008.

I move:

That the Assembly takes note of the paper.

Debate (on motion by **Ms Bresnan**) adjourned to the next sitting.

### **Financial Management Act—instrument Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 14—Instrument directing a transfer of funds from the Department of Territory and Municipal Services to the Chief Minister’s Department, including a statement of reasons, dated 13 May 2009.

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

Leave granted.

**MS GALLAGHER:** Madam Assistant Speaker, as required by the Financial Management Act, I table this instrument under section 14 of that act. Section 14 of the act, “Transfer of funds between appropriations”, allows the executive to direct the transfer of funds between appropriations. Section 14(4) of the act requires that within three sitting days after a direction is given the Treasurer must present to the Legislative Assembly a copy of the direction and a statement of reasons giving that authorisation.

This instrument transfers \$50,000 of departmental government payment for output from the Department of Territory and Municipal Services to the departmental government payment for output for the Chief Minister’s Department. The transfer is to fund the cost of the shop in Canberra campaign which was delivered by the Chief Minister’s Department. That campaign was developed and delivered during late March and early April to encourage our community to shop locally and stay in the ACT over the Easter period. I commend the instrument to the Assembly.

### **Financial Management Act—instrument Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Department of

Disability, Housing and Community Services, including a statement of reasons, dated 2 June 2009.

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

Leave granted.

**MS GALLAGHER:** Madam Assistant Speaker, as required by the Financial Management Act 1996, I table an instrument issued under section 17 of the act. The direction and statement of reasons for the instrument must be tabled in the Assembly within three sitting days after it is given. This instrument relates to the 2008-09 financial year.

Section 17 of the Financial Management Act 1996 enables variations to appropriations to be increased for any increases in existing commonwealth payments by direction of the Treasurer. The Department of Disability, Housing and Community Services has received additional commonwealth funding of \$2.101 million for the following grants: commonwealth state and territory disability grant and young people with disabilities grants. From 1 January 2009, these grants were combined into one payment by the commonwealth called the national disability services specific purpose payment. I commend the paper to the Assembly.

### **Financial Management Act—instrument Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the ACT Planning and Land Authority, including a statement of reasons, dated 11 June 2009.

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

Leave granted.

**MS GALLAGHER:** Madam Assistant Speaker, as required by the Financial Management Act 1996, I table a copy of an authorisation in relation to the Treasurer's advance provided to the ACT Planning and Land Authority. Section 18 of the act provides for the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of the act requires that within three sitting days after such authorisation is given the Treasurer must present to the Assembly a copy of the authorisation instrument, a statement of reasons for giving it and a summary of the total expenditure authorised under section 18 for the financial year.

This instrument provides an increase of \$30,286 in expense on behalf of the territory appropriation for the ACT Planning and Land Authority to facilitate the payment of compensation to the lessees of blocks 558 and 621, district of Gungahlin, for

lessee-owned improvements on land withdrawn to enable the release of Casey 2 residential estate. I commend the paper to the Assembly.

### **Financial Management Act—instrument Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 19B—Instrument varying appropriations related to the Nation Building and Jobs Plan—Housing ACT and the Department of Education and Training, including a statement of reasons, dated 14 May 2009.

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

Leave granted.

**MS GALLAGHER:** Thank you, Madam Assistant Speaker. As required by the Financial Management Act 1996, I table an instrument issued under section 19B of the act. The direction and a statement of reasons for the above instrument must be tabled in the Assembly within three sitting days after it is given. Section 19B of the Financial Management Act 1996 allows for an appropriation to be authorised for any new commonwealth specific purpose payments where no appropriation has been made in respect of those funds by my direction.

The territory has received additional grant funding of \$6.944 million from the commonwealth under the nation building and jobs plan. This funding provides for capital works and repairs and maintenance in relation to public housing properties and the on-passing of commonwealth funding to non-government schools. I commend the papers to the Assembly.

### **Financial Management Act—instrument Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the Department of Territory and Municipal Services, including a statement of reasons, dated 8 April 2009.

I seek leave to make a statement.

Leave granted.

**MS GALLAGHER:** I table a copy of an authorisation in relation to the Treasurer's advance provided to the Department of Territory and Municipal Services for the

2009 UCI mountain bike and trials world championship. Section 18 of the act provides for the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A of the act requires that within three sitting days after the day such authorisation is given, the Treasurer must present to the Legislative Assembly a copy of the authorisation instrument, a statement of the reasons for giving it and a summary of the total expenditure authorised under section 18 for the financial year.

Due to an administrative oversight within Treasury, this instrument is being tabled on the fourth sitting day since it was signed, and I apologise to members for this oversight.

This instrument provides \$600,000 to the Department of Territory and Municipal Services to undertake immediate work required to stage the world championships at Stromlo Forest Park during September 2009. I commend the paper to the Assembly.

### **Financial Management Act—consolidated financial report Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 March 2009.

This report was circulated to members when the Assembly was not sitting.

### **Papers**

**Ms Gallagher** presented the following paper:

Gene Technology Act, pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 October to 31 December 2008, dated 6 March 2009.

### **State of the environment report Government response**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): For the information of members, I present the following paper:

Commissioner for the Environment Act, pursuant to subsection 19(3)—Commissioner for Sustainability and the Environment—State of the Environment Report 2007/08—Government response.

I move:

That the Assembly takes note of the paper.

I am pleased to table the government's response to the *ACT state of the environment report 2007-08* pursuant to section 19(3)(b) of the Commissioner for the Environment Act 1993. The government accepts in principle all of the commissioner's recommendations. The government has responded in detail to each of the commissioner's recommendations across the areas of climate and greenhouse, air quality, biodiversity, catchment quality, resource use and community wellbeing. The government's response is comprehensive and demonstrates a sincere and earnest commitment to make a difference, to protect and conserve the ACT's environment and move to a more sustainable footing.

In terms of the commissioner's specific recommendations, the government is already making good progress with implementation. In relation to climate and greenhouse, the government recently announced that it established a table of zero net greenhouse gas emissions for Canberra and that legislated interim targets will be determined following the conclusion of the Assembly's inquiry into greenhouse gas reduction targets. The introduction of the feed-in tariff to encourage renewable energy generation has also been a positive step forward in progressing the government's climate change agenda.

In relation to biodiversity, the government recently opened the 484 hectare Mulligans Flat woodland sanctuary, protected by 11.5 kilometres of predator-proof fencing at a cost of \$1.3 million. Whilst the sanctuary is open to the public to enjoy, it will also be the subject of long-term research on how the sanctuary and the rest of the Goorooyarroo and Mulligans Flat nature reserves are managed to improve their condition.

The Commissioner for Sustainability and the Environment referred in her report to the need to develop a resilient Canberra and region where issues such as transport, housing and human impacts on our ecosystems are effectively managed in a changing climate. The government is conscious of the need to address these interrelated challenges responsibly in a setting that encourages measured economic growth whilst promoting change to more sustainable behaviours.

The government is pleased that the commissioner has affirmed the strategic directions the government is taking in a range of areas, including climate change, housing, education, Indigenous health and wellbeing, nature conservation and sustainable transport. The commissioner did, however, highlight a number of challenges and notably observed:

We are consuming natural resources at an unsustainable rate and, while efforts are being made to address this, more needs to be done as a matter of urgency, particularly given the correlation between consumption of resources and climate change.

The government recognises this need and is leading by example. We established the Department of the Environment and Climate Change, Energy and Water in November of last year to give specific priority to the critical issues of climate change, environment protection, sustainability, water security and energy efficiency. The

department is working across government to ensure there is integration of environmental policy, regulation and service delivery.

Through the 2009-10 budget, the government made significant commitments to address the changes needed to achieve a more sustainable future for the territory. A key initiative in this budget that addresses better service delivery and promotes, informs and educates long-term behaviour change is the switch your thinking program. Through this initiative the government is committing \$19.1 million over four years to bring together and expand our existing rebate and incentive programs for households, businesses and government agencies. It will introduce new programs to assist Canberrans, made more accessible through a virtual one-stop shop, with information on rebates and information and guidance on ways to reduce their carbon footprint, improve energy and water efficiency in their homes and tackle waste issues in their businesses or offices.

For water, the virtual one-stop shop will include information on how to access the toilet smart and commercial bathroom retrofit programs, rainwater tank rebates and incentive programs that target the low-income sector as well as audit-based advice on water efficient gardening and in-ground irrigation systems. For energy, there will be information on an enhanced ACT energy wise program that incorporates key elements for government selection commitments, the parliamentary agreement and the government's climate change strategy as well as information on obtaining solar panel rebates and assistance to low-income earners to install energy efficient appliances, insulation and window coverings. For waste, there will be support for the business, government and community sectors to reduce waste through a web-based education and advice service, including case studies and best practice guides.

Switch your thinking will enable Canberrans to change their everyday lives in ways that will both save resources and help contribute to achieving zero net emissions. The switch your thinking virtual one-stop shop and rebate and incentive programs are planned to be in place by the end of July this year.

The government is also providing funding in this year's budget to a number of initiatives that directly respond to the commissioner's recommendations in relation to resource use. These include: \$483,000 over two years to conduct widespread industry consultation and develop a future waste strategy for the ACT targeting business, electronic and organic waste in order to overcome the obstacles to recovery of recycling from the commercial waste stream and so further reducing waste to landfill; \$85,000 to allow the government to engage with the community on the issue of how to best reduce the use of plastic bags in the ACT; \$3.3 million over four years for the Mugga Lane recycling transfer station to reduce the amount of waste going to landfill and increase the amount of material that is recycled; and \$2 million over two years to provide incentives to owners of commercial properties to improve the energy efficiency of their buildings and complement the government's earlier commitment of \$600,000 over two years for the commercial bathroom retrofit program with incentives to improve the water efficiency of commercial buildings.

The government has also responded positively in this year's budget in the areas of water use and biodiversity conservation with: \$13.9 million over two years to

construct two new wetland ponds at Dickson and Lyneham to reduce demand on potable water for sports grounds and ovals and improve the water quality of Sullivans Creek; \$2.5 million for a water plant to reuse effluent water for irrigation at Exhibition Park as well as reducing reliance on potable water; \$950,000 over three years to enhance conservation programs at the Mulligans Flat, Goorooyarroo and Tidbinbilla nature reserves; \$830,000 over four years for supporting the continuing partnership with Greening Australia to engage the Canberra community in the replanting of the lower Cotter water catchment; and, finally, \$1.3 million over four years to support community and government partnerships for sustainability of the environment with the Canberra conservation council, the Canberra Environment and Sustainability Resource Centre and SEE-Change ACT.

The government looks forward to continuing to work with the commissioner in implementing the recommendations in her recent state of the environment report, and I commend the response to the Assembly.

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

## **Legal Affairs—Standing Committee Report 8—government response**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.24): For the information of members, I present the following paper:

Legal Affairs—Standing Committee—Report 8—*ACT fire and emergency services arrangements* (Sixth Assembly)—Government response.

I move:

That the Assembly takes note of the paper.

I would like to take this opportunity to thank the former Standing Committee on Legal Affairs for their work in relation to this inquiry. The government welcomes the report and its 22 recommendations.

Following the 2003 Canberra bushfires, both the coroner and Ron McLeod have inquired into the events. These reports made a combined total of 134 recommendations, the majority of which the government agreed to.

In an effort to ensure that the implementation of the agreed recommendations from both these reports was being appropriately addressed, the government requested the ACT Bushfire Council to provide a report on the implementation of the recommendations. This report is due to be completed in the very near future and I am confident that the government and the ESA will be shown to have performed well in their implementation of these important recommendations.

The government has taken seriously the recommendations that were produced by Coroner Doogan and Mr McLeod, and this is proven with the government having

injected substantial additional funding into the ESA budget since 2002-03. The emergency services budget paper 4 expenditure in 2003-04 was some \$38.5 million and in 2008-09 it was \$86.7 million. Additionally, the government has increased funds to the land management agencies in specific areas.

With the introduction of the Emergencies Act, any uncertainty that had been previously expressed regarding command and control of operations in an emergency was clarified to ensure that the appropriately qualified chief officer or an appointed territory controller maintain autonomous decision making.

I know that many have questioned the ESA's relocation to new purpose-built headquarters. I can confirm that the ESA's planning for the move to Fairbairn is well advanced and progressing well, with construction of that building now well underway.

Our emergency services are much better placed than they were six years ago. The recently released report on government services 2009 shows that the ACT Fire Brigade and ACT Ambulance Service are amongst the best in the country for their response times, and the ACT Fire Brigade, again, has the highest percentage in the country for successfully containing fires to their room of origin. The Assembly, as well as the whole community I believe should be proud of the work of our emergency services.

Whilst I am confident that the ESA is well placed and improving at all times, inquiries such as this provide for a useful examination of emergency services that assists in confirming confidence in the very positive achievements of the ESA and its readiness to meet emergencies. In addition, it assists in distilling recommendations for improvements or change when warranted. I commend the response to the Assembly.

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

## **Papers**

**Mr Corbell** presented the following papers:

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

Legislation Act, pursuant to section 64—

Animal Diseases Act—Animal Diseases (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-78 (LR, 28 May 2009).

Animal Welfare Act—Animal Welfare (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-79 (LR, 28 May 2009).

Children and Young People Act—Children and Young People (Official Visitor) Appointment 2009 (No 1)—Disallowable Instrument DI2009-64 (LR, 7 May 2009).

Civil Law (Sale of Residential Property) Act—Civil Law (Sale of Residential Property) Energy Efficiency Rating Guidelines Determination 2009 (No 1)—Disallowable Instrument DI2009-62 (LR, 4 May 2009).

Clinical Waste Act—Clinical Waste (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-80 (LR, 28 May 2009).

Crimes Act—Crimes (Transitional Provisions) Regulation 2009—Subordinate Law SL2009-21 (LR, 18 May 2009).

Domestic Animals Act—Domestic Animals (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-81 (LR, 28 May 2009).

Domestic Violence Agencies Act—Domestic Violence Agencies (Council) Appointment 2009—Disallowable Instrument DI2009-74 (LR, 22 May 2009).

Environment Protection Act—Environment Protection (Recognised Environmental Authorisations) Declaration 2009 (No 1)—Disallowable Instrument DI2009-36 (LR, 11 May 2009).

Fair Trading (Consumer Affairs) Act—Fair Trading (Consumer Product Standards) Regulation 2009—Subordinate Law SL2009-19 (LR, 14 May 2009).

Fair Trading Act—Fair Trading (Fitness Industry) Code of Practice 2009—Disallowable Instrument DI2009-65 (LR, 14 May 2009).

Financial Management Act—Financial Management (Budget Financial Statements) Guidelines 2009—Disallowable Instrument DI2009-57 (LR, 23 April 2009).

Firearms Act—Firearms Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-13 (LR, 6 April 2009).

First Home Owner Grant Act—First Home Owner Grant Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-16 (LR, 30 April 2009).

Fisheries Act—Fisheries (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-82 (LR, 28 May 2009).

Government Procurement Act—Government Procurement Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-17 (LR, 30 April 2009).

Health Act—Health (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-56 (LR, 23 April 2009).

Health Professionals Act—

Health Professionals (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-60 (LR, 4 May 2009).

Health Professionals (Fees) Determination 2009 (No 2)—Disallowable Instrument DI2009-63 (LR, 7 May 2009).

Heritage Act—Heritage (Register Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-83 (LR, 28 May 2009).

Legal Aid Act—Legal Aid (Commissioner—Bar Association Nominee) Appointment 2009—Disallowable Instrument DI2009-86 (LR, 29 May 2009).

Magistrates Court Act—Magistrates Court (Transitional Provisions) Regulation 2009—Subordinate Law SL2009-20 (LR, 18 May 2009).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-59 (LR, 28 April 2009).

Pest Plants and Animals Act—Pest Plants and Animals (Pest Plants) Declaration 2009 (No 1)—Disallowable Instrument DI2009-67 (LR, 14 May 2009).

Planning and Development Act—Planning and Development Amendment Regulation 2009 (No 6)—Subordinate Law SL2009-18 (LR, 7 May 2009).

Public Place Names Act—

Public Place Names (Crace) Determination 2009 (No 1)—Disallowable Instrument DI2009-77 (LR, 28 May 2009).

Public Place Names (Forde) Determination 2009 (No 1)—Disallowable Instrument DI2009-87 (LR, 1 June 2009).

Public Place Names (Jerrabomberra District) Determination 2009 (No 1)—Disallowable Instrument DI2009-66 (LR, 11 May 2009).

Public Sector Management Act—Public Sector Management Amendment Standards 2009 (No 3)—Disallowable Instrument DI2009-88 (LR, 4 June 2009).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2009 (No 2)—Disallowable Instrument DI2009-76 (LR, 20 May 2009).

Road Transport (General) (Driver Licence and Related Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-70 (LR, 21 May 2009).

Road Transport (General) (Numberplate Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-72 (LR, 21 May 2009).

Road Transport (General) (Parking Permit Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-69 (LR, 21 May 2009).

Road Transport (General) (Refund Fee and Dishonoured Cheque Fee) Determination 2009 (No 1)—Disallowable Instrument DI2009-71 (LR, 21 May 2009).

Road Transport (General) (Vehicle Registration and Related Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-73 (LR, 21 May 2009).

Road Transport (General) (Vehicle Registration) Exemption 2009 (No 1)—Disallowable Instrument DI2009-61 (LR, 30 April 2009).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2009 (No 2)—Disallowable Instrument DI2009-68 (LR, 14 May 2009).

Stock Act—Stock (Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-84 (LR, 28 May 2009).

Transplantation and Anatomy Act—Transplantation and Anatomy Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-12 (LR, 6 April 2009).

Utilities Act—Utilities (Consumer Protection Code) Determination 2009—Disallowable Instrument DI2009-75 (LR, 18 May 2009).

Waste Minimisation Act—Waste Minimisation (Landfill Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-85 (LR, 28 May 2009).

## Implementation of the nation building and jobs plan

### Ministerial statement

**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) (3.28), by leave: On 5 February 2009 the Prime Minister, the Hon Kevin Rudd, and state and territory leaders signed the *National partnership agreement on the nation building and jobs plan: building prosperity for the future and supporting jobs now*, announced by the Prime Minister on 3 February. The plan extended the commonwealth stimulus measures announced in December 2008.

The ACT is working with the commonwealth to implement the nation building and jobs plan to limit the extent of the economic slowdown and associated job losses. The ACT will benefit from around a total of \$334.5 million dollars in commonwealth funding under the plan, with \$229.3 million of this amount for school infrastructure and \$102.7 million for social housing. In addition, ACT households and businesses will benefit from estimated funding under the plan for:

- a one-off tax bonus for eligible taxpayers of up to \$900 for individuals and families, depending on income thresholds, estimated at \$141 million, the single income family bonus, estimated at \$14.9 million, and a training and learning bonus, the education entry payment supplement and the back to school bonus, estimated at \$37.5 million;
- road safety through the black spot program, \$2.4 million, the regional and local community infrastructure, estimated at \$8 million, and the national highway network, estimated at \$100,000;
- improving the energy efficiency of homes through the addition of solar hot water and ceiling insulation, estimated at \$28 million;
- additional defence housing, with a number of the properties to be built in the ACT, estimated at \$3 million; and
- small business and general business tax breaks, estimated at around \$32 million.

To maximise the timely and effective delivery of the 3 February nation building and jobs plan, the commonwealth, states and territories agreed to new national coordination arrangements, involving coordinators at commonwealth, state and territory levels, to support monitoring and implementation of the infrastructure and stimulus measures.

There was also agreement that the ACT would not use the funding provided under the plan to finance existing capital works being undertaken for schools, social housing and roads. The commonwealth funding was for additional effort in those areas.

A small task force has been set up in the ACT, led by the coordinator-general reporting directly to the Chief Minister. The task force has responsibility for overseeing the rollout of the planned infrastructure and construction in the ACT and

for ensuring the ACT maximises the share of the stimulus package it receives. The task force has also been tasked with identifying changes to systems, procedures, practices or policies that are required in order to meet the time frames.

To expedite the schools construction program, exemptions from development applications took effect on 23 March. These exemptions apply to all projects that meet prescribed physical parameters, within certain heights and setbacks, and for features such as shade structure and upgrading front entrances. The school works have also been exempted from third-party appeals which had the potential to cause significant delays to the construction work.

A notifiable instrument regarding development exemptions for regulated trees has also come into force for building the education revolution projects. Other measures are under consideration to streamline planning approval processes to ensure the ACT receives the full benefit of the timely delivery of the stimulus package. Further detail on the implementation of the main elements of the nation building and jobs plan in the ACT follows.

The Australian government will provide in the order of \$230 million locally over the next three financial years for new facilities and refurbishments at the ACT's public and non-government schools. This will allow schools to build and upgrade facilities which will also be available for broader community use. The investment will help to stimulate the local economy through the scale and pace of construction work.

Three key elements of the building the education revolution are:

- primary schools to the 21st century: investment of \$208 million in the ACT to build or renew large-scale infrastructure in all primary schools;
- national school pride program: investment of \$20 million in the ACT to refurbish and renew existing infrastructure and build minor infrastructure, with up to \$200,000 provided per school; and
- science and language centres for 21st century secondary schools: an application based fund to build new science laboratories and language learning centres in secondary schools that can demonstrate both need and capacity to complete construction.

In recognition of the need to deliver the financial stimulus from building the education revolution, the jurisdictions have agreed under:

- primary schools for the 21st century—that states and territories and block grant authorities, on behalf of the non-government schools, prioritise school project bids into three funding rounds for commonwealth approval;
- science and language centres for 21st century secondary schools—that schools will be funded on a competitive basis where schools can demonstrate need, readiness and capacity to complete construction by 30 June 2010; and

- national school pride program—that state and territory education authorities and block grant authorities lodge applications for commonwealth approval in each round, with 60 per cent of projects to commence between April and May 2009 and be completed by 20 December 2009 and the remaining 40 per cent to commence by July 2009.

The Australian government has approved funding of \$12 million for round one NSP projects at 77 schools. Approximately \$7.5 million will go to projects at 50 public schools, while approximately \$4.5 million will go to projects at 27 non-government schools. Round one NSP funding represents the order of 60 per cent of schools in the ACT. The commonwealth also announced the approval of round two projects totalling \$7.3 million for 49 schools—32 public schools and 17 non-government schools.

Under the first round of the primary schools for the 21st century, the ACT has received approval for 27 projects across 22 schools, worth \$50 million. Fourteen of those schools are public schools, four are Catholic and four are independent. Round two of the primary schools for the 21st century was announced on 10 June. The ACT received funding totalling in excess of \$140 million for 78 projects at 66 schools. The funding included \$106 million for 53 projects at public schools and \$33 million for projects at 19 non-government schools.

An industry briefing session was held on 6 May 2009 for pre-qualified architects, building certifiers and project managers involved in delivering these works in both the public and non-government school sectors. The session explained the planning and development regulations and the processes that have been put in place.

The \$500 million vocational education and training fund is part of the plan. Guidelines and a funding formula for the better TAFE facilities element of the teaching and learning capital fund, vocational education and learning have been agreed. The six CIT projects lodged by the ACT under this element were approved by the Australian government on 21 May, totalling \$3 million.

Guidelines for the second element of the fund, the training infrastructure investment for tomorrow, were distributed to jurisdictions on 16 April, along with a call for submissions. The CIT is the only eligible organisation listed for the ACT. The guidelines allow for bids from consortia led by eligible organisations.

The ACT has been working closely with the Australian government on its reform agenda for social housing. The commonwealth will produce \$102 million in the ACT between 2008-09 and 2011-12 for the construction of around 300 social housing units and repairs and maintenance to around 240 existing public housing dwellings. Under this new commitment, the Australian government will allocate funding of \$96 million for new social housing:

- Stage 1: the ACT has been allocated \$11 million for suitable projects already in its development pipeline that can be brought forward and built by the end of 2009-10. The commonwealth approved stage one construction projects at the end of March 2009. Stage 1 constructions, scheduled to commence in 2009, include townhouses, duplexes and other properties that were already in the development pipeline.

These are located in Franklin, Ainslie, Downer, Wanniasa, Richardson, Gowrie, west Belconnen, Narrabundah and Garran. The properties will mainly provide homes for smaller households, although they include a number for larger families.

- Stage 2: \$85.2 million will be allocated from 2009-10 to 2011-12 to the ACT on the basis of an assessment of suitable proposals which closed on 25 May 2009.

The Australian government has also provided \$6.4 million to the ACT for repairs and maintenance to existing public housing stock over two years; \$3.2 million will be spent by 30 June.

This program will provide significant stimulus to the building and construction industry. The commonwealth, states and territories have also agreed that this measure would drive significant reform of social housing through consolidation of waiting lists, growth of the not-for-profit sector, funding reform, and reduction of concentrations of disadvantage.

A public information session on stage 2 of the social housing initiative was hosted by Mr Hargreaves on 16 April. The session was well attended and well received. Representatives of the community housing sector and the building industry attended. A call for proposals from the market for land and housing packages from the building sector and the community sector was open for a month from 25 April. A consultation forum to provide further advice on the commissioning and construction of affordable, energy efficient, low emission housing was held in late April.

In addition to social housing, the Australian government has approved funding of \$252 million for Defence Housing Australia to construct an additional 802 new houses nationally. It is expected that approximately \$3 million to \$5 million of this money will flow through to the ACT for the construction of up to 10 homes. Defence Housing Australia is well ahead of schedule in its program and has signed contracts for the construction of 223 homes to date.

The Australian government is investing \$26 million nationally on road and rail infrastructure through the nation building program over the six-year period 2008-09 to 2013-14. There are several components under the nation building program, including national highways, roads to recovery, black spot and heavy vehicle programs. Old AusLink funding has now been included in the plan, and the following projects will be delivered over the next four years: airport roads, \$30 million, which requires matched funding from the ACT; Lanyon Drive stage 2, \$7.5 million, requiring matched funds from the ACT; maintenance of the Barton and Federal highways, \$2.35 million; and black spot program base funding of \$610,000.

The ACT received an additional \$100,000 from the national highway network maintenance program component of the nation building program for maintenance of the Barton and Federal highways. The ACT also received an additional \$1.8 million in the black spot program component of the nation building program. Eight projects identified as high priority danger spots on Canberra's roads received funding. The projects were identified by a panel of independent road safety experts. The details of the funded projects are: \$524,000 for traffic lights on Yamba Drive; \$325,000 to upgrade existing traffic signals at Drakeford Drive; \$287,000 for improved signage at

the intersection of Hindmarsh Drive and Dalrymple Street; \$170,000 to install directional signage at Coorong and Mort streets; \$15,000 for a high-angle approach to improve left turns at Morphett Street; \$58,000 for line marking at Ginninderra Drive; \$70,000 to upgrade edge lines on William Hovell Drive; and \$340,000 to install traffic signals at the intersection of Luxton Street and Lathlain Street, Belconnen.

The Australian government is also investing \$300 million in local governments to stimulate local growth and economic activity in 2008-09. This funding package is available in two components: \$250 million in the regional, local and community infrastructure program and \$50 million in the strategic projects program. The ACT received \$2 million under the regional program to upgrade Eddison and Glebe parks. The Eddison youth recreation facility will provide youth spaces, performance stages and rest and respite areas. The Glebe Park upgrade will include a new shade sail over the existing playground, a multifunctional seating and play wall and an events stage in the southern zone of the park. In February 2009, as part of the nation building program, the Australian government announced an increase in that fund to \$550 million.

On 5 April 2009, the Australian government announced a \$650 million jobs fund to support local jobs, build skills and improve facilities in local communities. This program is primarily aimed at providing employment in areas of high disadvantage across Australia. This amount is in addition to the government's \$42 billion economic stimulus plan. The Australian government has identified seven priority areas to receive funding under this component. None of those areas fall within the ACT or surrounding region. Guidelines for those applications were released on 18 April.

I present the following paper:

Nation Building and Jobs Plan—Implementation in the ACT—Ministerial statement, 16 June 2009.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

## **World Refugee Day Ministerial statement**

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections) (3.41), by leave: I present the following paper:

World Refugee Day 2009—Ministerial statement, 16 June 2009.

I move:

That the Assembly takes note of the paper.

Today it is my pleasure to rise to commemorate 2009 and World Refugee Day, which will be celebrated on Saturday, 20 June. Every year across the world countries, communities and individuals pause to celebrate this day. It was in 2001 that the United Nations General Assembly established 20 June as World Refugee Day, a day on which we acknowledge the indomitable spirit and courage of the world's refugees.

In the year 2007-08, the United Nations estimated that there were 16 million refugees, people forced to flee religious, racial, linguistic, ethnic and political persecution. Madam Assistant Speaker, before I go on, can I apologise for the format of the statement that has been distributed to members and provide an explanation for the change. The original, which was to be circulated, in fact did not contain the correct title of individuals about to be named in it. For example, some people had Orders of Australia and that was not recognised in the text. I wished to make that correction. We needed to get that done for the chamber in a bit of a hurry, so I seek the chamber's indulgence for the change in format.

The Universal Declaration of Human Rights states that everyone has the right to seek and to enjoy in other countries asylum from persecution. It was this principle of human rights that formed the basis of the 1951 convention relating to the status of refugees and the subsequent 1967 protocol of which Australia was a signatory.

As we are all aware, the ACT is a jurisdiction in which human rights underpin our way of life. The recognition in law of human rights in our jurisdiction means that the inherent dignity of a person is recognised and valued. In our community, discrimination is not acceptable. Furthermore, the Human Rights Act 2004 upholds the rights of minorities. Anyone who belongs to an ethnic, religious or linguistic minority must not be denied the right with other members of the minority to enjoy his or her culture and to declare and practise his or her religion or to use his or her language.

The ACT government acknowledges the vast diversity of talent, achievement and experience of refugees, asylum seekers, newly arrived migrants, second and third generation members of cultural groups and other humanitarian entrants. Indeed, the list of Australians who were former refugees includes some absolute stars. Examples include Tan Le, the 1998 Young Australian of the Year; Sir Gustav Nossal AC, CBE, the prominent scientist and humanitarian; eminent portrait painter, Judy Cassab AO, who also fled Nazi persecution; A-list comedian Anh Do and his brother Khoa Do, who was Young Australian of the Year in 2005; and the former head of SBS Radio, Quang Luu AO.

As for the ACT, there are a number of former refugees who have carved out wonderful contributions to our society, including Tu Pham, the ACT Auditor-General, and I would ask members to note that correction in their draft; Seya Rangsi, proprietor of the hugely successful Dickson Asian Noodle House; and Goy Leek, chair of the Sudanese Australian National Youth Council.

This foundation of human rights makes the ACT a welcoming sanctuary for asylum seekers, refugees and other humanitarian entrants from countries across the world. In May 2009, approximately 30 humanitarian entrants arrived in Canberra from

countries including Afghanistan, Bhutan, Iraq, Sudan, Uganda, Myanmar, Thailand and Pakistan.

As Minister for Multicultural Affairs, I would like to personally welcome them to our community. Every year the United Nations promotes a theme for World Refugee Day, and this year the theme is real people, real needs. This theme bodes well with the ACT's welcoming perspective towards refugees, asylum seekers and other humanitarian entrants. Indeed, the ACT is a community in which it is understood and recognised that asylum seekers, refugees and other humanitarian entrants are, indeed, real people with real needs.

I understand that this recognition of real people with real needs is important to the people and their children that we acknowledge today. At a practical level, this recognition involved assisting these individuals to link with people and organisations that can help identify and address their real needs. The ACT's refugee asylum seeker and humanitarian coordination committee plays an important role in this regard. This committee comprises representatives from service providers involved with the resettlement of asylum seekers, refugees and other humanitarian entrants in the Australian Capital Territory. The ACT government's Office of Multicultural Affairs chairs and provides secretariat support to the committee. The committee then plays an important role in assisting with the identification of issues, facilitating the provision and exchange of information and contributing to the development of policy advice to both the ACT government and the federal government.

Madam Assistant Speaker, it is all about recognising real people with real needs. The ACT government is committed to policies and programs that help refugees, asylum seekers and other humanitarian entrants to resettle in our community. These policies and programs are aimed at promoting unity, respect and inclusiveness in the Canberra community for everyone, those who have lived here for many years and those who are newly arrived. Strategies to assist newly arrived Canberrans include essential services such as childcare for children of refugees attending English language classes at CIT, the refugee transitional housing program, which is run in conjunction with Centacare and Companion House, primary healthcare services, mental health counselling and referral services for victims of trauma and torture, free emergency and non-emergency medical care in the ACT's public hospitals and concessions for ambulance, dental services and spectacles.

The ACT government is not alone in creating this welcoming environment. The ACT is such a welcoming environment for refugees, asylum seekers and other humanitarian entrants because of the strong partnerships between the ACT government and non-government organisations. Today I would like to acknowledge a number of dedicated individuals who are instrumental in this regard. I know many of these people are well known to colleagues in this house.

I acknowledge Ms Kathy Ragless, director of Companion House; Mr Bevil Purnell OAM, the community liaison officer of St John the Apostle's refugee settlement committee; Ms Marion Le OAM of the Independent Council for Refugee Advocacy; Ms Dewani Bakkum, manager of migrant and refugee settlement services; Mr Geoff McPherson, the president of Canberra Refugees Support and a former Canberran of the Year; Ms Sue-Ann Polden, the manager of Centacare's new arrivals

humanitarian service; Ms Liesl Brown, the international tracing and refugee and asylum seeker services manager of the Australian Red Cross; and Mr Werner Padarin of St Vincent de Paul's Caritas Christi conference.

These individuals and their organisations are the first port of call for those seeking resettlement services. I thank these individuals and their organisations for their invaluable work and for joining with the ACT government in making Canberra a welcoming place for refugees, asylum seekers and other humanitarian entrants.

The ACT government will soon publish a brochure in various community languages that will reflect this collaboration. The brochure will provide useful contact information for both government and non-government organisations which will assist refugees, asylum seekers and other humanitarian entrants to settle in the ACT and advise them of their rights and responsibilities as citizens of the ACT and of Australia. It is clear that the ACT's approach is all about real people, real needs.

Another aspect of this acknowledgement of real people, real needs is about recognising the important contributions that refugees, asylum seekers and other humanitarian entrants make towards enhancing Canberra's multicultural way of life. This is apparent in the many endeavours undertaken by them, from learning and enhancing their English language skills, pursuing academic and career pathways, such as through the work experience support program, and further studies building their community capacity—for example, through the use of the facilities of the Theo Notaras Multicultural Centre and also through actively participating in the National Multicultural Festival.

To honour and celebrate 2009 World Refugee Day, the ACT government, in conjunction with the United Nations High Commission for Refugees, will be flying World Refugee Day flags around the city from 14 to 28 June. In addition, the United Nations High Commission for Refugees is lighting key buildings around the nation's capital in blue to commemorate the occasion.

Madam Assistant Speaker, I would like to take this opportunity to recognise the invaluable work of the community organisations. The hard work and dedication of individuals from these organisations has contributed strongly to advancing the plight of refugees, asylum seekers and other humanitarian entrants in the ACT.

In conclusion, Canberra is a richer place because of the presence of refugees, asylum seekers and other humanitarian entrants. World Refugee Day, 20 June, is a good day, a day during which we can focus on the needs, and to recognise the contributions and achievements, of refugees, asylum seekers and other humanitarian entrants into our community.

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

## **Open and accountable government**

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

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter,

Ms Le Couteur, Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter of public importance proposed by Mr Seselja be submitted to the Assembly, namely:

The importance of open and accountable government.

**MR SESELJA** (Molonglo—Leader of the Opposition) (3.53): It is with great pleasure that I rise to speak on this very important issue today. I think it is most timely, given the estimates report which has just been handed down and will be debated in coming days and some of the matters that arose from there.

The issue of open and accountable government is of critical importance because it goes to the ability of governments to be scrutinised—to allow themselves to be scrutinised—and the ability of the community to know how their money is being spent and what decisions are being made on their behalf. This is critical to that contract that there is between government and the governed.

People elect political representatives to make a lot of decisions on their behalf. What is critical in that decision making is that that is open and accountable so that—not just at elections, but most importantly at elections—the electorate can judge the performance of their government and the performance of their elected representatives. Ongoing and accountable government transparency allows that to be an ongoing process, a process which continues right throughout the electoral term. The media has a role to play in this; the Assembly has a critical role to play in this; Assembly committees have an important role. Shadow ministers and a number of other independent agencies also have a role to play.

This government came to office on the promise of more open and more accountable government. Their record, unfortunately, has in no way lived up to this. In the Greens-Labor agreement we have seen a lot of words that are meant to be a reform agenda for this government. It says:

The Parties commit to:

### **1. Accountability and Collaboration**

The purpose being to improve accountability and practice in the relationship between the Executive, Parliament and the Judiciary in the ACT, and improve the involvement of non- executive Assembly Members in the development of legislation, policy and service delivery ...

The Greens-Labor agreement also states:

Pursue measures which will ensure:

- (a) Parliamentary procedures which enforce the accountability of the Executive to Parliament ...
- (b) Greater collaboration between the Executive and parliament in the development of legislation ...

- (c) Higher standards of accountability, transparency and responsibility in the conduct of all public business ...

Given these high ideals, both back in 2001 and at the commencement of this term, I think it is worth looking at where we are at the moment in that process and reflecting on where we have come from.

In estimates we have seen a number of examples of this not being lived up to—a number of unfortunate examples. The most blatant of these is discussed in the estimates committee report. It relates to the conduct of the planning minister. The planning minister and the health minister were both asked to come back and answer questions in relation to the call in of the car park at Canberra Hospital. This was an area of great interest during the health committee inquiry. It turns out—we found out subsequently, only after that second day of hearings when the health minister appeared—that it was then that a letter went to the planning minister asking that he call the process in.

We believe that that is very interesting timing, to say the least. We became even more interested, obviously—we did not know about it at this point, but we became more interested in looking at it when we saw the planning minister make an announcement on Friday at the end of estimates. On Friday afternoon, the day after he appeared as planning minister, when we could ask him questions about this, he made the announcement—after the conclusion of the estimates hearings—that he would be calling the car park in.

The way this was handled by both ministers is unfortunate. If you have got a reasonable argument for doing something, you should not have to hide it. We all acknowledge—I know that Mr Smyth, when he was minister and in opposition, and I myself as shadow planning minister have acknowledged—that on occasion the use of call-in powers is eminently reasonable. We believe that the call-in power should exist and should be used from time to time. That is our position.

We believe that it can be used for bad reasons and for good reasons. If you are confident of your reasons, why would you not be open about it? Why would you not just say to the committee, when we were asking questions about this, “Well, actually, we do have some concerns about delay, and for that reason we will be calling it in.” They did not; they tried to avoid scrutiny. As a result, we had to call the health minister and the planning minister back. They were fairly simple questions that could have been easily dealt with when we had those ministers there in front of us and there would have been no need to reconvene. They made it difficult.

The problem was that the health minister agreed to come back, to her credit, but the planning minister said no. It is not up to the planning minister to determine when it is reasonable to respond to a committee request. The estimates committee is charged with the task of examining the budget and asking questions of ministers. It is up to the estimates committee as to what kind of questions they ask of ministers. It is not up to the planning minister to determine unilaterally that he does not believe he needs to come back and answer.

We had a situation of a recall last year when the Chief Minister came back and answered questions. We might not have liked some of the answers we got and we may not have found them particularly enlightening at times—there were a number of examples of misleads during that power station process—but at least the Chief Minister came back when asked to do so by the Assembly committee. The planning minister showed absolute contempt for the Assembly and for the estimates process. You cannot have open and accountable government if ministers simply refuse to show up.

Now the task will be for the Assembly to consider this matter. People will have the chance to read the estimates report and to look into this issue and at what further action is needed. It does recommend that the Assembly take further action. It is one of the most blatant examples of thumbing your nose at openness and transparency that we have seen for some time. We also saw the planning minister in his role as education minister using government resources for party political purposes through the office of his chief of staff. We saw that also come out in estimates, and I have dealt with that a little bit today.

I wanted to deal with the health minister as well—what we saw at estimates on openness and accountability. We saw it in relation to the use of the hospital for ALP ads. Both the education minister's office and the health minister directly use their offices in order to arrange for party political ALP advertising, but what is critically important in the context of this discussion about openness and accountability is this. When we asked them—it was only when we asked questions about it; I think it was originally through questions on notice that we asked it—about whether government facilities were used, we were originally told by the health minister that they were used. Then we sought documentation. There was not one scrap of documentation to back this up. All we had in this process was the health minister getting on the phone to the CEO of Health and saying, “Would it be okay if the Labor Party used the hospital for an ad?” There was not one scrap of documentary evidence.

How is that for openness and accountability? How would the Greens have gone if they had tried calling the CEO of ACT Health and asking if they could use it for a Greens ad—or the Liberal Party, the Motorist Party or any of the other parties that stood at the last ACT Assembly election? I suggest to you that they would have had a somewhat tougher time in getting access to the hospital and I suggest that there probably would have been reams of documentation for any of these party representatives to fill out in order to use a hospital for a party political ad.

For the Labor Party in government, all it took was a phone call from the minister to the CEO of Health and it was arranged. Was there an email? No. Was there a letter? No. Was there a document, a form, an insurance form or anything to sign to back this up? Not that we are aware of. With all the questions we have asked, we have not been provided with one scrap of paper. How is that for openness and accountability?

We have a continuing politicisation of the public service, an attempt to politicise the public service by this government, by the ministers in this government. Indeed, Ms Gallagher is one of the worst offenders, it would seem, from the evidence that we have had.

We have also seen, and we discussed it at length, the covering up of embarrassing information in FOI. During the power station issue we saw the selective release of documents that were denied under FOI. We saw documents denied to the opposition under FOI which were then given to journalists because the Chief Minister felt that that might be in his interests—to tell a selective tale, to give a little part of the story.

If there was one thing the power station taught us, it was bad process, it was lack of accountability, it was lack of transparency. We were told that, having received a whack at the last election, this was a new commitment by the Labor Party to openness, accountability, consultation and all that goes with it. What we have seen at the estimates says that not much has changed.

The health minister was the minister responsible, prior to the 2004 election, for the promise not to close schools. It was the health minister as education minister at the time who said, “No, we will not be closing schools in the next term of government.” Six weeks later, they turned around. Six weeks later, after the election, she turned around and said, “Actually, what I said before the election was not true; I did not mean it,” or, “I have now changed my mind.” And they started closing schools, leading to the mass closure of schools in 2006, 2007 and 2008.

We have a health minister, Katy Gallagher, who has continued along this path. Prior to the election, she claimed that all of the plans were on the table, yet she was conducting secret negotiations to buy Calvary hospital. That is not all your plans on the table. All your plans are not on the table if you have made a decision, as she acknowledged, prior to the election that you want to purchase Calvary—make a major decision in relation to health care. You commenced negotiations in order to put this plan into effect, yet you sit there and you claim that all of your plans are on the table. Prior to the 2004 election, it was ruling out school closures. Prior to the 2008 election, she said all of her plans were on the table and they clearly were not.

We see this pattern of behaviour. We only have to go back. It has been with us for a number of years. Mr Smyth reminded me of the ACT Health budget estimates 2003 document, which is a public service document that is designed to avoid giving information in estimates. That is essentially what it is doing. Unfortunately, through the ongoing politicisation of the public service by ministers in this place, we see that they would like to see this kind of behaviour continue. This kind of behaviour that we have seen in the past is apparently being encouraged.

We do not have to go through it all. We talk about the blame game. In this document, this ACT Health budget estimates document, nothing works better than pointing out that an area of concern or attack is in fact the fault and/or responsibility of another. There is nothing like avoiding responsibility. The attitude to it comes right from the minister. Katy Gallagher said to us, when we were recalling, “It is not up to me to write your questions for you”—apparently unless you are Ms Burch; then it might be.

But we see this other one: always follow the minister’s lead; he or she will defer to your expertise as required. The minister is setting the lead. She said it very clearly in estimates. She gave us the attitude that she was not going to give up any information unless she absolutely had to, unless she was forced to. It is a good lesson for all

members of this place that ministers will give up information only when they are pushed. That is why we have some of the exchanges in estimates—when ministers simply will not give answers to simple questions.

We have seen that coming right from the top, from Minister Katy Gallagher—her politicisation of the public service. It must be acknowledged that the head of the education department, or the acting head, made it very clear what she thought about this as a conflict of interest. She said that if it happened in education she believed that it would be a conflict of interest, which is why she would not have approved it.

It turns out that her predecessor, at the urging of the chief of staff of the education minister, did not believe that it was a conflict of interest and actually approved it. But Janet Davy got it right when she said that it would be a conflict of interest. Indeed, she deserves to be commended. We did not have any qualms by the health minister in compromising the head of her department in ensuring that the ALP got to use the hospital.

We saw the cover-up of embarrassing FOI documents; we have discussed that at length. We have not had time to go through some of the issues around land rent and some of the less than forthcoming answers we had from the Chief Minister in the lead-up to the election and after the election. That is something that, once people have had a chance to digest the estimates report, we as an Assembly will have to look at.

In relation to OwnPlace, there was misrepresentation. There was misrepresentation of what the committee said. The committee found that there indeed was misrepresentation of what went on in the committee by the Chief Minister.

I would just say to members of the Assembly—to all non-executive members and to all members—“Look at the report very closely.” As far as openness and accountability go, we saw the attempt to avoid them. We saw a number of examples of politicisation, failure to allow themselves to be scrutinised, avoiding issues deliberately and, on a number of occasions, giving contradictory evidence which had to be corrected and in some cases still has not been corrected. I would simply say to all those ministers who are particularly named that they should check the record, and they should come back and correct the record as soon as possible—(*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) (4.09): I am grateful for the opportunity to speak on this matter of public importance today. I will focus on two aspects of this debate in the time that I have available to me.

The first is the extent to which open and accountable government, something which each member of the Labor Party in this place strives for, must nevertheless be tempered by the actualities of the real world: resources, logistics, commercial confidentiality, cabinet confidentiality and, importantly, genuine public interest. As anyone in Canberra who has ever done a decent day’s work in a government agency would know, these limits to which I have referred are real, not imaginary, and on occasion they are necessary.

The second aspect of the debate that I will touch on is the responsibility that rests on others in this place to use information that they have obtained through the open and accountable processes of government honestly and fairly. Might we even say openly and accountably?

I would like to share with you some of the questions on notice received by ACT government agencies or ministers in relation to the recent estimates hearings. Observe that these samples are drawn only from my portfolios. I imagine that there are others, equally enlightening, drawn from the areas of responsibility held by my ministerial colleagues.

Judge, if you will, what these questions and their answers could possibly add to the sum of openness and accountability practised by this government or any government. Decide for yourself how answers to these questions could possibly illuminate the debate on the budget for this coming 12 months and then bear in mind that a hardworking public service was given five days to answer 2,550 questions at an estimated cost of \$1.5 million, consuming 12,500 public service hours across 20 areas of government. In my portfolio areas alone, there were 911 questions on notice. Here is one:

What is the rationale for the view that motor traffic is necessary in Bunda Street and other city areas?

What is the rationale for the view that motor traffic is necessary in the city of Canberra? The department had five days to scope the history and usage of the motor car in human history, five days in which to struggle to identify a single line in any budget paper to which such a philosophical question could possibly relate. It was a vain and futile search.

Here is another: what is the total cost of green paint purchased by the Department of Territory and Municipal Services? A fine question from Mr Coe, who seems not to have caught up with the fact that his party, the Liberals, now support on-road cycle paths—a stance dating, we understand, from one week before the last election. The Liberal Party has opposed on-road cycle paths for the entirety of its time or my time in this Assembly, but suddenly, in the week before the last election, it discovered a support for on-road cycle paths. Perhaps Mr Coe was proposing to lament that we do not spend enough on green paint. We, of course, hope to be able to oblige him, in time.

Here is another one from the steel-trap mind of Mr Coe: what is the total revenue received by the ACT government from registrations of goods-carrying trailers, caravans and fixed-load trailers not exceeding 4.5 tonnes? A good question, Madam Assistant Speaker, and a question that has been bothering me ever since I became Minister for Territory and Municipal Services! Another question is: what is the average number of kilometres driven by each make and model of bus? I am sure that Mr Coe is lying awake at night in eager anticipation of receiving the answer to that question.

There is one from Mr Seselja, asking how much the LDA spent on advertising this year to promote various estates, including Bonner and Franklin, broken down, if you

please, into how much was spent for signs, how much was spent in relation to newspaper ads, how much was spent on brochures, how much was spent on television advertising and how much was spent on radio. Oddly—and I guess we could actually remedy this particular omission—he did not ask how much was spent on skywriting or on viral advertising or perhaps on Twitter. Just imagine the depth of understanding one might gain of the workings of government from such minutiae as he did request. But then, of course, the revelation is that \$2,000 was spent on banners for Bonner, but only \$1,500 was spent on banners for Franklin. There is the significance.

Here is one from the Lite Greens:

What is the difference between urban renewal and infill land release?

Really, wouldn't a dictionary have answered that as well? And this one:

Why is tree removal so often done on Sundays ...

Some of the questions have a sinister edge to them. Witness this one from Mr Hanson:

How many ACT Health staff, are employed from overseas ...

The answer is exactly the number required to staff our hospitals and health centres so that when Mr Hanson turns up at accident and emergency with a splinter in his finger, he can be treated by a qualified, competent, hardworking health professional appropriately trained and equipped. We all know what lies beneath such a question. We all know what lies beneath the supposedly innocent question: how many ACT Health staff are employed from overseas? We know what lies beneath that question. It is unanswerable really, isn't it, and it is close to unspeakable.

The volume of work imposed on hardworking and apolitical public servants over recent days would be easier to stomach had the Liberals and the Lite Greens not so comprehensively squandered the opportunity to use the estimates hearings for their proper purpose—to inform themselves about the appropriation bill. Instead, those hearing were almost utterly consumed by politicking that could not, by the vastest stretch of the imagination, be linked in any fashion to the budget.

The second aspect of this debate that I will touch on today is the duty of members outside executive government to live by the same standards of openness and accountability that they demand of the government and government agencies.

**Mr Hanson:** Madam Assistant Speaker, I raise a point of order under standing order 55 in relation to imputation of improper motives.

**MR STANHOPE:** I ask that the clock be stopped, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Stop the clock.

**Mr Hanson:** The concern I have is that during the estimates hearings I asked a question on notice which I considered quite appropriate about the number of staff employed from overseas—

**MR STANHOPE:** There is no point of order, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER:** Mr Hanson, that is not a point of order. It is a debating point which you may take up in debate on the matter of public importance or in the adjournment debate.

**Mr Hanson:** I can go further, Madam Assistant Speaker. He implied certain—

**MR STANHOPE:** I raise a point of order, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER:** Sit down, Mr Stanhope. Sit down.

**MR STANHOPE:** No. You have told him to sit down and he refuses to obey your ruling, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER:** Sit down.

**Mr Seselja:** He is going on. He is clarifying.

**MADAM ASSISTANT SPEAKER:** Sit down. Mr Hanson is—

**MR STANHOPE:** No, he is not. He was told he had no point of order.

**MADAM ASSISTANT SPEAKER:** Sit down and be quiet. I will hear Mr Hanson.

**Mr Hanson:** If I may clarify, he said that what I was inferring was unspeakable. He will not clarify what it is that is so bad it is unspeakable. I was talking about foreign staff, and I can only infer from that allegations of racism or the like. I need him to clarify or utterly refute that that is the case, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER:** Mr Hanson, you might consider using standing order 46 at the conclusion of the debate or raising the matter in the adjournment debate. It is not really a point of order. It is becoming a point of debate between you and Mr Stanhope, rather than a point of order. There is no noticeable breach of the standing orders. I think that there is a disagreement of views between you. If you use standing order 46 at the end of the debate, that would be the most appropriate time to deal with that.

**Mr Hanson:** Yes, certainly. I note that it would be useful if Mr Stanhope could clarify the point that he is trying to make to the Assembly.

**MADAM ASSISTANT SPEAKER:** Before you commence, Mr Stanhope, I make the point that it is the Speaker or the person occupying the chair that determines whether or not the clock is stopped. You can ask, but you cannot demand it.

**MR STANHOPE:** I beg your pardon, Madam Assistant Speaker. I have no idea what you are talking about.

**MADAM ASSISTANT SPEAKER:** You said, “Stop the clock.” You can ask me to stop the clock or ask the person presiding to stop the clock, but you cannot ask the Clerk to stop the clock.

**MR STANHOPE:** My comment was addressed to you, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER:** I did not interpret it that way. If that was the case, I apologise. I make it clear to members that if members do want the clock stopped, they should ask the presiding officer rather than beat it out to the clerks. It is not their call. I call Mr Stanhope.

**MR STANHOPE:** Thank you, Madam Assistant Speaker. I can assure you I understand the relationship between the executive and paid officials, unlike the Liberal Party and the Greens in this place.

The volume of work imposed on hardworking and apolitical public servants over recent days would be easier to stomach if the Liberals and the Lite Greens had not so comprehensively squandered the opportunity to use the estimates hearings, as I said, for their proper purpose; that is, actually to scrutinise the budget—the appropriation bill. The hearings were utterly consumed by politicking that could not be linked to the budget.

The second aspect of the debate which I will touch on is the duty of members outside executive government to live by the same standards of openness and accountability they demand of the government. One of the most important attributes, I would have thought, of anyone in public life ought to be a modicum of self-awareness, a capacity to identify one’s own temptation to disingenuousness and then to conquer it and a capacity to live by the same standards that you set for others.

But that is not how the Liberals in this place behave. They subvert open and accountable government by misusing information they receive, by abusing the freedom of information laws in order to deceive the public and trick the media by taking advantage of briefings by public servants in order to launch disgraceful personal attacks upon them, accusing them of lying and traducing their professionalism—all for the most venal and momentary gain.

Who can forget their puerile and personal attacks on the Under Treasurer in this place? Who can forget Mr Coe’s description of the sworn evidence of the director of the library service as laughable on the day that she gave evidence to the estimates committee? Her evidence was described by Mr Coe, a member of the estimates committee, as laughable.

It was a disgraceful attack, a fact that does not seem to register with those opposite because anyone is fair game. There is no shame. There is not even comprehension that shame ought to be felt. Even the head of ACT Health, one of the most senior and most respected ACT public servants, is fair game, as we saw this morning. He is dispensable—collateral damage as a result of the ceaseless manipulation and misuse of the principles of openness and accountability by the Liberal Party.

That is what it is. Mr Cormack's reputation is simply expendable. It counts for nothing because there is a political point or score to be made—aided and abetted, unfortunately, this morning by the Greens. They are light on substance, light on backbone and light on fortitude—willing to drag down and trash the reputation of one of the most senior officials in this territory.

**Ms Le Couteur:** Ouch!

**MR STANHOPE:** Yes, it is a big joke. It is a big joke to destroy the reputation of a senior professional ACT public servant. What a laugh, Ms Le Couteur. It is a big joke. I do not think Mr Cormack is laughing, Ms Le Couteur.

**MADAM ASSISTANT SPEAKER:** Mr Stanhope, could you address the chair in accordance with standing orders?

**MR STANHOPE:** He is not laughing—

**MADAM ASSISTANT SPEAKER:** Mr Stanhope—

**MR STANHOPE:** nor are those other public servants that you have actually attacked this morning.

The pattern of behaviour of those opposite cannot be denied. It is too marked and too consistent to be anything other than deeply entrenched and cultural. It is the culture of a party that opposes for the sake of opposition, which has no policy of its own and so must attack the policies of others, even if it involves misrepresentation and outright defamation.

Let us recall Mr Coe's disgraceful defamation of local builders involved in the OwnPlace scheme—a defamation repeated by his leader and deputy leader.

*Opposition members interjecting—*

**MR STANHOPE:** Just go to the transcript and read the despicable allegations made by Mr Coe in estimates, a claim of extortion—

**Mr Seselja:** The committee found you misrepresented—

**MR STANHOPE:** Two Liberals and two Greens made a finding. By jingo, there is a finding that you would give some credence and weight to, wouldn't you? Yes, we will actually rely on that, won't we? What the record shows is Mr Coe's claim that OwnPlace builders were charging extortionate amounts. I refer to Mr Coe's description of extortion. It was a claim of price gouging. I do not resile from that. It is a fact. It was an allegation of price gouging made by Mr Coe and supported by his leader. It is as simple and plain as that on the record, on the transcript, that these were extortionate amounts.

I can understand the Liberals, with their lack of self-awareness, not actually going to what exactly it is—a claim of extortion or a charge of an imposition of an extortionate

amount. But for the life of me I cannot understand how the Greens went with that. The transcript shows, on its face, a claim by Mr Coe that the prices charged under OwnPlace were extortionate. That is essentially a claim of price gouging. That is what it is, plain and simple. This was all done, of course, under the coward's cover of parliamentary privilege. Read the transcript. Open it. They are good, honest builders. Five of the most reputable building companies in Canberra are fair game for the Liberal Party.

There are, of course, limits to what any government is required to divulge in the name of open and accountable government—limits imposed by sheer resources. How many Canberrans would agree that it is an appropriate and worthwhile use of their public service to sit hour upon hour answering questions of the calibre of some that I have read out today.

These limits are imposed by cabinet confidentiality. Sir Laurence Street, of course, our independent arbiter, gets it. It is a pity the Liberals do not get it—at least they pretend they do not get it—and it is a pity that the Greens cannot graciously accept the decision of an umpire that they themselves appointed with limits imposed by reasonableness. The quality of the avalanche of questions asked in the wake of estimates is too low for anyone to elevate them to the status of a fishing expedition. A fishing expedition perhaps you could understand. But this was an avalanche with no greater purpose than to allow the Liberals to stand here today and cry crocodile tears.

Today's motion is, of course, as confected as they come. It was dreamed up by the political geniuses, the mighty intellects of the Liberal Party. At about the same time, Mr Coe was thinking about how he could possibly waste the maximum amount of time of public servants within TAMS. He did that by coming up with the brilliant notion of asking for the breakdown in revenue from speed cameras by month, by individual camera and by offence category in each category. It is an answer that goes to 112 pages. (*Time expired.*)

**MR RATTENBURY** (Molonglo) (4.26): I congratulate Mr Seselja for bringing on this matter of public importance. I think it is one that is a constant theme and one that is particularly timely in light of recent comments made, particularly by the Chief Minister. We all were out there during the last election campaign, and we are well aware of how important open and accountable government is to the ACT community; it was a theme that came up constantly. That is why, when it came time for the Greens to sit down and talk with the parties after the election, it was a key part of the agreement we ultimately wrote with the Labor Party. The first appendix addresses many issues related to open and accountable government, some of which we have successfully implemented already and some of which we still have a bit of work to do on.

Some of the issues that have already been put in place include changes to the standing orders and confirmation by this Assembly of the acceptance of the Latimer House principles. We are currently undertaking an inquiry into whether we should have a parliamentary budget officer to improve accountability and transparency in the budget process and a range of other matters, including having a non-government chair of the Standing Committee on Public Accounts and of the estimates committee. All of these things are steps that have incrementally improved accountability and transparency of

the government here in the ACT. Of course, it is a process that requires ongoing effort and work.

It is interesting to reflect on some of the comments that have been made in this chamber today and in the press last week, particularly around the estimates process. Being a new member, this has been my first budget, and, perhaps naively, I assumed there would be a useful level of information in the budget papers. What we found, of course, is that the budget papers are fairly short on detail. So the estimates process provides an important point to try and gather some of that information.

Frankly, I find it quite surprising that I had to ask in estimates to get a breakdown of program spending. There is one line in the budget that says, for example, that this figure is the tourism spend for the entire year. There is no breakdown of where that money is going, so I had to spend a whole lot of time in estimates asking really detailed questions that, frankly, I should not have had to ask. The information should be provided. If we are trying to save paper, give us a CD-ROM. This information should be provided through the budget process, and I find it a little disingenuous of the government to complain about the number of questions we have to ask when the information provided to us is so singularly unhelpful.

There was a complete lack of detail on program spending; it was not clear from which buckets of money program spending was coming. Many of these basic questions had to be put on notice, so it is disingenuous to go out there and simply say that the Greens and the Liberals are being outrageous in asking these questions. The number of times I sat in on or watched estimates where the ministers took questions on notice that they or one of their departmental officials should have known the answers to actually raises questions about whether they are trying to avoid giving the information during the estimates process and trying to fob it off to the questions on notice process so that we will not actually get the information in the estimates hearings when we should be able to be given it on the floor.

From my own perspective, I found the number of questions that could not be answered about sustainability reporting very frustrating. There were a number of government departments that had no idea what they were doing on sustainability reporting and could not give us information. I am hopeful that, through the questioning process this year, with the spirit of good intentions, many of the departments will take note of the fact that they were unable to answer the questions this year and actually put the work in to be able to measure their own sustainability performance and be able to answer those questions next year. I can assure them that I and my colleagues in the Greens will be asking those questions next year. Frankly, if they still have to take them on notice in 12 months time it begs the question. As I said, it is unfortunate that this information was not more routinely included in budget papers or could not be answered when people came before the estimates committee.

A lot of discussion about government openness and accountability also links to the government's attitude. This is where we come back to some of the points Mr Stanhope was just making. This government have a choice to make about the style of government they want to be and about the culture they want to instil into the public service. For example, the government could issue a directive to the public service to make a presumption that all documents should be released, but I do not believe the

ACT government have done that yet. Instead, they fought tooth and nail to maintain conclusive certificates when Mrs Dunne brought on her legislation trying to get rid of them. They fought tooth and nail to retain the power to keep government documents secret.

When Mr Seselja brought in his legislation on government advertising, the Chief Minister gave a long tirade about how inappropriate it was. If he was truly interested in openness and accountability, he would have embraced that legislation, as the Greens have done. We want to make sure we get this right, because we are happy to have this kind of check and balance on government. If we are being open and transparent and are doing nothing wrong, we have nothing to fear.

I was particularly amused by Mr Stanhope bringing up the issue of cabinet confidentiality while he has had one of his ministers romping around for the last couple of weeks talking about the discussion he is about to take into cabinet about fireworks. He is going to tell us all about the cabinet process and where his various colleagues stand on this when normally cabinet confidentiality is such a virtue of his government. It is interesting to note that the Welsh parliament put their cabinet documents on the internet within a couple of weeks. For the ACT government, that would be a fundamental undermining of the notion of Westminster government. It says a lot about how important attitude is, as it is the executive that has the power to shape the culture—is it going to be openness and transparency or is it going to be secrecy and denial?

**Mr Stanhope:** Remind us again of what Mr Street said. What did Justice Street say again? You know—your commission, the arbitrator.

**MR RATTENBURY:** Thank you, Mr Stanhope, you remind me of that other point I want to come to—that is, your wonderful ability for hyperbole and exaggeration, your wonderful ability to take points out of context, twist them to your own benefit and completely distort things that people have said. I was interested in your interpretation of the estimates process. While sitting in estimates—I probably sat in there a bit more than you did—I actually found it a very useful process on many occasions, despite my frustration at not being able to get answers to what were basic and obvious questions. There were actually some quite good and often very useful exchanges in estimates. But you have come in today and told us how terrible it was. The only common denominator in your interpretation of events is the occasions on which you were there, and you say it was dreadful. I watched the session at which you were present and, frankly, the body language said it all. So let us have a look at what the common denominator is here.

**Mr Stanhope:** Whose body language?

**MR RATTENBURY:** Yours, Mr Stanhope—head down, arms crossed, slouched back in the chair. Why not engage in a useful process in estimates? I simply make this point because—

**Mr Stanhope:** It's body language now?

**MR RATTENBURY:** Yes, and it is very obvious, Mr Stanhope. We read you like a book. The bottom line is that when it comes to openness and accountability the opportunity sits with the government to set the standard from the top and to create the culture that they want to create. There is only so much we can do here in the Assembly in order to make the rules, to set the processes, to create the steps along the way. The bottom line is that it comes from the top, and I would encourage the current government to think about this.

There is much we have to do to remain vigilant. I think that it is a constant process. Sometimes we will not get it right; sometimes we will need to keep working on it to make the processes even better, but that is something all of us need to think long and hard about. It is all about our attitude, and that is where I will leave it today so there is time for other members to contribute to this debate.

**MR SMYTH (Brindabella) (4.35):** It is interesting to hear the Chief Minister dredge up his conspiracy theories. He goes straight to the interesting issue of questions on notice. For the record; there were 530 questions lodged. We have heard various numbers from the Chief Minister—up in the thousands—but the official number is 530 questions. It is interesting when you go to the document that Health put around in 2003, the opening paragraph is:

Budget estimates is the Opposition's main avenue for obtaining ammunition against the Government. A good Opposition (and minor parties/cross-benches) will ask enough questions—and put enough questions on notice—to ensure they have ongoing issues to run with for many months.

**Mr Seselja:** You've got an endorsement from the department of health.

**MR SMYTH:** The department of health thinks it is okay. But then it goes on to say:

Take on notice what you can't or don't want to answer ...

We have seen this for years. You just take it on notice when you do not want to answer it or when you cannot answer it. So if you are a minister and you come down and you are ill prepared, take it on notice. If you are a minister and you know the answer and you do not want that information in the public realm, take it on notice.

You only have to see the answer to a question that was put to the Chief Minister—Mr Honesty, Openness and Accountability himself—which only arrived with the committee yesterday and which came to members this morning. It is dated 15 June and it is to Mr Seselja from Jon Stanhope. It talks about how the recommendation that Actew apply timeliness to 83 per cent of its services came about. It is not an answer; they do not know where it came from, basically. But it came after the committee had finished its deliberations. It came when it could not be of use to the committee to determine what had happened in the minister's department. That is the Jon Stanhope standard of honesty, openness and accountability.

According to paragraph 1.39 on page 9 of the report, when the committee was having its deliberations last week, only 16 per cent of the questions had been answered. So if you actually wanted to make an informed opinion, if you wanted to come to a

decision based on information provided by the government, you could not do it. Sixteen per cent were available when we were deliberating; 35 per cent were available by the end of the day when they could not be taken into account. That is the Stanhope standard of honesty, openness and accountability.

The Chief Minister looks for conspiracies. He forgot to mention, of course, that the CPSU are part of the conspiracy, because no public servant is complaining, and the CPSU have said that they have not had reports of this burden. The public servants know that as part of the process at this time of the year, both federally and locally, there will be questions on notice. It is taken into account; people know that. We see the Chief Minister over there with his little smirk, his giggle and his laughter. He just reads half a question. He says, "Mr Coe asked what was the cost of the paint." What he did not read was the next part of the question, which was about how many lanes were painted and what area was covered by this paint. If you are trying to work out whether the government is getting value for the taxpayers' money that it expends, then you ask these questions, and we will continue to ask these questions.

If you look at the record of this government in the last seven years, you can look at things like their openness on EpiCentre. Remember that one? What about their openness on the Tharwa bridge? Remember that one? Their openness in cancelling the quarterly capital works report? That has gone. There is openness for you. Remember the monthly health reports that used to be tabled on or about the 21st of each month? They are gone. Remember the fire safety upgrades in public housing which were urgent, but the money took five years to spend? That is honest and open. Remember the Griffith library process? The government has got its own consultation process that says major decisions should be consulted over a period of months, but what was Mr Hargreaves's answer? "Oh, no, I knew what youse were gonna to say, so I didn't not want to take it into consideration. I knew you didn't want it. I knew that I wasn't here representing you, so I'm not going to ask." Look at the dragway. Where has the money for the dragway gone? Slowly sucked out of the motor racing community and back into consolidated revenue. What about the FOI process of conclusive certificates? The federal Labor Party are saying, "These are bad; we're going to ban them." Andrew Barr hides behind them.

What about the proposal for the data centre and the gas-fired power station where inaccuracy after inaccuracy was revealed? The Chief Minister said this was the best thing since sliced bread. There was no sunlight between Jon and this proposal when it seemed like a good thing, but then suddenly no-one was responsible for it. Then, of course, there is the great lie: the closure of 23 public schools. Before the election: "We have no plans to close." That was six weeks after the planning commenced. "We will be honest, we will be open, we will be accountable to you—when it suits us." Of course, we are seeing it again. We are seeing it again repeated after the 2008 election. "All our plans are on the table—well, except for the purchase of Calvary Hospital, because we really don't want that scrutinised during the election context. All our plans are on the table." The same minister who, before the 2004 election, said, "No schools will close," before the 2008 election said, "All our plans are on the table." That is the same minister who, in a *Canberra Times* article, said, "I won't have to go back to the Assembly." The same minister who tells the Property Council, "I don't need a special appropriation."

**Mr Stanhope:** I love these constant reminders of why they sacked you.

**MR SMYTH:** Here it goes. You can say whatever you want. But the problem for you is you have this problem. We go to the Costello report; we go to this constant stamping of documents. Ted Quinlan did not know there was a Costello report coming. He must have been asleep in cabinet when that one was passed by cabinet. No, cooked up by the Chief Minister, "I'm going to get to the bottom of this. I'm going to have a review, and then I'll make it cabinet in confidence." The same with the Ernst & Young review looking for savings in TAMS: "Oh no, we weren't looking for savings. We're not looking for efficiency here. We're just having a review. We're going to spend hundreds of thousands of dollars on having a review that will find nothing." That's the problem with this government: every time you look at them they are hiding behind something.

It is interesting, Mr Stanhope thinks the asking of questions is little more than a political fishing expedition and that this year's process simply borders on the absurd. It is not how Mr Hargreaves saw it, because Hargreaves on ABC radio said, 'It's not so that the questions were, in fact, trivial. I believe, I think, they were quite reasonable questions.' Who is right here? Sorry, it is a Green-Liberals-CPSU-John Hargreaves conspiracy to get the Chief Minister! John Hargreaves is the last honest, open, accountable man in the ACT.

**Mr Seselja:** Bill Redpath.

**MR SMYTH:** Bill Redpath. I forgot about Bill Redpath. Yes, he is there as well. What about the AEU, who criticised the government? Perhaps we will add ACTCOSS, who criticised the government. If you criticise the government, you are somehow the enemy of the state and the shutters go up and the phone calls are made and the attacks begin and the personal denigrations start and the playing of the man continues. We saw it again today with this snide inference that if you ask about overseas staff you must be racist. That is the implication. That is what Mr Stanhope was saying. If you use the word "foreign" or "overseas" you are somehow racist.

If he had sat in on the estimates hearings, or if he had at least paid attention, the Chief Minister would know that there were concerns raised about the ethics of taking trained medical staff from third world countries for our country. The argument was "we can buy them, we can get them here". But we do not take into consideration what we leave behind. If that is racist, you need to go to talk to the ethics adviser, or you need to have a good hard look at yourself, Chief Minister, and about what you are trying to achieve here in your workers paradise.

The questions were reasonable. In fact, the Minister for Health made the case that they can come here, learn, better themselves and go home to their country of origin so that their country of origin will be better off for their time spent here in the ACT. But when we asked how many had come from the country of origin to the ACT and learned and returned, we were not given an answer. I guess that is another one of the trivial questions that were asked about what effect we as a city have on countries that are less well off than ours. I guess by the Stanhope standard that is a fairly trivial matter.

The Chief Minister said we did not focus on the economics of it. In fact, to give her her due, the Treasurer turned up for a full day. That is 100 per cent more than the old Treasurer used to turn up for, because we were lucky to get him for half a day to discuss matters economic. Indeed, last year, of course, we had the huge kerfuffle where the Treasurer actually wanted to appear midway through the estimates hearings because he had already made arrangements, even though he knew that these days had been set aside the previous December when the calendar was set. He did not want to come on the day that was set. (*Time expired*).

**MS BURCH** (Brindabella) (4.45): I welcome the opportunity to speak here today on the matter of public importance. One of the cornerstones of this government's approach to the 2008 election was openness and accountability. In entrusting the leadership of the government of the ACT to Labor, the people of Canberra expressed their faith in our approach and our policies. We have a mandate to get on with the job of implementing those policies.

In establishing government following the last election, the ALP signed a parliamentary agreement with the Greens. A major element of that agreement focused on reforms to our parliamentary system. In total, there were 44 commitments on parliamentary reform agreed on 31 October 2008. Of these, by 16 February 2009, less than four months later, we had implemented 20 of them in full. These include: all parties in the Assembly now have a member on the administration and procedure committee; a non-government member chairs the Standing Committee on Public Accounts and the Select Committee on Estimates; a new standing order is in place to resolve disputes for orders for papers, through the provision of an independent arbiter to determine whether a claim of executive privilege is legitimate; we have endorsed the Latimer principles, through the passage of a standing resolution of the Assembly; and we have removed provisions in the FOI Act to no longer allow for conclusive certificates except where they provide for the protection of national security information held by the territory.

When we next meet with the ACT Greens, towards the end of this month, we expect to agree that even more of these initiatives have been completed in full. The implementation of these parliamentary reforms contributes to a more open and accountable government, and we have been determined to implement these reforms in the shortest possible time. Of course, one of the first initiatives actioned from the Labor-Greens agreement was to relocate the community engagement unit to the Chief Minister's Department.

But our work on open and accountable government goes well back before the election. It has been something that this government has focused on for some time. Our government is open and accountable. But we do not limit that openness and accountability to members of this Assembly. As it should be, we consider ourselves to be ultimately accountable to the people of the ACT.

Since the 2008 election, this government has embarked on an unprecedented level of consultation and interaction with the people of Canberra. In fact, there has been so much consultation that in some circles, and even through the opposition and media, the government now receives some criticism for its willingness to share so much

information with the community. Has there ever been a government anywhere that has actually been criticised publicly for being too open and accountable?

Most Saturdays the government provides timely, relevant information for tens of thousands of Canberrans through the *Canberra Times* community noticeboard, another initiative to get the message out broadly of key government actions, initiatives and projects. We are asking Canberrans for their views on a range of issues about upgrades to their local shopping centres, about plans for a new south side cemetery, about proposed upgrades to major sporting facilities and, yes, even seeking their views on naming a new native plant to mark Canberra's 2013 celebrations.

In the past six months, this government has brought together dozens of key stakeholder groups in an unprecedented series of roundtables to work through a large number of issues ranging from how we can best stave off the worst of the current economic crisis through to new strategies to improve road safety on our local roads.

There are a range of practical areas of this government's commitment to openness and accountability, and I would like to speak particularly about its dealings with the community and the community sector. First and foremost, as a demonstration of the way this government engages with the community and holds itself accountable to the community, has been the extensive work in setting a planning framework and vision for the ACT's future. In preparing our blue print document, the Canberra plan and its related plans—the Canberra social plan, the spatial plan and the economic plan—as well as in preparing the 2000 update of the Canberra plan, the government spoke extensively with Canberrans and interest groups.

The plan states clearly that ongoing involvement with the community is needed to reach agreement and consensus in the way ahead. The renewal of the Canberra plan prompted a wide initiative to more firmly locate this key strategic document as well as other government and portfolio plans in a cross-government performance and accountability framework. This accountability in government initiative was funded in the 2008-09 budget, with an aim to strengthen the government's capacity to deliver policies and service delivery outcomes; promote agency accountability and performance; develop a performance and accountability model and the first stage of implementation; and prepare the ACT for incorporation of COAG performance processes in accountability arrangements.

A broader model of citizen-centred governments emerged very quickly to build in the desired community perspective and engagement into government systems and processes. This model covers three main elements of government activity such as priority and direction setting, service frameworks and delivery and accountability. Funding for the reaching out to the community initiative will support a broader Canberra community conversation on the big-picture issues that affect our future.

Last year the government announced that it would consult with the community on preferred engagement methods and strategies. This work is now underway and will inform the approach to the broader conversation on these big-picture issues. The project is applying different methodologies such as surveys, focus groups and online techniques to get feedback from the community about its preferred methods of engaging with government.

This government's vision is for an open and accountable government, one that is sensibly linked to the needs for confidentiality at times within our system of government, one that ensures effective use of resources and one that engages with both the Assembly and the wider Canberra population in a democratic process that involves constructive and beneficial conversations that promote trust and respect between the community and our government.

I am proud to be part of this government, a government that prides itself on a good record in relation to openness and accountability and a government determined to continue to improve in this area.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Ms Le Couteur, you have got about 30 seconds.

**MS LE COUTEUR** (Molonglo) (4.53): In that case I will just thank Mr Seselja for bringing up this important motion and note, as previous speakers have, that the government has not been overly open and accountable with the estimates process. I will not go through all the issues which other people have mentioned. I will just mention some of the other things like Mr Barr's refusal to appear. Mr Barr described objections to the development processes as political and frivolous. It is pretty discouraging to people who want to engage in our planning system to find that their objections are regarded as political—

**MADAM ASSISTANT SPEAKER**: The time for this matter of public importance has expired. Mr Hanson, do you want to use the standing orders, as discussed?

**Ms Burch** : Give him a helping hand, Madam Assistant Speaker.

**Mr Stanhope**: Yes. Do you want to ask any of the rest of us whether we would like to do something, Madam Assistant Speaker?

**MADAM ASSISTANT SPEAKER**: I am just trying to get the direction the Assembly—

**Mr Stanhope**: Want to help him out a bit, do you? He needs all the help he can get.

## **Estimates 2009-2010—Select Committee Report 1**

Debate resumed.

**MS LE COUTEUR** (Molonglo) (4.54): Speaking about the estimates committee process, I would like to start off by very warmly thanking the secretariat who did an incredible job through this time. To produce the quantity of report that we did in the time was absolutely amazing. We can talk about the quality of the report, but the quality of the secretariat was beyond question.

I would also like to thank my fellow committee members, in particular the chair, Mr Seselja, who did generally a very good job of trying to keep a sometimes spirited

group together. I would like to thank the ministers who came and answered questions and all the public service staff who also came and, in general, contributed very positively to the estimates process.

I gather that in previous years we had not used the line of questioning technique; this year we did. I found it a very useful way of trying to get to the heart of what a particular program or matter was about. This year was also the first time we had expert advice in economic matters. I found that was very useful and reassuring as someone who would not claim to be an expert economist.

There were, unfortunately, some incidents in the estimates process which were less than desirable but, hopefully, we can all learn from those and do better next time.

I am a new member of the Assembly, and there were three new members of the Assembly on the committee. With that in mind, I would point out that both the estimates committee and the Greens actually asked the Treasurer for more technical information about how the budget is put together—things which to more experienced members, like Mr Smyth, are second nature—like: what is the difference between GPO, gross payments of outputs, and the estimated outputs and all the other figures in the budget? It is not obvious to me what they were. How do you find out what the expenditure is on ongoing programs? There is just this one line in the budget.

A lot of the questions were because the information was not there. Treasury refused to give us a briefing on these technical aspects, which I think was a mistake, because, presumably, that would have reduced the number of questions which we asked, which possibly to the people answering them were self-evident but which, I can assure you, were not self-evident to the people asking them.

Moving along, strategic and accountability indicators were a persistent theme throughout all budget areas and I think all members spoke about them to a greater or lesser extent. All departments reported, in fact, on only a few or, in some cases, no indicators. DECCEW, which, admittedly, is a new department, had no actual indicators. This is development. Its only indicator was that it existed. This led to three recommendations—recommendations 3, 4 and 5 of the committee—all of which deal with accountability and sustainability indicators in some form. Everywhere we could see this was an issue, and we spoke about it with every department.

During the hearings, Andrew Cappie-Wood, who is the Chief Executive of the Chief Minister's Department, actually made mention in questioning of the progress the Chief Minister's Department is making on triple bottom-line accounting and reporting and told us that they were finding it difficult to figure out how to relate spending to social environmental benefits. We think that bringing relevant indicators for these key strategies directly into the budget will help everyone within the departments, in the Assembly and in the public realm generally get to understand how the budget spending is being prioritised against budget priorities generally. That was one of our recommendations.

I do appreciate that annual reports do have more information and, importantly, they have more strategic and accountability indicators in them. But, firstly, annual reports are not consolidated into one document, which makes it very hard to pursue the

information. The information is not in a consistent format in annual reports, as I can say, having gone through one cycle of them already.

There is one annual whole-of-government reporting document. It is the budget. That would seem to me to be the logical place to put the whole-of-government indicators, particularly because the budget is the process by which the government decides where it is going to spend the money and, to work out where you are going to spend the money, surely you need to know what the money is going to be spent on, how effectively it is going to be spent. That, to me, is the role of the strategic and accountability indicators—to tell you what the money is actually going to and how effectively it is being spent.

The government has created a number of key plans like weathering the change and the Canberra plan but, given the lack of reporting on them, it is hard to see whether we were acting on the strategies within them and whether they are good and useful plans. I know that, if I was sitting there trying to decide in cabinet how the money should best be allocated, I would want to know more about the indicators, where the money is going and how effectively it is being spent.

I suggest we expand our recommendation 9, which is about electronic reporting of the budget, to include reporting on the key indicators electronically. The frustrating thing is that I am sure the government, in fact, does have this information but it chooses not to make it part of the budget reports, which means that we go through this process, which is frustrating for the members of the committee and, clearly from the Chief Minister's comments, frustrating for the government in terms of trying to get more information out of the government. I would really urge the government to report at a greater level in the first place. Do it electronically so that we do not waste trees, but do it.

Being a Green, I asked all departments about their efforts to reduce greenhouse gas emissions, especially in the context of Mr Corbell's recent and most welcome announcement that the government was aiming for zero net greenhouse emissions from the ACT. Also, the government previously, in 2007, committed to the weathering the change strategy; so this should be part of government agencies' agendas. It was adopted in 2007 and it said:

The ACT Government believes that a reduction in emissions by 60% of 2000 levels by 2050 is an appropriate and realistic long-term target.

It also said:

To measure progress and meet this target, the ACT will aim for a milestone of limiting emissions to 2000 levels, or 4,059,000 tonnes of greenhouse gas emissions, by 2025.

So I asked questions of the all the agencies. Positively I did find that education said that yes, it was aiming at zero net CO<sub>2</sub> emissions by 2017, although it did not have a plan to achieve that. The other agencies generally seem not really to have heard that greenhouse gas reduction in their agencies was something that was meant to happen or else they thought it was DECCEW's job to look after this.

I do understand that my questions re sustainability and greenhouse may well have added to the question on notice burden the Chief Minister has complained about but it is an important matter. In my opinion, it is probably the most important matter that this government has to deal with, and the Assembly, the government and the community have a right and a need to know what is happening about greenhouse and sustainability issues.

Having gone through all of this budget process, I guess I am concerned that this budget is very much a business-as-usual budget and, to that extent, it is something of a lost year for sustainability. It does have some gains for climate change. I totally acknowledge and support this. There is increased funding for the switch your thinking program, for the bike paths, for increased energy efficiency for public housing, and these, of course, largely come from the ALP-Greens agreement. While I appreciate the current government targets and weathering the change are modest and less than I and others would like, talking to the departments has made it clear that they are really not even looking at implementing these modest targets. It just did not seem to be a major government priority.

I come back again to the need for accountability indicators as an integral part of the budget process. We do have plans—maybe not the best plans—but we do, at least, have plans. But the budget does not give us any indicator of how we are going against the plans and how we, in the government, could evaluate process. How can the government, the estimates committee, the community or the taxpayers work out where to put the funds without knowing the results of the programs? This is particularly relevant to greenhouse programs. We cannot see greenhouse gas emissions; so we do need a measurement process to work out the effect of our actions.

I am particularly concerned that the lion's share, I believe \$60 million out of \$100 million of the climate change package that was announced in 2008, seems to be devoted to tree planting programs both at the arboretum and in the urban forest renewal program. It is not clear that either of these is actually going to lead to a net reduction in greenhouse gases and I am concerned that the urban tree program, which I agree is important, is in fact really just normal government expenditure being repackaged as greenhouse spending.

In conclusion, I would like to say that I found the estimates process very interesting and informative and a great overview of the ACT government's activities. As a new member, it was particularly valuable. I was disappointed, however, to find so little emphasis or understanding of the climate change issues amongst the agencies that appeared before us. I do believe that it was a productive process. There are many useful recommendations in the estimates committee report and I look forward to the government responding positively to them.

**MS BURCH** (Brindabella) (5.06): I would like to talk to the report and make some comments on some key areas in which I dissent from members of the Select Committee on Estimates 2009-2010. But at the outset I also pay regard and convey thanks to the secretariat for a tremendous job, probably often under somewhat challenging circumstances.

The committee had an opportunity to make a valuable contribution around government spending and protecting and improving our economy. However, it was disappointing to note that the recommendations are almost entirely devoid of strategic economic input. The report has over 130 recommendations but less than 10 per cent appear to relate to the budget, the ACT economy or to our economic future.

Rather than use the opportunity to engage in a productive dialogue, the opposition chose to focus on matters that were either politically motivated or outside the scope of the budget. It is not my intention here to delve line by line through the many sham allegations or personal policy interests of the MLAs. Rather, I will outline my understanding of the measures being taken by our government to secure and protect our economy and I will raise areas of key dissent and provide, hopefully, some balance to the report.

The public hearings are a critical part of the estimates review process, and I support open and frank dialogue. However, at times the meetings were not productive due to repeated interjections, commentary and behaviour that is best suited to other forums. On the matter of using estimates for political gain, it is of great concern to me that the opposition took advantage of the committee to engage in a campaign of negative political antics. We have seen this play out here again this morning and it is of great concern to me that the committee could be seen as a vehicle for the opposition to attack the ACT public service. I believe that the ACT public service conducts itself with independence and professionalism, and it is a service that I am proud of.

I would like to raise the matter of expert advice being ignored. In April, a motion was carried that allowed for the engagement of external expertise to work with the committee to facilitate the analysis of the budget and the preparation of the report. In May, the committee engaged Mr Tony Harris, the former New South Wales Auditor-General and a consultant with considerable experience in economic and budgetary matters. Mr Harris provided reports on, for example, a review of the ACT 2009-10 budget, a daily analysis of hearing outcomes pertaining to financial issues raised, an analysis of the outyear funding for both health and education and a comment on the effects on the ACT budget of commonwealth funding.

I note that the opposition would rather ignore the comments made by the former auditor-general and favour comments made by stakeholder lobby groups. I can only deduce that this is because the meeting comments from the stakeholder groups better suited their oppositional commentary.

Much has been said today on the matter of questions on notice. No-one would suggest that questions on notice are not an important part of the estimates process or, indeed, the Assembly's process. I would suggest, though, that, in keeping with this renewed focus on transparent and accountable governance, it would be of benefit to learn the cost of delivering and responding to these questions on notice. While questions on notice are a valid part of the accountability process, I draw the reader's attention to some of them. I think, Mr Coe, you bear responsibility for this because it is the first question on the website:

MR. COE : To ask the Minister for Transport—

(1) What is the total cost of green paint purchased by his Department to mark on-road cycle lanes;

(2) What is the distance of green cycle lanes that have been painted?

I do wonder what the critical part of the 2009-10 budget was that brought about this question. I am surprised you did not ask how many coats of green paint were applied, because therein somehow it may make a difference to your calculations.

While the questions on notice process is driven by keeping the government to account, I do not see any process that calls the opposition to account and to explain the urgency of these questions. Why does a question about green paint deserve and require the urgency of response within five days? In a media release on 1 April, Brendan Smyth promised to ensure that the budget was subject to “informed debate” and “detailed scrutiny”. Why then does the section on Treasury provide so little substance?

I find it surprising that, after months of heavy criticism, the Liberals have provided virtually no input relating to the economic recovery of the ACT in this report. The ACT government, this Labor government, does have a strong budget plan and it is committed to restoring the budget to surplus. The budget plan maps this recovery clearly and is outlined in the budget papers. Budget paper 3, Mr Smyth, covers the budget and economic outlook for the forward years, a clear outline of the government’s fiscal strategy, a section that goes to community engagement and implementation, and saving targets required for meeting the goal of a balanced budget by 2015-16.

The government has identified that this is a time to ensure stability—stability of services, stability in confidence and stability in our economy. The prudence of this approach has been supported by numerous economic commentators and key industry representatives. The ACT budget is a measured response to the current circumstance. As well as being measured, the budget is transparent and responsible. It provides a blueprint of our goals and the steps that we will take to achieve them.

It was evident from the line of questioning that the Liberals do not support affordable housing. Nor do they recognise the activities of this government towards the business sector. Just this past week, I was privileged to attend the Canberra Business Point awards night. This night showcased the ACT government working in partnership with Canberra’s growing business sector. For those who missed it, and I think everyone here did, there were five local winners across five categories. I do congratulate the 2009 Canberra Business Point enterprise of the year, Viridis E3 Pty Ltd, who specialise in the delivery of cost-effective, environmentally sustainable development and property consultancy services.

The government is committed to affordable housing through a range of strategies and innovative programs. It is disappointing to see the Liberal Party continue its philosophical opposition to innovative strategies such as land rent. Its continued opposition to this scheme may well deny Canberrans from owning their own home and the associated security that this brings to many in our community.

Alistair Coe joined the committee and asked the Chief Minister if he was aware of builders offering houses under the OwnPlace scheme at an inflated price compared with what some builders were offering on the open market. I encourage everyone to read the *Hansard* word for word. Mr Coe said that a house:

... was being sold for \$197,000 in the OwnPlace scheme. However, the same house was listed on the builder's website for \$137,000.

It was the same house with a \$60,000 mark-up. That is a quote from Mr Coe. He also then said to the Chief Minister:

So would you be concerned if that was a \$50,000 to \$60,000 mark-up?

He went on to ask:

And what would you do if that was the case?

That is, \$190,000 as opposed to \$137,000. Mr Stanhope assured the committee, as he said, that he would write to the builders. He mentioned five builders. He shared with the committee:

What I will do for the committee is contact the general managers of the five companies that provide housing for the LDA.

This approach seemed acceptable on the day when it was clear that Mr Stanhope would write and clarify the issue that Mr Coe brought to the estimates. However, as soon as those opposite became aware that perhaps that was not wise, perhaps the builders did not appreciate the insinuation that they had a \$60,000 mark-up, they turned to their typical political stunts. While the committee did ask or raise questions relevant to the new Department of Energy, Climate Change and Water, DECCW, the report recommendations focused on process indicators rather than strategic gains.

Under DECCEW, I note that the report on the Canberra urban waterways project, which I thought would be a significant project, had just one paragraph, whereas Brendan Smyth thought that the noise and dust complaints of Fairbairn Park, which is not in the budget papers and which he alone brought to the committee, was worthy of seven paragraphs, a recommendation and five questions on notice, having 42 sub-questions.

The opposition spent considerable time questioning the minister about the private discussions between Little Company of Mary regarding the possible purchase of Calvary Hospital. The opposition has clearly indicated it does not support the notion of respecting the wishes of business partners to have discussions in confidence. The rationale behind the countless discussions that were held in confidence and the proposal itself is meritorious and I look forward to an open debate on the proposal.

During the hearings the committee asked a range of questions about the capital asset development plan for Canberra Hospital. The minister and the department outlined in detail in great length the plan and how critical the car park was. The committee at no point raised questions about the site, the construction of elements of the capital plan or

the car park. The minister is to be commended for taking the necessary steps to ensure that the Canberra Hospital capital works and the first linchpin project—that is, the car park—are progressed without unnecessary delay, thus securing not only the worth of the Canberra Hospital redevelopment but also significant work for the local building and construction industry.

Rather than support the minister in this critical decision, the opposition moved quickly to political stunts of calling her back to the committee and accusing her of a cover-up. The opposition response is just another example of the opposition not having a view for the future, just a view to the next stunt.

The Indigenous healing farm is a commendable project that has the support of the Aboriginal community. It is of concern to me, however, that the opposition sought to link this with yet another political stunt. Jeremy Hanson joined the committee and asked about an email he sourced through FOI. He noted that a number of words had been blacked out, such as “cellar door”, and he immediately went to cover-up. I find it repugnant that the opposition sought to link the possible cellar door on an adjoining property to be inappropriate for Indigenous clients of a health centre.

Madam Assistant Speaker, I also find it of great concern that Hanson, through the media, subsequently at a committee hearing and again here in this chamber, has accused the ACT public service of having an institutional bias and conducting a cover-up on behalf of this government. Such insinuations are an insult to our public service. It is disappointing that the discussions regarding the AMC, our new prison, focused on exercise equipment rather than the broad range of rehabilitation, health and education programs for the AMC.

I finally want to note again my appreciation for the secretariat of the ACT Assembly for their support during the process. I want to declare my utmost appreciation for the ACT public service and the members that came and appeared before the committee. They go about delivering service for each and every one of us in the ACT each and every day. It is the ACT public service senior executive and staff that work tirelessly to ensure that services and programs in the ACT are amongst the best in Australia. For that I am forever grateful. It has been with no great pleasure that I have presented my dissenting comments to this report.

**MS BRESNAN** (Brindabella) (5.20): I would first off like to thank the staff of the secretariat also for all their support and hard work throughout the estimates process. In particular, I would like to thank Grace Concannon and Hanna Jaireth for their strength and forbearance through the report deliberations and in finalising the estimates report. I would like to thank the chair of the estimates committee, Mr Seselja, for allowing members to pursue questions and explore issues in an investigative matter. I would also like to thank the other members of the estimates committee, Ms Le Couteur, Ms Burch and Mr Smyth, for their contributions through the estimates process. I think every member of the committee worked hard and made significant contributions to the process.

I found the budget process overall to be a great learning and informative experience. Given this was the first estimates committee that I have personally been involved in, I was quite surprised and disappointed by the behaviour of some ministers and

non-committee members. While I appreciate the need for an MLA to ask a question or a minister to provide reasoning, the ability for some MLAs and ministers to endlessly postulate was inconsiderate given the limited time available. Their behaviour hampered the ability of the committee to scrutinise the budget in a meaningful and productive manner.

Some examples include ministers giving opening statements that went for 25 minutes, ministers reading and signing briefs during hearings instead of participating in the hearings, filibustering, name calling and speaking over the chair. If constituents off the street came into estimates and saw this behaviour, their lack of trust and disrespect for politicians would be deeply confirmed.

I would like to draw on a couple of issues which were discussed in the estimates process, in particular in relation to funding for community organisations. In the context of efficiency dividends being required of ACT departments, the issue of that requirement being made of community organisations was raised. Given the growing demand on community services and the very limited funds available to them, such an economic measure is not appropriate. It is important that we recognise the pressure placed on services provided by community organisations and ensure their funding is not impacted by efficiency dividends.

There is a precedent for this in the 2006 budget. The Department of Housing and Community Services quarantined community organisations. The committee has recommended that the Standing Committee on Health, Community and Social Services inquire into the impact of the global financial crisis on non-government community organisations' services and on the non-government community service sector in the ACT and the ACT government funding it receives. This would be relevant to how community organisations are funded in the coming years.

There are a number of issues which crossed over between different departments and where it was difficult to get answers on responsibility. When there were issues that crossed portfolios, ministers often referred the matter to another minister even though the previous minister holding that portfolio had taken the lead. The community sector task force review was an example of this.

Another example of this was the Community Inclusion Board. A number of departments were asked how community organisations, which had not had alternative sources of funding identified, were assisted, where the ending of community inclusion funding might result in the ending of funding or programs. For example, tracing who had responsibility for the ongoing funding for Gagan Gulwan's literacy program was difficult. Every department seemed to have a different memory of what it or the other had done. Each department deferred responsibility to another and no department took a clear lead on the issue. After much questioning it was eventually identified that the Department of Education and Training had taken responsibility.

The committee has recommended that where community inclusion programs have ceased and been evaluated, the evaluation should be considered and formally responded to by the relevant ACT government department or agency. This would assist in providing much more clarity and certainty to those organisations effected. There was also an instance where climate change funding had been allocated to the arboretum but departments were not aware of this.

There has been a lot said about the nature of questions on notice with imputations that they were frivolous and unnecessary. The Chief Minister's media release about questions on notice was inappropriate. I note that even today he is still questioning the appropriateness of many questions. I would like to remind the Chief Minister that many questions on notice originate from community organisation concerns and the MLAs act as facilitators for those organisations.

Many questions that were pursued in the estimates hearing and through placing them on notice related to concerns and issues raised by community organisations and were also concerns and issues shared by members. Often these questions are raised out of not being able to access information or due to a lack of detail in the budget papers. Therefore, many community organisations see this as their main opportunity in forum to access information or see where funding is being directed. There are also detailed submissions received by the estimates committee from community organisations and community organisations appeared to give evidence before the estimates committee.

There were also many budget submissions made by community organisations. I do not think anyone would suggest that the issues and concerns raised by community organisations are unnecessary or without foundation. It is a shame for those organisations who work incredibly hard on limited budgets not to get answers to questions which are important to them and the people they help.

On the overall issue of questions on notice, with more information in the budget papers and in some instances a more helpful and prepared approach by ministers, some of our concerns could have been addressed. Questions are and have always been a key part of the estimates process.

I would just like to note also that according to the estimates committee secretariat there were 530 questions put on notice by four Greens and four Liberal members. I am very impressed that Mr Stanhope has had time to spend counting how many questions within questions there were and super-impressed that he has managed to find 2,550. The Chief Minister has been complaining that the committee asked 911 questions of his portfolios, but to be fair the Chief Minister's Department is of interest to all members of this Assembly and also many residents of Canberra. I also note that Mr Stanhope does have six other portfolios as well.

There are important recommendations in the estimates committee report which go to how the government, the Assembly and the community will progress in the coming financial year, including with services and programs. I would hope that the ACT government considers and addresses these recommendations. Any issues or recommendations that relate to expenditure relate to the budget. The Greens do have some concerns with the amount of detail in the budget. We also understand the approach taken by the ACT government in taking a year to consult with government departments and the community, which is a considered approach. We would expect to see clear details at the end of this process.

**MR SMYTH** (Brindabella) (5.28): Madam Deputy Speaker, it is interesting to hear Ms Burch's words, because for me the highlight of the whole process was this. The

chair recognised Ms Burch and said, “Have you got a question?” She said, “Yes, I have got that question about therapy.” Then Mr Hargreaves launched into the answer before he had even been asked the question. If we want to question what people were doing on the estimates committee, perhaps Ms Burch should look at herself to start with.

The interesting thing then is the criticism that there is not enough economic analysis in the report. I do not recall Ms Burch bringing forward any economic analysis. I tabled seven pages with probably a dozen recommendations, maybe more, that Ms Burch voted against. She did not want this even resolved. The report is criticised for being light on economic analysis, but she voted against including such analysis in the report.

**Mr Seselja:** Outrageous.

**MR SMYTH:** It is outrageous, and it is outrageous to listen to that without the stories being completed. She went on to discuss how Mr Coe had asked questions about OwnPlace, but she stopped short of saying what the Chief Minister did, which was write a letter that was fundamentally not true to seven organisations, alleging things that had occurred, seeking their response.

The Chief Minister was called to task for this. The committee authorised the chair of the committee of estimates—which I do not believe has ever happened before; I beg to be corrected—to write to five building companies and two industry associations to correct the inaccuracies and the mistruths that the Chief Minister had sent them in his letter. Again, Ms Burch stopped short of telling the full story. People can take her at her own efforts, but if she wanted more in this report I do not recall it ever being tabled or proffered for the discussion of the committee.

There is one paragraph; it is listed in key issues. It is on page 4, if it has not been brought by Ms Burch, and it is worth reading. It says:

The Committee discussed ... the lack of detail in the Budget papers that made it impossible to clearly identify a plan to achieve the recovery predicted by the ACT Government. This lack of detail was also noted in some community budget submissions.

There it is. There is the key paragraph. There is no detail. It is impossible to make the discussion because there is not the information to be had.

There is a paragraph—139 on page 9 of the report—that discusses the questions on notice. It is interesting that the questions on notice have been such a focus. Mr Stanhope saw them as a fishing expedition, as somehow trivial and absurd—okay, honest, open, accountable government, but if you ask questions you are trivialising the process, it is a political fishing expedition and it borders on the absurd.

The interesting thing is that, to the best of my knowledge, none of the questions we asked on Calvary have been answered—not one. If you want informed, objective discussion about potentially a \$100 million purchase of a privately owned asset, you cannot have it because the government did not answer the question. That is one of the

three themes that occur in this document. Firstly, we see no plan. Secondly, we see the politicisation of process. Thirdly, we see the absence of strategies to achieve.

It is interesting that Mr Hargreaves had a different view on the questions. He said on ABC radio last Friday: “It is not so that the questions in fact were trivial, I believe; I think they were quite reasonable questions.” So there we have it—the politicisation of the process. When you do not want to answer questions, you simply attack. Mr Hargreaves clearly thought that it was fine to ask the questions.

On the day we discussed this report, 16 per cent of the questions had been answered; by Monday morning, when the report was recorded, it had jumped to 35 per cent. Of course, at that stage it was impossible to take into account what was said. Time had run out. The government had denied the committee the time they needed to do their work.

Recommendation 14, on page 15 of the report, talks about the Auditor-General’s funding. If you want to have openness and accountability, the key agency to achieve that is a well funded, well resourced Auditor-General’s office. The recommendation says:

The Committee recommends that the Auditor-General’s funding allocation be increased to allow for the target number of performance audits to be reached without running a deficit.

The Auditor-General is now faced with choices, because of the Stanhope government, that will not allow her to do her job properly.

Mr Speaker, when we move through the recommendations there, I note that the Treasury chapter is quite long. Indeed, unlike previous Treasurers, who only turned up for half a day to discuss Treasury matters, this Treasurer put aside a full day. The Treasury section runs from page 17 to page 34. It is quite a comprehensive chapter; perhaps Ms Burch missed that as well. There are some important recommendations. There is recommendation 17: the committee recommends that the government provide substantiation on how they will return the budget to surplus within the seven specified years. There is recommendation 18:

The Committee recommends that the ACT Government immediately commence the development of a policy framework that will provide encouragement for the growth of the private sector in the ACT.

Recommendations 18, 19 and 20 all talk about the economic outlook.

So the work was done. It is a comprehensive document. Perhaps others should pay more attention.

All of the ministers were called to account in this document; all of the ministers have things to answer for. Mr Stanhope should come back to this place. When he reads this section that is relevant to him and the recommendation, he should come back to this place and apologise for the discourtesy that he has shown a committee established by this Assembly.

We took the extraordinary step of authorising the chair to write to organisations that have been misled by the Chief Minister. Ms Gallagher was recalled about car parks and there were discussions about FOI. Mr Barr has been condemned for his failure to front the committee and explain himself; there is a recommendation that says that the Assembly should pursue him. His comments on EPIC and the board of management are appalling. He seems to suggest that the EPIC board have taken moneys that were appropriated for one thing and simply put them into its cash surpluses. He then gives evidence about payment for board members that was wrong. He had to write correcting the record.

There was Mr Corbell on Tidbinbilla and the ESA headquarters. Mr Corbell, in the third appropriation, said—and there is a section in the report about this—that it would be dealt with in the budget. He was quite clear. He meant this budget. He has tried to rewrite history to say that it might be some budget. Tidbinbilla is not mentioned in the budget; it does not get the fire shed that its Rural Fire Service volunteers deserve.

Of course, there is Mr Hargreaves—the standard, the behaviour, taking questions on notice that he should have had answers for, and his belligerent attitude.

All of the ministers were held to account by this process. All of the ministers come out of this with things to answer. We see the pattern of behaviour. What we saw over the two weeks of scrutiny was a pattern of secrecy, a pattern of abuse of process and misuse of power.

We had the revelation that the Chief Minister has tantrums and orders staff to write political attack letters against the media and against the Liberals and put ads in to salve his wounded pride because he thought something was good and somebody attacked him. We had the revelation that the health minister, Katy Gallagher, personally intervened to use Canberra Hospital to film party political ads.

We had the revelation that the Chief Minister did not tell the community about the refusal of finance companies to back the land rent scheme. We had that extraordinary admission by a spokesperson for the Chief Minister in the *Canberra Times* that Genworth Financial did not own up and tell the truth—they were embarrassed because of the GFC.

**Mr Seselja:** They lied.

**MR SMYTH:** They in effect say that Genworth lied, and it is just not true. Genworth wrote a comprehensive letter where they say, “We have looked at both your programs. Yes, we will take OwnPlace, but there is no way we are going to touch the land rent scheme.” There is a letter saying it, and in that letter there is absolutely no reference to the global financial crisis.

We then saw the statement by the head of the education department that filming at a school would potentially be a conflict of interest and that the request would be refused. But upon checking the records, she found out that the chief of staff of the minister for education had talked to the former head of education and done the deal.

**Mr Seselja:** New lows.

**MR SMYTH:** New lows. These are new lows. Mr Seselja is right; these are new lows. We saw the revelation that the words “winery”, “cellar door” and “vineyard” were blacked out of an FOI document and claimed to be personal information. Yet the actual location—“We live on a block located next to Miowera”—was left in. The actual thing that identified where they lived—the address was blacked out but the reference to being next door was left in.

Then we saw the details of the call in, when Minister Barr and Minister Gallagher refused to tell the committee what really was going on.

Mr Speaker, I will take an extension if I may. (*Extension of time not granted.*)

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.38), in reply: Before I summarise some of the issues, let me say that I had not intended responding to Ms Burch’s contribution, but I think there is a need. There is a need. Mr Smyth has handled most of the embarrassing part where she criticises things not being in there—things she voted against, which is embarrassing.

The only thing really to say in response to Mrs Burch’s tirade in her dissenting report is this. She spent all of her time, instead of looking at the budget, critiquing the opposition. That is nice; it is fun. But you spent all of your time asking dorothy dixers. We did see one of the most embarrassing moments in the committee when Mr Hargreaves was there. Mr Hargreaves was answering the dorothy dixers before they had even been asked by Ms Burch. He knew exactly what was coming. Then we would see Ms Burch taking instructions from Mr Hargreaves’s staff members.

That was the attitude Ms Burch took. It was probably less than what we would expect of government backbenchers. I think there has been a tradition of government backbenchers asking some hard questions of ministers. We saw no attempt. We just saw an attack on us, which we do expect but it does need to be put into the context of what we saw going on in there.

Throughout the estimates process, we saw a number of issues. I summarised a lot of those in my opening speech. The lack of a credible plan is critical, because at this time that is what we need. We do need a credible plan for restoring the budget to surplus, and we did not see one. We saw very concerning politicisation and an attempt to politicise the public service, and we saw it in all sorts of ways. I think there are a number of things that will require further action once the Assembly has had time to absorb some of this, when we come back. Ministers and the government will have a lot to answer.

In the politicisation of the public service, we really saw new lows. To have the health minister simply calling the chief executive officer of the department of health and arranging an ad was rightly condemned by the committee as politicising the public service. We saw it also in relation to schools, with the chief of staff of the education minister doing the same, although there was some documentation to back this up and

some limitation of this. Whilst I think there is politicisation there—clear politicisation—it was not as bad as the Minister for Health and what happened with the Minister for Health and the Department of Health.

We also saw it with Mr Corbell and how he treated the Chief Police Officer. The Chief Police Officer did express surprise that what was a government announcement was turned into a party political announcement. I said at the time, and I maintain, that I do not believe that the Chief Police Officer did anything inappropriate. He advised the committee, I understand, that he did not know that there would be Labor candidates there. He would have been, no doubt, sprung with a photo opportunity. Nonetheless, the minister once again politicised the Chief Police Officer, and that is unfortunate. Our police force serves us with integrity; we have a lot of respect for them and it is unfortunate when we have ministers playing those kind of games.

Those were some of the things that came out. There may well be further action. The Assembly will need to consider this in light of whatever response the government has to some of these.

There is the OwnPlace correction, which has been touched on by Mr Smyth. It was extraordinary that we had to write to these builders and others to correct what the Chief Minister said. It is disappointing when we get such misrepresentation on such a regular basis, it would seem.

We saw statements on land rent that were simply not backed up by the evidence—in fact, were contradicted by the evidence. And what happened when they were caught out on the Genworth issue? I do think the Assembly needs to look at this. When they were caught out not telling the truth, what they said was, “No; actually, when we said it was the global financial crisis, we were right. Genworth were lying.” That is essentially what the Chief Minister’s office has said on this—that when Genworth denied it was as a result of the global financial crisis, they must have not been telling the truth. It is quite outrageous that they would make that assertion that Genworth, who gave extensive reasons, would somehow withhold the truth or lie—with no evidence, of course, to back that up. There is no evidence whatsoever—not a shred of the evidence—to back up that assertion. This is the kind of game playing we see.

Another thing that was interesting—this is not just in the majority report but also in the dissenting report—is that there is no recommendation to pass the budget. There was obviously a lot of concern about the quality of this budget when not even Ms Burch was prepared to recommend in her dissenting comments that the budget be passed. That does raise some serious questions about what all five committee members thought of this budget. There was Ms Burch and the majority report; no-one recommended passing the budget. There were obviously concerns, right down to Ms Burch. All I would say is that Ms Burch has serious concerns. We will consider Ms Burch’s concerns and the committee’s concerns, but it has not been put in there as a recommendation. We have not seen a credible plan here. Indeed—

**Mr Stanhope:** “Liberals to oppose the budget.” There’s a revelation. Why didn’t you put that in the report?

**MR SESELJA:** Indeed, Mr Speaker, if I could continue. We have not seen a credible plan, but what we have seen is a politicisation of the public service, a politicisation that really does call into question people's confidence in their government. It does call it into question when we see the constant politicisation.

The Chief Minister gets out of bed on the wrong side and we see before lunchtime an ad placed in the paper because he is angry—from the Land Development Agency, it must be said, not even a government department. It was not a government department; this is an agency which is meant to have some degree of separation from government. It has a board; it is not the same as a government department. Yet it would seem that if the Chief Minister gets out of bed on the wrong side we get public money spent to fix the problem, to fight the political battle. And we get public resources devoted to attacking the Liberal Party and attacking the newspaper.

This is what we saw. We saw Katy Gallagher decide that it is okay—and to defend this—for her simply to get on the phone to the chief executive of her department and say, “Can the ALP shoot an ad in the hospital?” She believes that is okay. Clearly the education minister has a very different view on this. Indeed, so do some senior departmental officials, it would seem, because they expressed concerns about such an arrangement if it were to happen in the department of education or in relation to schools. Yet Ms Gallagher, when confronted with this, says, “No, it is fine. I just called Mr Cormack, I asked him and that was it.” There was no documentation, nothing to back it up—not even a skerrick of documentation to back up this approach as being reasonable. This is what we get from the minister.

So we did see a lot of concerning parts. We saw the misrepresentations. We see some pretty damning conclusions from this committee. The question now is this, and there is the one that I referred to earlier as well, Mr Barr's treating of the Assembly and the committee with contempt. Those are the words used by the committee—that he treated the estimates process with contempt. That is what he did. It recommends further action, and it is important that we consider what further action there is.

Mr Speaker, this is a report that is comprehensive. It would be more comprehensive if they had bothered to answer questions on notice. But, of course, what they did was instead to cost them. They spent their time costing what it would take—

**Mr Smyth:** Take to do it.

**MR SESELJA:** Instead of doing it, they said, “No, no: don't answer the questions on notice; just tell us how much it might cost.” “Go and do a Treasury analysis of how much it might cost and give us a reason not to answer questions on notice.”

**Ms Gallagher:** Are you going to pass the budget, Zed? Pass the budget? Yes or no?

**MR SESELJA:** We have not even finished the debate. We look forward to your response. That is important. We look forward to your response.

**Ms Gallagher:** Oh, that is going to determine whether or not you support the budget? So you are going to—

**MR SESELJA:** We are going to go through the process, Katy. Isn't that what this is about? Don't you want to put your view? Don't you want to put your view to us, Katy? I am looking forward to Katy putting her response to these serious issues that have been put forward. Katy does seem to think it is a joke that she politicises her department. We see it time and time again now, and it is of real concern.

There are a number of things that the Assembly needs to look at as a result of this report. We look forward to the government's response on all of these recommendations and we look forward to the further action of the Assembly as a result.

Question resolved in the affirmative.

### **Privileges—Select Committee Membership**

**MR SPEAKER:** Members, I have nominations for membership of the Select Committee on Privileges. I have been notified in writing of the nomination of Ms Bresnan, Mr Corbell and Mr Smyth to be members of the Select Committee on Privileges 2009.

**Mr Stanhope:** Before formally moving that members be appointed, may I take a point of order and seek your guidance on a matter relating to the appointment of members to this committee?

**MR SPEAKER:** Yes, this would be the appropriate time.

**Mr Stanhope:** I note that two of the members of the estimates committee that made recommendations in relation to this matter, Mr Smyth and Ms Bresnan, have been nominated by their respective parties for membership of this committee. I note, however, that the committee, in its preamble before the recommendation in relation to privileges, makes these statements:

The letter from Mr Cormack included not only his concerns about comments made by Mr Hanson, but also specified what action Mr Hanson should take.

That is not true. It continues:

The committee is concerned about departmental interference and the effect this may have on a non-executive members' ability to perform their role. The Committee is also concerned by the directives—

I repeat the words “by the directives”—

given by a head of a department to a non-executive member.

The letter contains no directives. That statement in the report is not true.

The committee believes that the correspondence from the Chief Executive of ACT Health to Mr Hanson ... may constitute a matter of privilege ...

The estimates report claims statements purporting to be statements of fact which are false; they lead to a recommendation in relation to privilege. Two of the members that signed this report which contains serious and grievous errors of fact have now nominated to adjudicate on whether the person that they have falsely accused in the estimates report is guilty of a breach of privilege.

It is a gross denial of justice to Mr Cormack. It is a gross denial of procedural fairness that Mr Cormack should now be called before a privileges committee composed of two members—in other words, a majority of the committee—who have prejudged the matter, who have actually indicated their decision, who have made conclusions of fact that are false.

I ask for your adjudication, Mr Speaker, of whether or not procedural fairness and justice can be accorded to Mr Cormack in these circumstances.

**Mr Smyth:** What is the point of order?

**Mr Stanhope:** The point of order is whether or not it is appropriate for two members who have prejudged this matter to sit on the privileges committee.

**Mr Seselja:** Just on Mr Stanhope's query, the estimates committee made a recommendation that this be considered by the Assembly, and that is what has happened. The Assembly has now considered it, presumably in response to Mr Hanson's letter. But Mr Corbell, in the debate today, made very clear his view that he did not believe there was a matter of privilege.

I do not understand Mr Stanhope's point that Mr Corbell is appropriate to be on the committee, having expressed a very clear view in this place that there is no matter of privilege, as opposed to two members that signed off on a report that did not conclude there was a matter of privilege and that simply said this may be a matter of privilege. So if anyone has prejudged the issue, it would be Mr Corbell. The members who signed off on this committee recommendation simply referred it to the Assembly for consideration, without drawing conclusions.

**Ms Bresnan:** I would like to speak to Mr Stanhope's comments as well.

**MR SPEAKER:** Yes, and then I am going to stop this and consider my view after you have spoken.

**Ms Bresnan:** I just note that I did refer to the fact again that I did amend the motion to include Mr Hanson's press release and the letter and also draw attention to Mr Stanhope's and my comments in *Hansard* of the committee process where I actually stated that there were issues with both items of correspondence. So his allegations are incorrect.

**MR SPEAKER:** Thank you, members. I will just take a moment to consider this.

Mr Stanhope, I am not aware of any standing order under which the point of conflict would necessarily exclude the members being nominated. There can be a debate about

whether they are appropriate members and, if you want to do that, I think you should move the motion and then we can have a debate in response to the motion. But I am not aware of a standing order that can enable me to preclude these members from the committee which is, I think, what you are seeking. If you have got a contrary view, I would be happy to hear it.

**Mr Stanhope:** I thank you for giving consideration to this issue. I believe it is a serious issue that a senior and highly respected public servant —

**MR SPEAKER:** Mr Stanhope, what we will do is move the motion and then, if you want to debate it, we can.

**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) (5.55): Thank you, Mr Speaker. I move:

That the members so nominated be appointed as members of the Select Committee on Privileges.

I think I have said all I need to say in relation to this. This is, I believe, a very sorry moment. I have grave concerns that a recommendation, based on falsehoods, that there be a privileges committee has found its way into an estimates report.

**Mrs Dunne:** On a point of order, Mr Speaker: I think the comments being made by Mr Stanhope now are a clear breach of standing order 52 and a reflection on the previous vote that the committee be established. The Chief Minister may be unhappy about the vote this morning that established the privileges committee. What we are doing here is appointing three members of the Assembly to that.

**MR STANHOPE:** Yes, and I am moving that the members so nominated be appointed. I take your point. I would like to take the point of order and I will not reflect upon decisions of the Assembly. I will simply say that a decision has been made. The Assembly has decided. The Assembly has decided, on the basis of this statement in a letter from Mr Cormack “In the light of the above I believe—

**Mrs Dunne:** Mr Speaker, this is a reflection on—

**MR STANHOPE:** No, we are debating the motion to establish this committee.

**Mrs Dunne:** No. There is a point of order.

**MR STANHOPE:** “In the light of the above”—this is what Mr Cormack said; this is the effect—

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

**MR STANHOPE:** “In the light of the above I believe that it is appropriate that you withdraw this allegation”—that is an expression of an opinion.

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

**MR STANHOPE:** Sorry.

**Mrs Dunne:** Again, the Chief Minister is revisiting the arguments of this morning. The matter before us at the moment is whether three individuals should be appointed to a committee which we have already established. If the Chief Minister has a problem with that, he could have not moved it or moved an amended appointment or something else. But he cannot go back and rehash the issues of this morning. That is clearly in contravention of the standing orders.

**MR SPEAKER:** Chief Minister, can you stick to the issue of three members that have been—

**MR STANHOPE:** I will. I will just add one thing I would want to say and I will sit down and we can actually vote on this motion before we adjourn in two minutes time; otherwise we will not be forming this committee today. The claim by the estimates committee on which this privileges committee was established was, quite simply, that—

**Mrs Dunne:** Mr Speaker?

**MR STANHOPE:** I am discussing a motion to establish a committee. I can discuss the basis on which the committee is being established.

**Mrs Dunne:** No, no, to appoint people to an already established committee.

**MR SPEAKER:** Mr Stanhope, the motion is actually on the membership of the committee, not the remit of the committee.

**MR STANHOPE:** And that is what I am talking about. I am talking about the inquiry that the committee will conduct.

**MR SPEAKER:** No, but it is only about the nomination of the members, not about the committee itself.

**MR STANHOPE:** Okay. I hope that these members, in execution of their duty, will reflect on the statement which Mr Cormack made—“In the light of the above I believe that it is appropriate that you withdraw this allegation”—and I would like to know how those members believe that is a direction when a senior public servant expresses an opinion.

Question resolved in the affirmative.

### **Justice and Community Safety—Standing Committee Scrutiny report 7**

**MRS DUNNE** (Ginninderra): 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 7, dated 9 June 2009, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS DUNNE:** Scrutiny report 7 contains the committee's comments on four bills, 26 pieces of subordinate legislation, six government responses and two regulatory impact statements. The report was circulated to members when the Assembly was not sitting and I commend the report to the Assembly.

### **Planning, Public works and Territory and Municipal Services—Standing Committee Report 1**

**MS PORTER** (Ginninderra) (5.58): I present the following report:

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2007-2008*, dated 13 May 2009, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

The Standing Committee on Planning, Public Works and Territory and Municipal Services considered the annual reports for 2007-08. It looked into the annual reports of the ACT Land Development Agency, the ACT Planning and Land Authority, the Canberra Public Cemeteries Trust and the Department of Territory and Municipal Services.

The report focused on those issues raised and assessed during the committee's three public hearings and made four recommendations pertaining to them. These were options for wheelchair accessible taxis; ACTPLA staff's awareness of its agency's delegations; ACTPLA's reporting on government contracting; and public consultation by the Land Development Agency on land release programs.

In closing, I would like to thank ministers, officials and stakeholders who assisted the committee during this inquiry; the committee secretary, Nicola Derigo, and the committee office; and, of course, I would like to thank my fellow committee members, Ms Caroline Le Couteur and Mr Alistair Coe. I commend the report to the Assembly.

Question resolved in the affirmative.

## Adjournment

Motion (by **Ms Gallagher**) proposed:

That the Assembly do now adjourn.

## Estimates 2009-2010—Select Committee

**MR SMYTH** (Brindabella) (6.01): Unfortunately, in the debate on the estimates report, I was not accorded an extension of time and I did not have a chance to thank the committee staff. So I would certainly like to thank Ms Grace Concannon and Dr Hanna Jaireth for their assistance, particularly in the deliberation phase as they steered us through the mire that is often in an estimates report that emerges for tabling in this place. To Nicola Derigo, Erin Anderson, Celeste Italiano, Ms Rachel Lee and Mr Andrew Dib, thank you very much for your support. To the administrative assistant, Lydia Chung, we are most grateful for the assistance that you provided to us. To Dr Lilburn for the leadership that she provides to the whole secretariat, I would say thank you very much.

It is interesting to note the number of members who turned up, apart from Mr Seselja, Ms Le Couteur, Ms Bresnan, Ms Burch and me. Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Porter and Mr Rattenbury all turned up. So it was a full house. It was great to see that people actually came down and participated. They participated at different levels. Some stayed for a long time, some stayed for very short periods of time. But people had the opportunity to come down and ask the questions.

I think the way that the chair, Mr Seselja, conducted matters is a tribute to him. It was done slightly differently—and I pick up on what Ms Le Couteur said—in that it afforded us the opportunity to get to the detail, to be forensic about it. And the approach was done, I think, quite skilfully. The approach was handled well. We all did not get to ask all the questions that we wanted to ask, which is why they had to go on notice. But I think, in the main, it was very well done. So well done to Mr Seselja as chair and to the other members of the committee.

They are not the easiest of times, to sit for 12 days, with the same five people, and then go into the cloister of decision-making mode and then sit for almost another four days. It is quite an interesting process. But in the main, people kept their cool and we got through it. These reports are never what everybody wanted but it is a fair distillation of what the general thought was. Clearly, the general thought is that there is no plan in this budget to take the ACT out of the situation that it finds itself in. And that is of great concern to me.

## Live in Canberra campaign Canberra Raiders

**MS PORTER** (Ginninderra) (6.04): On Sunday, I had the great pleasure of welcoming to Canberra and to the Raiders game 200 new Canberra residents who have arrived in Canberra in the last 12 months. I must say that, when I first came to

Canberra over 30 years ago, it would have been fantastic to be able to experience such a program and to have a program such as live in Canberra available to my family and me.

In my experience, when you first come to a new place, it is not always easy to settle in. And to have the opportunity of such functions and such a welcoming environment is one way you can find out what being a Canberran is all about. I think it is really terrific that this government, my government, helps people with that process of settling in. It makes it a bit easier. It also helps people to meet other people that have been here for quite a while but also to share their experiences of being a new Canberran with other new Canberrans.

The program has been running now for more than three years and there are more than 1,000 new residents on the database. I would like to thank the government and the public servants who administer this program and run it so well. It makes such a great difference, because of the way they run it, that these people are made very welcome when they come to the functions. I also understand from them that upcoming events include guided tours of the Royal Australian Mint, the Australian War Memorial and the AIS. I encourage all those Canberrans to take advantage of the other events.

Not all those who attended on Sunday, of course, were familiar with the game of rugby. In fact, many said they had never been to a game before. It is one thing to watch a game but it is also certainly very different to be out there with thousands of fellow Canberrans who cheer on the local team. Unfortunately, the Raiders were not victors in the game against the Sharks who had a narrow win but I know that the Raiders and the Raiders officials, including the CEO, Don Furner, were very pleased to welcome people there on that day and were very glad to be able to host these 200 people.

It is important that these new Canberrans, men and women and their children, enjoyed their day of footy and shared their experience with their fellow new Canberrans and of course thousands of people who have lived here for many years. I do trust that they continue to enjoy the experience of living in Canberra and that they will tell their friends interstate what a wonderful city this is and what a wonderful city it is to establish one's home and bring up a family.

### **Privileges—Select Committee**

**MRS DUNNE** (Ginninderra) (6.07): Could I point out to Ms Porter that the game that they play in heaven is rugby, and they played that the night before at Bruce stadium. The game she was talking about was Rugby League.

**Ms Porter:** There are different kinds of rugby.

**MRS DUNNE:** The Labor Party has a problem distinguishing between the two games. The Chief Minister did that once at Bruce stadium as well.

**Ms Porter:** And then there is the real football, with the round ball.

**MRS DUNNE:** Yes, but that is not the game they play in heaven.

I cannot leave the chamber today without reflecting not so much on the votes of this morning but on the performances of this morning and express my deep concern at the behaviour of the Labor Party in relation to the matter of precedence in this place. Having been a member now for coming up to eight years, I have seen the establishment of quite a number of privileges committees in my time to inquire into matters of privilege. I have been the subject of a privileges inquiry. I have seen staff of the Assembly subject to a privileges inquiry and I have seen members subject to a privileges inquiry. I have previously seen public servants also subjected to a privileges inquiry but I have never experienced what I saw this morning, neither in majority nor in minority government of either stripe.

I knew that we were in for trouble when the Chief Minister stood and asked you, Mr Speaker, to table your advice, which I thought was a bit rich coming from the Chief Minister who will never waive privilege on any matter of legal advice. I thought it was a bit rich of the Chief Minister to require that of you, Mr Speaker. And my general view is that, if I was in the situation that you were in, I would waive my privilege in relation to legal advice when the Chief Minister waives his and tables the Costello report.

But it went from bad to worse. I think the performance of the leader of the house, the manager of government business, was a low point in the Assembly. He wanted to move dissent from what he thought was your ruling when there was no ruling but was not to be able to take advice that he could not do so. There is a form for dealing with this and it is set out in the standing orders. You come to a view that something is entitled to precedence and then the Assembly takes over. Mr Hanson may move a motion. Mr Hanson, as the person bringing forward this matter, may move a motion or he may not; he may have decided that the matter had already been resolved. As it turned out, he did want to, and that is the place where, if he wanted to, the manager of government business could put forward the government's objections.

But my great concern about this is that the way that this was dealt with this morning in many ways makes it very difficult for those people who have now been appointed to the privileges committee to undertake an inquiry which is not in some way overshadowed by the very bad behaviour of the government here today in prejudging the issues. Of course, matters of privilege are always fraught and people come to them with their own views about it but, having been the subject of a privileges committee inquiry and having seen other people brought before a privileges committee, I have never seen a member behave in a way which so prejudged the outcome.

I think this is an unfortunate turn of events for the Assembly and I think it is appropriate that the minister reflect upon what he said this morning. I think there are many things that he said this morning which were unparliamentary. He called the putative committee a kangaroo court. I wonder how he thinks about that now that he has been appointed to that committee. I think it might be timely for the manager of government business to reflect on the intemperate nature of his language, the intemperate nature of the whole hour and a half of fairly undignified performance this morning from the government. I think they should be getting in a huddle and thinking about how they might do this better in the future.

### **Privileges—Select Committee**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.11): I am not grateful at all for Mrs Dunne’s gratuitous advice on how members of the government should conduct themselves. That is a matter for us and ultimately for the electors to determine. But I think it is appropriate to reflect on the discussion this morning that led to the establishment of a select committee on privileges. I am not going to endeavour to reflect on that decision but I am going to reflect on the important position of principle that the Labor government sought to take on this matter.

We feel, and remain of the very strong view, that the approach adopted by the Liberal Party and supported by the Greens in relation to this matter is one that is deeply unprincipled and fundamentally flawed. The position adopted by the two non-government parties in this place today sends the signal that whenever someone critiques a member of the opposition they will face the prospect of a privileges inquiry. It is a move designed to silence any suggestion that they may have got it wrong. It is a move designed to send the very clear message that people who seek to correct the facts will be held publicly to a process of ridicule and inquisition.

It is an unprincipled and unworthy development in this place, and the Labor Party stands by that. To the extent that other members in this place facilitated that debate today it was entirely appropriate that the government make clear that it did not agree, and it dissented from that course of action.

That is what I did as manager of government business. I stand by my comments in relation to that debate and it is an entirely appropriate form of this place that, where a person is aggrieved by the decision of the Speaker and is able to move dissent in relation to that ruling, they can do so and can express their view to the Speaker directly. I always have high regard for the importance of respecting the authority of the Speaker in this place but there is a form of this place for dissenting from the decision of a Speaker, and that is what I did, in accordance with the forms of this place.

My language was language appropriate for a strongly held dissent and it did not in any way suggest anything other than disagreement with the Speaker in relation to that matter. That is appropriate; that is what the standing orders provide for; and it is the way I will continue to conduct myself in relation to matters where I believe the Speaker’s ruling is incorrect, as rare as I hope those moments will be.

### **Estimates 2009-2010—Select Committee**

**MR COE** (Ginninderra) (6.14): Last week the Chief Minister made some extraordinary claims regarding questions on notice and belittled his local government responsibilities by highlighting questions on notice from the estimates period as a “wild fishing expedition”.

The ACT government is a fusion of territory and municipal responsibilities. Indeed, the Chief Minister acknowledged on 11 May 2009 in this place, during our 20th anniversary celebrations, that:

The range of our responsibilities, colliding with our modest size, has created challenges, but has also enforced an intimacy with the reality of the lives of the Canberrans that we serve. Each fortnight we have a reminder of this, during Chief Minister talkback—a reminder that sometimes what matters most, agitates most and affects the quality of life of an individual most is the cracked footpath, the aggravating neighbour, the overhanging tree, the obscured stop sign.

Last year he also declared himself the mayor of Canberra. It is disappointing then, despite this rhetoric, that he continues to ignore and belittle his own local government responsibilities.

During my campaign and since being elected, the single most important theme that has been raised with me is the need to get the basics right. Canberrans want comfort and amenity at local shopping centres, good quality roads, footpaths repaired, streetlights replaced, and buses to run on time.

Rates, fees, charges, bus fares and fines are all going up in this year's budget while service standards are slipping. The Canberra community have a right to expect answers. But, when asked about these very issues, the Chief Minister cries foul, obviously trying to cover up the failings of his government. I asked a range of questions in relation to ACTION buses, roads, paths, street lighting, parking fees, efficiency dividends, shopping centres and other topics.

The Chief Minister also made some extraordinary claims in relation to questions on notice the other day. I am disappointed it has taken so long for these answers to the questions to be returned. Mr Stanhope's press release on Wednesday last week claimed that an unprecedented barrage of 2,550 questions in total would take 12,750 public service hours to respond to, at a cost of \$1.5 million. I am concerned that, according to these numbers, it takes on average five public service hours to answer each question, at a cost of almost \$600 per answer.

If this government was open and accountable, this information would be available at the click of a button, not a \$600 public impost. The government must be more accountable with taxpayers' money and put effective efficiency measures in place to ensure better accountability of government spending.

The outrageous claim that it takes five hours and \$600 to answer each question on notice follows from revelations earlier this year that in relation to accounts payable by the Department of Territory and Municipal Services the government could not provide details of incomings and outgoings. Mr Stanhope said:

For the financial periods stated, TAMS was operating its own version of ORACLE which has not been configured to produce the requested information concerning the timeliness of accounts payments.

It seems that five hours and \$600 later the government cannot even answer the basic questions. In actual fact, there is scope to put in a question on notice about what advice was given to the Chief Minister about the costing of questions on notice answering. Given that the government cannot even track incomings and outgoings, I am not surprised they have been unable to handle the challenge of budgeting in these tough economic times. The Chief Minister should take a reality check and come back down to earth and focus on getting the basics right.

### **World Refugee Day**

**MR DOSZPOT** (Brindabella) (6.18): Mr Speaker, I welcome the statement by my counterpart the Minister for Multicultural Affairs earlier today on World Refugee Day and I would like to offer my own statement in support of this very important week which culminates in World Refugee Day on 20 June.

I was very pleased to attend, as part of Refugee Week, the scholarship presentation ceremony held by the Canberra Refugee Support group yesterday. The ceremony plays an important part in recognising and encouraging outstanding refugee students in the pursuit of their goals, and it is heartening to see such overwhelming achievement amongst our youngest and newest arrivals.

I was particularly moved by the story of Atuna Chol, one of the recipients of yesterday's refugee scholarships. Her story reflects well the theme for Refugee Week this year, which is freedom from fear. The *Sydney Morning Herald* today carried a very interesting article which I would like to partly put on record here for all of us. It is headlined "More countries must help refugees" and reads:

Atuna Chol was forced to leave Sudan barefoot when she was nine. Carrying her two-month-old sister, she and her sick mother walked for weeks in the heat to Ethiopia before applying for asylum in the Congo. She lived in a Ugandan refugee camp before arriving in Australia in 2004 ...

Ms Chol, who is studying for a business certificate, teaches computer skills to young Sudanese refugees. She was amongst 15 students awarded scholarships yesterday in recognition of academic and community success.

I can relate to Ms Chol's situation. I was also nine years old when my parents came as refugees. The advantage I had was that I had parents who fended for me and helped me in my learning and in the efforts that I had to make to assimilate and take on my schooling in Sydney. Ms Chol had no such advantage, as we heard that she carried her two-month-old sister, and it was only she and her mother that had to fend for themselves.

There were 14 other worthy recipients of scholarships yesterday and I congratulate them all on their efforts to date and wish them all well in their future studies. It is imperative that there is a greater understanding of who refugees are, why they come, and the enormous challenges that they face when they arrive in a new land, which is so often so very different from their homeland.

Refugee Week also provides an opportunity to celebrate the contribution that refugees make to our society and reminds us all how we can appreciate the diversity that they bring to our community. We must acknowledge here the support and dedication of many community groups and individuals, such as Canberra Refugee Support Inc, who pave the way to support refugees in their endeavours to build a new life. My thanks go to Geoff McPherson, the president of CRS, and to his hardworking committee and volunteers.

I have recounted my family's story of fleeing religious and political persecution many times over. However, I feel my story resonates with so many refugees to this proud land and helps to illustrate the importance of celebrating Refugee Week. All of us newcomers to this proud land have found peace, freedom and opportunities, while our direct contribution in return has been our energy, work ethic, and values and traditions. When I was a child, my parents always impressed on me their gratitude for the opportunities that Australia, our new homeland, and our democratic system provided to them and their five children.

I encourage all members to participate in Refugee Week and I do note that Ms Bresnan, along with the Youth Coalition, is hosting a function celebrating young refugees. Again, I encourage members to show their support and spare a thought for those who have fled their homeland and are pursuing a life which reflects this year's theme, freedom from fear.

### **Estimates 2009-2010—Select Committee Refugees**

**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) (6.22): Mr Speaker, I wish to take the opportunity to correct, on Mr Coe's behalf, the mistakes of fact that he disseminated today in relation to alleged refusals by me to allow him, or to provide him with access to, departmental officials for briefings.

It is quite outrageous, and I must say particularly saddening, that a new young member of the Assembly has already got to the stage where he actually feels absolutely no concern or reluctance in issuing press releases for the world at large, claiming that the outrage of me refusing to allow him access to departmental officers within Territory and Municipal Services for briefings, particularly on municipal issues, is of concern to the community.

The facts are that Mr Coe was accorded a briefing and has been accorded a number of briefings by the most senior officers, including the chief executive officer—

**Mr Coe:** The ones I requested?

**MR STANHOPE:** Yes, you requested and I approved them. On 27 January, he had a briefing by the Chief Executive of TAMS, Mr Gary Byles, and by the head of the heritage unit, Mr Gerhard Zatschler; in February 2009, a detailed briefing by Hamish

McNulty, the deputy head of Territory and Municipal Services, Mr David Butt from the minister for the environment's department, and Mr Graham Mannall, the head of ACT NOWaste, on the issues of waste. In March 2009, I approved and agreed to briefings for Mr Coe by officers of TAMS, from Mr Gary Byles, Acting Chief Executive, by Mr Tom Elliott, Acting Deputy Chief Executive, by Mr Tim Swift, acting head of ACTION, and by Ms Liz Clarke, deputy head of ACTION, and again a briefing in February by Mr Russell Watkinson, head of Parks, Conservation and Lands, and Ms Diana Hill, deputy head of PCL, and by Ms Lea Durie.

These are the most senior officers within Territory and Municipal Services, without exception: the departmental head, the deputy departmental head, the head of ACTION, the head of Parks, Conservation and Lands. All of them have given detailed briefings, answered every question, responded to every issue that Mr Coe has asked of them. Yet we have today Mr Coe feeling absolutely no self-consciousness—

**Mr Coe:** How about you answer my letter?

**MR STANHOPE:** Interrupt now, Mr Coe—caught out in your deceit and your deception.

**Mr Coe:** Answer my letter of 1 December.

**MR STANHOPE:** Answer now—interrupt, interject. You have been afforded unparalleled access to the most senior officers within Territory and Municipal Services—and for you to put out a press release today, saying that I have refused you access, is simply untrue, Mr Coe.

Let me tell you: if you actually head off in your political career, believing that you can lie, that you can dissemble, that you can put out press releases that do not reflect the truth, you will have, which I expect anyway, a remarkably short political career. Just take some advice from me: do not put out press releases that are blatantly false—because you will be found out. You will be found out and you will justly—

**Mr Coe:** Or write letters to builders that are wrong, Jon?

**MR STANHOPE:** I will write letters. I will write again—I intend to write again—to correct the slur, the repeat. Mr Coe, in the estimates committee—it is in the *Hansard*—alleged that five reputable Canberra businesses were engaged, or at least one of them was engaged, in price gouging. It is on the record; it is there for you to see.

**Mr Coe:** No, it is not. No, it is not, Jon.

**MR STANHOPE:** It is in plain English.

**Mr Coe:** You are wrong.

**MR STANHOPE:** Well, I will write to them again too. I will write to them again too and I will give you their responses again, a second time.

On another matter, Mr Speaker, I join with Mr Doszpot in relation to the reflections that he makes on the role and place of refugees and the particular issues refugees face. Mr Doszpot, I think you are of Hungarian cultural background. I thought of you this morning, Mr Doszpot, when noting in the *Canberra Times* that today, I believe, is the 53rd anniversary of the hanging of the Prime Minister of Hungary after the invasion of Hungary by the invading Russian Soviet forces. I have to say, Mr Doszpot, that in a sense of solidarity I thought of you as I reflected on the implications of that and the coincidence in Refugee Week. I reflected as I read that today that it is just 53 short years ago that the world, and in this particular instance Hungary, was faced with that most dramatic event and the repercussions of that. I stand with you and share with you, Mr Doszpot, the comments you made today in relation to refugees.

Question resolved in the affirmative.

**The Assembly adjourned at 6.28 pm.**