



Debates

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Tuesday, 14 August 2012

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Tuesday, 14 August 2012

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

Petitions

The following petition was lodged for presentation, by Ms Le Couteur, from 836 residents.

Deakin shops—safety barriers—petition No 137

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly a number of car accidents and near accidents along the pavement at the Deakin Local Centre. These pose a serious risk to pedestrian safety and have resulted in damage to Deakin shop fronts. Although there have been no deaths or injuries there is a serious risk of deaths and/or injuries if urgent action is not taken by the ACT Government to remedy the situation.

We note that Roads ACT plans to implement limited protective measures by the end of September 2012, and engage an independent consultant to assess the Shopping Centre carpark and address the safety concerns raised by shop owners and the Deakin Residents Association. This is too little, too late.

Your petitioners therefore request the Assembly to call on the ACT Government to:

- Urgently install temporary heavy duty safety barriers (water filled, or similar) to protect pedestrians, shop users, Deakin shop owners and staff from the risk of intentional or unintentional impact from motor vehicles, for the full length from the IGA corner to the corner outside Cape Cod restaurant, and
- Urgently engage and undertake a full risk assessment, to identify and fully address safety concerns raised by shop owners and the Deakin Residents Association, for implementation by 31 December 2012.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.

Ministerial responses

The Clerk: The following responses to petitions have been lodged by ministers:

By **Ms Burch**, Minister for Community Services, dated 14 June 2012, in response to a petition lodged by Ms Bresnan on 1 May 2012 concerning the redevelopment of Northbourne Flats.

By **Mr Barr**, Treasurer, dated 28 June 2012, in response to a petition lodged by Ms Porter on 27 March 2012 concerning CTP insurance for taxis.

By **Mr Corbell**, Attorney-General, dated 24 July 2012, in response to petitions lodged by Ms Porter and Mr Corbell on 1, 3 and 8 May 2012 concerning the Retirement Villages Bill 2012.

By **Ms Burch**, Minister for the Arts, dated 29 July 2012, in response to petitions lodged by Mrs Dunne and Ms Le Couteur on 7 June 2012 concerning the Fitters Workshop.

The terms of the responses will be recorded in *Hansard*.

Housing—Northbourne Flats—petition No 132

The response read as follows:

The ACT Government notes the petition by the petitioners, tabled by Ms Amanda Bresnan MLA on 1 May 2012, and makes the following comments:

The ACT Government notes the concerns of some residents of the Australian Capital Territory about the residents of the Northbourne Flats.

The Government believes that the redevelopment of the Northbourne Flats provides an opportunity to deliver economic, social and sustainable benefits.

The intention is to retain 10 per cent of the development for public housing. This will provide some tenants who wish to remain on the site with the opportunity to do so. Other tenants may take this as an opportunity to move to a dwelling in another location. They may choose to find housing that is closer to work, family or where they study.

The tenants will remain Housing ACT tenants and Housing ACT will work with the tenants to understand their needs and to determine the most appropriate location for them.

Housing ACT has kept the tenants informed by way of letter about the issues associated with the redevelopment of the Northbourne Flats. This included a study to assess the heritage value of the place, as well as the design competition.

Since November 2011, when the winning entry of the design competition was announced, there have been two meetings held by Housing ACT, to which all tenants of the Northbourne Flats were invited. The last meeting was held on 1 March 2012.

Information about the redevelopment of the Northbourne Flats was provided at the meetings. People attending the meetings had the opportunity to ask questions on issues that were of importance to them.

As the project progresses, further meetings will be held to which tenants will be invited.

Tenants have also received a newsletter on the redevelopment of the Northbourne Flats and further newsletters will be issued. A website at www.dhcs.act.gov.au has also been established which can be accessed by tenants.

Taxis—insurance—petition No 130

The response read as follows:

The ACT Government notes the petition by the petitioners, tabled by Ms Mary Porter AM MLA on 27 March 2012, and makes the following comments:

Whilst recognising that compulsory third party (CTP) insurance premiums must be sufficient to fund legal obligations to compensate people injured in road crashes, the Government is very concerned by the high cost of CTP premiums in the ACT and the amount by which they have risen in recent years. In fact, premiums for ACT motor vehicles have increased on average by 36.5 per cent since the commencement of the *Road Transport (Third-Party Insurance) Act 2008* on 1 October 2008.

The Government is conscious that the present high cost of CTP premiums impacts on the taxi industry disproportionately, due to the risk exposure and claims experience of taxis compared to other classes of motor vehicles. As a consequence, the premium for a taxi has increased by 46.4 per cent, from \$5,826.80 to \$8,531.10 between 1 October 2008 and 30 June 2012, compared to an 11.8 per cent increase in per kilometre taxi fares over the same period.

CTP premiums are an appreciable overhead for taxi operators. The escalation in CTP premiums at a rate significantly in excess of both consumer and wage price indices in recent years has therefore undoubtedly exacerbated cost pressures on taxi operators.

Although the taxi industry is able to seek to recoup increased CTP costs as one element in its submissions to the annual taxi fare review conducted by the Office of Regulatory Services, there can be a considerable delay between higher premiums being incurred and any change to taxi fares. For example, CTP premiums increased by 8.0 per cent with effect from 16 August 2011 but it is not anticipated that there will be any consequential alteration to taxi fares prior to 1 July 2012.

In February 2011, the Government acted to constrain future premium increases by introducing the Road Transport (Third-Party Insurance) Amendment Bill 2011 (CTP Bill) into the Legislative Assembly. The Government's view was that the Bill would, if passed, encourage more insurers to enter the ACT market, giving all motorists, including taxi operators, the benefit of competition and the additional discipline that this would have imposed on claims handling and premium pricing by insurers.

The CTP Bill would have significantly improved the ACT's CTP scheme, focusing as it did on improved health outcomes for injured persons in the place of monetising injury. In addition to putting downward pressure on CTP costs, competition could also be expected to lead to better customer service for

motorists who pay CTP premiums, including taxi operators, and for persons injured in road crashes. Over time the net result should have been more affordable CTP insurance for the ACT community.

The Government's CTP Bill was the subject of an inquiry by the Legislative Assembly's Standing Committee on Public Accounts. The committee reported (*Inquiry into the Road Transport (Third-Party Insurance Amendment Bill 2011, Report 22)*) on 10 May 2012. The committee has recommended that the CTP Bill not be supported by the Legislative Assembly in its present form.

Without the Government's proposed changes, there is little realistic prospect either of other insurers entering the ACT market for CTP or for a significant reduction in the premiums payable by ACT motorists, including taxi operators, in the immediate future. The Government considers that the level of market competition and the rate of premium increase in recent years is concerning, and should be addressed.

The Government considers that the reforms contained in its Bill will provide significant benefits to Canberra motorists and households through improved health outcomes, increased CTP market competition and reduced CTP premiums. The Government will continue to push for its reform, which will bring the ACT into line with other jurisdictions.

Notwithstanding the apparent lack of support for the Bill by the non-Government parties in the Assembly, the Government will not abandon its Bill.

The Government will respond to the inquiry report in due course.

Retirement villages—petitions Nos 131, 133 and 134

The response read as follows:

The Government notes the petitions by the petitioners, tabled by Mr Simon Corbell MLA on 1 May and 3 May 2012, and by Ms Mary Porter MLA on 8 May 2012 and makes the following comments.

Mary Porter, MLA, introduced a private member's bill, the Retirement Villages Bill 2011 on 16 November 2011.

Following introduction of the 2011 Bill, industry groups indicated in a submission to Government that they were opposed to the Bill on the basis that it may have imposed high costs on the retirement village industry.

Both the Government and Ms Porter have separately met with a number of industry groups and the ACT Retirement Village Residents Association. In their meetings with Government, both industry and resident groups have indicated a preference for retirement village legislation along the lines of the NSW legislation.

Industry groups have indicated that they are largely already complying with the NSW requirements.

Introducing ACT legislation similar to NSW would also allow retirement village operators operating in both jurisdictions to avoid compliance costs associated with complying with two different statutory regimes.

Resident groups have indicated support for the NSW legislation on the basis of included resident rights, including resident input into budget setting by management. In addition, the NSW legislation makes adequate provision for the concurrent operation of other applicable laws, including unit title legislation, and does not include provisions that acquire property otherwise than on just terms.

After considering feedback from industry and residents groups, in June 2012 Ms Porter MLA tabled the Retirement Villages Bill 2012. The 2012 bill is based on the NSW *Retirement Villages Act 1999*.

The ACT Government is currently considering the 2012 bill.

Fitters Workshop—petitions Nos 135 and 136

The ACT Government notes the petition by the petitioners, tabled by Mrs Vicki Dunne MLA on 7 June 2012, and makes the following comments:

The ACT Government notes the concerns of some members of the community.

The Government Response to the Assembly Standing Committee Inquiry, which continues to support the Government's commitment to locate Megalo Access Arts Inc. in the Fitters' Workshop was tabled on 5 June 2012.

Forced adoption—apology

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (10.02), by leave: I move:

That the ACT Legislative Assembly acknowledges, with deep regret, that past practices of forced removal and adoption have caused great pain and suffering to mothers and their children, who are now adults.

We recognise that past practices have profoundly affected the lives of not only these people but also fathers, grandparents, siblings, partners and other family members.

We acknowledge the life-long impact of this separation: the grief, trauma, loss, disconnection and unwarranted shame, guilt and secrecy.

To those mothers who had their babies taken from them, who were denied the opportunity to care for their child, who were not informed of their rights, nor provided with the support that mothers need, we are deeply sorry for this injustice and all the harm it has caused.

To the adopted children, who are now adults, and who were denied the opportunity to grow up with, and be cared for by their parents and families, we offer you our sincere and unreserved apology.

To those ACT families, past and present, separated by an adoption that was forced upon them, the Assembly expresses its heartfelt sympathy and is sorry.

We are committed to providing support, counselling and assistance to ACT families who are parties to an adoption, and to ensuring that the flawed adoption practices of our community's past are not repeated.

Today the government moves to apologise, on behalf of the Assembly and the community, to ACT residents, past and present, who have been affected by practices of forced adoption.

We acknowledge, with deep regret, that past practices of forced removal and adoption have caused great pain and suffering to mothers, fathers, the babies who were adopted and families.

Mothers who experienced forced adoption practices were not properly informed of their rights, nor provided with the support that mothers need. Fathers were excluded from the decision-making process.

People who were adopted may carry a burden, in the recent knowledge that their adoption process may have been marked by injustice.

To the adopted children, who are now adults, and who were denied the opportunity to know, or grow up with, or be cared for by, their birth parents and families, we offer you our sincere and unreserved apology.

Mr Speaker, in the period from the 1940s to the 1980s, Australian women who bore children out of wedlock were subject to society's condemnation—to an ostracism that seems impossible to understand for us here today.

These policies affected Indigenous and non-Indigenous Australian women, often young, sometimes barely adults themselves. These women were made to feel unwarranted shame. They were hidden away. They were forced to incriminate the fathers of their unborn babies. And then, when their much-loved babies were finally born, often they were taken away, against the mother's wishes, and given up for adoption.

All this was done in pursuit of the mantra of the time—that a child born to an unmarried mother would not receive the best possible chance in life.

Today's apology is about acknowledging the truth of this history of ours, and resolving to learn from the past.

Mr Speaker, the legacy of society's actions during those decades of enforced adoption has been damaging, and enduring—indeed, for those affected it has been life-long.

Mothers were made to give up their babies for adoption in an atmosphere of silence and shame, to which was then added a deep, though undeserved feeling of guilt.

These mothers were often young, powerless and emotionally vulnerable. The coercion used was sometimes subtle and sometimes brutal, but there is no denying it occurred, supported by the very institutions of our society—family, churches, hospitals, police, governments—that we expect to care for the vulnerable, to nurture life, and to do no harm.

Today we acknowledge the lifelong impact of those policies and practices—essentially, the practice of preventing a family from ever forming. Practices that have left a legacy of grief, trauma, loss, disconnection and unwarranted shame, guilt and secrecy.

Partly because of the secrecy and coercion involved, we may never know how many women and their babies were separated by forced adoption. The Senate report into the practice earlier this year could not say what proportion of the 250,000 or so adoptions during the decades in question were forced, but it must have been in the many tens of thousands at least.

Mr Speaker, at the time these forced adoption practices were taking place the territory was under Commonwealth administration. This parliament had not yet been constituted. The ACT government did not exist. But this Assembly is the voice of the people of the ACT in 2012. It is the rightful place therefore in which to recognise and express our sorrow for the past actions of this community. Some of those personally affected by forced adoption have moved away. Some have died. But this apology is to them, too.

Mr Speaker, the feedback from major national inquiries and studies, as well as feedback from affected individuals in our own community, is that no apology from a parliament or a government can heal the pain and loss of forced adoptions.

The report of the Senate community affairs committee, handed down earlier this year, recommended a national apology, but not in any expectation that the trauma could be healed. Quite simply, it recommended an apology because it was the right thing to do, and a way to begin.

As one woman who made a submission to the Senate inquiry said: “We need to be respected in this country’s history as mothers who had their babies taken forcibly from them for no other reason than to satisfy the ideals of others. We need to be respected in this country’s history as mothers who were unjustly abused, betrayed and punished by all governments, hospital staff, welfare workers, religious hierarchies and society because of their inhumane, obscene prejudice towards us.”

The report of the Senate inquiry makes for painful reading. It must have been far more painful—even traumatic—for those who bravely chose to make submissions to that inquiry, reviving hurtful memories and old feelings, in order that their fellow Australians might know the truth about what happened. We owe all of those who speak up a debt of gratitude.

Some women recall the devastation of being rejected and disowned by their own families, once their pregnancies became known.

Some recall being drugged by their own parents and waking up to find that they were in a car, on their way to a maternity home in another town or another state, where they would spend their pregnancy and confinement cut off from contact with everything and everyone that they knew.

Some tell how they were required, while at these maternity homes, to use false names—names that were then used on their baby's birth certificate.

Women told of being sedated during childbirth, or of having pillows or blankets arranged so they would never catch sight of their babies.

Women were told, untruthfully, that their babies were dead.

There are tales of coercion and control, of ostracism, of women being tricked into signing away their babies, of bullying and emotional blackmail, of forged signatures, even of physical violence against women who resisted having their babies taken.

And then, for decades, until now, there has been the conspiracy of silence.

The recorded history of the various forms of forced adoption, over such a long period and often across state borders, is very patchy. There is a legacy of denial and concealment of these practices in Australian society, which has only served to further de-legitimise the very real trauma suffered by all those affected.

It is understandable that some of those affected will be sceptical about the value of an apology such as this one.

As one Canberra woman, who was taken from her mother at birth puts it bluntly: "If I am to receive an apology I want it noted that no apology can repair the damage that has been done to my mother, me and my family. I have been refused a child's right to be brought up by my own mother, in my own family, with my own religion and ethnicity recognised and understood. In fact my whole identity without my consent was taken from me and this can never be replaced."

Another Canberran articulates the hidden grief of mothers whose babies were taken from them. He says: "Grief is the natural emotional response to loss. Mothers whose babies were taken away experience disenfranchised grief—a grief which is not openly acknowledged, socially acceptable or publicly mourned, and therefore appears to have no end. Normally after death there are rituals which assist to ease the pain of the bereaved. In disenfranchised grief, the rituals are absent—the mother is totally disempowered, blamed and given no right to grieve—she receives no validation of her loss; no cards, no flowers or expressions of sympathy."

Mr Speaker, as the voice of this community, it is this parliament's role to acknowledge and legitimise these experiences, to acknowledge, validate and respect the grief, to offer that belated sympathy, even if we cannot undo the past.

It is our responsibility to acknowledge, on behalf of this community, that these practices occurred, and that mothers did not give up their babies willingly. We acknowledge the pain of those affected. And we express our heartfelt sympathy to those ACT families, past and present, separated by an adoption that was forced upon them.

As an Assembly, today we can resolve to never repeat the flawed adoption practices of our community's past, and to support, as best we can, the healing that is to come.

We know that today's words are just a beginning, that decades of loss cannot be remedied by any words, however heartfelt. But the words do need to be spoken if the healing is to begin.

The ACT government are committed to making available appropriate counselling support to affected Canberrans, to assist in that healing process, and we are also committed to taking what lessons we can from the past, to ensure that it is never repeated.

We have already had some discussions with those affected about the formation of a reference group, which will explore issues faced by people affected by forced adoption practices in the ACT, and how these can be managed into the future.

I know that past practices and experiences have already helped to shape recent changes to the ACT Adoption Act and the Children and Young People Act to ensure that these important pieces of legislation recognise the best interests of children and the importance of the provision of counselling, support, information and assistance to enable families to care for their children.

A number of recent legal changes relate to access to origins information and open adoption, where birth parents can remain informed or in contact with their child.

Mr Speaker, in 2012, we like to think we live in a different world and are part of a different society from the one that condoned and connived in the practices that have led to today's apology.

We have a range of supports for anyone facing a pregnancy in challenging circumstances, or indeed for those who may be experiencing parenting difficulties.

We have three child and family centres, which offer mainstream services like baby health checks, playgroups and groups specifically there to support fathers and mothers as they undertake their parenting journey.

Such programs were unheard of a few decades ago.

Another program which I think we can all take pride in is the Canberra college cares program at Canberra college, which offers young parents the opportunity to pursue their education whilst also pursuing their rights to be parents. This is a great partnership. It allows, and I think sends the message to, every one of the 149 students

currently involved, and the 135 children they bring to school with them, to know that they matter.

Programs like CCCares are some of the ways in which we show we can learn from the past, some of the ways in which we can ensure as a community that we will never again allow members of our community to suffer the indignity, the stigmatisation, and the lifelong trauma experienced by so many of those whose families were affected by forced adoption practices.

While today's apology cannot wipe away those years, or the tears, I hope that it may be a beginning of a period of healing.

I would like to acknowledge the work done by the Apology Alliance, which, in arguing for a national inquiry and an apology, has played such a leadership role in forcing us all to face up to this dark chapter of our past.

And thank you again to the many men and women who have, through their own stories, written that chapter into our official history books at last.

To all those affected by forced adoption, please accept this apology in the spirit in which it is offered.

MR SESELJA (Molonglo—Leader of the Opposition) (10.16): I thank the Chief Minister for bringing this motion forward. To my Assembly colleagues and to our guests in the gallery, today is a day of acknowledgement, of apology and of atonement. Today is a day of recognition of past wrongs, validation of past grievances and vindication for those who have fought so long to have their voices heard. Today is the day we accept and apologise for all the wrongs caused by the past policies and practices we now know to be those of forced adoptions. On behalf of the Canberra Liberals, I say sorry to those individuals and families affected by those policies and practices.

The practices outlined in the Senate committee report describe incidents that would clearly cause extraordinary trauma on those who experienced them, who had their newborn babies torn away from them. To those who went through those dark days, I say sorry. The practices as described would also have repercussions to this day for those whose experience started after separation, those who were taken away. To those too, I say sorry.

The practices, as written in awful detail throughout the report, go against basic rights that I personally hold to be of the most fundamental and important in all of human experience—the right of a mother to hold and keep her baby; the rights of a child to know and love and be loved by their parents. As a father, a son, a brother, an uncle—a member of a strong family—it is unthinkable to me that this practice was carried out, that these rights and opportunities were denied to so many people for so many years. It moves me to think of the plight of those people who endured this process against their will, in this of all countries, and in these of all times.

The federal parliament's community affairs references committee into commonwealth contribution to former forced adoption policies and practices makes for harrowing reading. Between the 1950s and 1970s, about 150,000 unwed mothers had their babies taken away from them against their will, in many cases in the most distressing and inhumane manner. Case after case there are reports that would break anyone's heart. There are the stories of those sent to expectant mothers' homes, away from support or family, where their possessions and money were removed, where contact with friends and family was cut off and where they worked without pay until they gave birth.

A lack of care, a lack of consideration and a lack of compassion were marked by almost all the submissions in the report. Some are typified by adoptions notable for their lack of consent, lack of informed consent, consent under duress or consent revoked. Some are simply coercion, plain and simple. Some describe treatment that frankly passes the borders of the barbaric.

In the most distressing, there are reports of mothers being tied to a bed whilst delivering their babies. Others had a pillow or sheet placed over their heads, preventing them from seeing their babies at birth. Some mothers did not even know that their babies were intended for adoption and found out only after the children had been removed. Others were drugged, physically restrained or shut out of nurseries. All are stories of lives torn apart by a system that has caused a cruelty of separation that is hard to comprehend. This is summed up in the report by the quote:

The really major disaster of history is the separation of a mother and an infant at birth. This experience of abandonment is the most devastating event of life.

I could not agree more. The hurt caused to both parent and child can scarce be imagined. It most certainly cannot be allowed to pass unremarked and uncondemned. And condemned these actions should rightly be, for these are not actions which have only just become anachronistic—that is, they are only seen as wrong through the eyes of those who enjoy the wealth and choices of the 21st century. These were actions which were morally and ethically wrong at the time they occurred, and which the Senate report concludes were illegal at the time they occurred. As the report notes:

The committee does not dispute the societal values and professional practice were different during the period in question. However, justifying past actions in terms of values or prevailing practice can be seen as avoiding taking responsibility for the policy choices made by institutions' leaders.

Let me repeat: these actions were wrong in law when considered against the law of the time. When addressing this vexed but undeniably essential element, the report states:

... certainly after new laws were enacted in the mid-1960s, actions of these types would in some cases have been illegal. Other experiences that reflected unethical practices included failure to provide information and failure to take a professional approach to a woman's care. It is time for governments and institutions involved to accept that such actions were wrong, not merely by today's values but by the values and laws of the time. Formal apologies must acknowledge this and must not equivocate.

On behalf of the Canberra Liberals, I do acknowledge this and I will not equivocate. What happened is morally, ethically and legally wrong now and it was morally, ethically and legally wrong then.

I also acknowledge the requirement, also noted at some length in the report, that to be genuinely effective an apology must be widely spoken and it must be widely heard. That is why moments such as this morning, where all parties from across the political spectrum, can and do come together to speak one truth about one message. We are sorry.

The National Council of Single Mothers and their Children also said:

A further outcome of the national inquiry should include greater public awareness and an opportunity for women to finally have their voice heard by the government and their experience publicly validated.

I genuinely hope that this motion today provides some part of that validation.

I also recognise other key recommendations of the committee and we add our voices to those who have spoken on this matter before and will do so still. When they do, I trust they too identify the other key wrongs mentioned in the report—that vulnerable mothers were not given the care and respect they needed during this difficult period of their lives, that mothers were poorly advised, that they were stigmatised by professionals and institutions and that organisations and their staff in positions of authority stood in judgement of these women instead of respecting them.

Lastly, the report indicates that it is vital to provide better support for those who have suffered and take solid steps to make sure we never repeat the mistakes of the past. Part of that process is providing more support to those individually affected, and the Canberra Liberals will support steps to provide that support in the future.

Mr Speaker, while no apology is ever enough, it is right and just that victims of forced adoptions are recognised and that we as a community say sorry. We do so today, freely and fully. We are sorry.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.23): The ACT Greens welcome and support the motion moved by the Chief Minister this morning. Almost two years ago when the Assembly resolved that following the federal inquiry we would apologise for these wrongs, I told the story of Phyllis from Western Australia whose baby was forcibly removed. Since then I have often thought about her and the trauma she experienced. I have carried the haunting image of her being told that she would only have 30 minutes with her baby because a nurse was prepared to “break the rules”, and of her promising to her three-day-old baby boy that she would one day hold him again.

Since then the Senate inquiry has taken place and there are now hundreds of similar stories available to read on the committee website. I have read some, but I have to admit that there came a point where I just could not read any more. The sheer weight

of all those years of grief poured out on the endless pages of overwhelming loss and sadness; I cannot bear to think what actually enduring it must have been like.

Knowing that those submissions are just a fraction of what happened right across Australia demonstrates just how important today's apology really is. I am sure that to those for whom this apology means most this is a day of very mixed emotions. There is the profound sadness and grief that few issues could provoke as intensely, and I hope there are also some feelings of relief and justice that the community is finally recognising what happened and apologising for it.

For all the terrible things that were done, for all the hurt and all the anguish over such a long period of time, for the empty space where there should have been a life to share, today is a day when we finally say sorry—sorry to the mothers who had their babies taken from them; sorry to their children, who did not have their mother's care; sorry to the fathers, siblings, grandparents and other family members who did not have a member of their family to share all life's experiences with, all the highs and lows that we all take for granted, that were taken away by a cruel and misguided practice for which there was no justification and no excuse. I sincerely hope that today does bring some comfort and some redress for what was done to you.

Today we recognise this group of people in our community who had an enormous wrong perpetrated against them by governments and institutions that were supposed to protect them. What was done was not just wrong, immoral and reprehensible; it was illegal—a profound breach of human rights and of basic human decency. Those who were entrusted by the community to do the right thing and to look after those in need simply failed. Instead of providing additional support and assistance, they denied these women what was most dear to them.

What happened has often been described as brutal, and I have no doubt that for many young mothers affected even that description does not do it justice. What was done was not just misguided. These actions were not just illegal, immoral and wrong; as I said, they were inexcusable. What was done was never in the best interests of the child or the mother.

As the South Australian Premier said during the South Australian apology, this was a basic failure of human conduct, a failure to ask the very simple question: how would I feel if this were done to me? To deny a child the knowledge of their heritage and identity—in some cases not even to put their parents' and particularly their father's names on their birth certificates—and to tell mothers that their babies had died or to tell children that they were unwanted were all horrific.

For those failures and for everything they led to, we are sorry. For the lies and deception, for the myths that were perpetuated to create a stigma that should never have existed, we are sorry. As our community's representatives, members of this place have a responsibility to recognise what happened and apologise for it. On behalf of all Canberrans, today is a day where as a community we can stand up and say we are very sorry and promise never to let anything like this happen again.

This is not the end. As well as apologising today we are also committing to do all that we can possibly do to provide the services and assistance to those who need our help in our community, those who have suffered so much. This means providing the types of services recommended in the Senate inquiry report, services such as those provided by groups such as Relationships Australia and Adoption Mosaic, and promoting events like the forum that is being run on 10 September at St Ninian's Uniting Church Social Action Group. It also means reflecting upon the current state of our Adoption Act to make sure that it provides the best possible support and processes.

In addition to saying sorry, it is also very important that we say thank you—a very sincere thank you to all of those who have worked so hard for so long, both to raise the issue and make sure that the community knows what happened and to provide the support networks and assistance services to those who suffered as a result of these forced adoptions.

I know that there have been many active groups in Canberra over the decades that have provided support both to mothers and adoptees. On behalf of the community, I think it is incredibly important that we recognise the role that you have played and say not just sorry but also thank you for everything you have done.

I was going to talk about a couple of individuals who I know have made an exceptional contribution but, as a sign, I think, of how strong this group of people are and how much they care for all who have been part of the effort to right the wrong, they declined and did not want any personal recognition, preferring instead that this day be about everyone. They know who they are, and I think that the Canberra community owes them a great debt of gratitude for their dedication and work.

It is very difficult for us to know what exactly happened here in the ACT last century when we were administered by the commonwealth. Of course that should not be a reason to delay or question the rightfulness of today's apology. I have heard stories of women having their babies taken from them at hospital here in Canberra, and I have heard stories of women being sent from Canberra to institutions in New South Wales to give birth and return without their babies.

There is no doubt that these forcible removals occurred right here, and it is fitting that our community's representatives should do all that we can in this Assembly to acknowledge and apologise for it. There are also women whose babies were taken from them elsewhere and now live in the ACT, and our apology extends to all those Canberrans affected, irrespective of whenever or wherever it occurred.

We apologise to the mothers and children, to the fathers, grandparents, siblings and many other family members who have suffered from this terrible, terrible wrong.

To finish where I began, today's apology cannot put Phyllis's baby back in her arms and it cannot give back the decades that have been lost. But I hope that at the very least it provides a chance to make things just a little better. It is by no means the end of the road; words can only do so much. I hope that they can ease the burden and you can take some comfort from what happens here today in the knowledge that your

community has expressed the sincerest apology for the loss and the trauma you have suffered.

Question resolved in the affirmative.

Sitting suspended from 10.32 to 10.56 am.

**Mr Alistair Coe—reflection on chair
Statement by Speaker**

MR SPEAKER: Members, I wish to make a brief statement concerning certain comments made by Mr Coe to the media following my decision to determine that a certain publication issued by him and Mrs Dunne breached the guidelines for publications and, inter alia, the members code of conduct.

My attention has been drawn to various media reports where Mr Coe has been reported as making statements that include accusations of partiality in the discharge of the duties of the Speaker. For the information of members I will table a copy of those statements. I table the following paper:

Reflection on the Chair by Mr Coe—Copy of statement by Speaker.

I refer members to page 74 of the *Companion to the Standing Orders* where it makes reference to criticisms of actions and conduct of the Speaker. As members can see, there are numerous precedents where my predecessors have addressed comments made outside the chamber concerning his or her rulings. The *Companion* points out that reflections on the chair should only be by way of substantive motion as to do otherwise is to undermine the authority the house vests in the Speaker of the day and runs the risk of drawing the institution of the Assembly into disrepute. I believe it to be a substantial duty of the Speaker to intervene in cases like this to protect the institution. I also draw members' attention to the code of conduct, which requires that members not discredit the institution of parliament.

I consider the remarks by Mr Coe, which I have referred to, warrant the Speaker's intervention because the accusation of partiality in the discharge of the duties of the Speaker is a very serious one.

I note that several of my predecessors have also taken the action that I am taking now.

I ask that Mr Coe apologise to the Assembly for his remarks.

MR COE (Ginninderra): Mr Speaker, I stand today to agree with the advice that comments about actual or perceived bias in rulings by the Speaker, a symbol and institution of the Assembly, are substantial and significant and should be presented in the appropriate forum. As such, in future, I will use the chamber for commenting on your rulings, and I apologise for not doing so in this instance.

MR SPEAKER: Thank you, Mr Coe.

Chief Minister

Motion of no confidence

The Clerk: In accordance with standing order 103, I inform members that Mr Seselja has lodged the following notice of motion:

That this Assembly no longer has confidence in the Chief Minister, Ms Katy Gallagher MLA, due to:

- (1) being the minister responsible for taking the ACT health system from one of the best performing in this country and turning it into one of the worst;
- (2) being the minister responsible when the systematic deception of the community about the declining state of the health system occurred, including the altering of at least 11,700 health records over a number of years to make the system appear to be performing better than it was; and
- (3) personally failing to disclose conflicts of interest and personal connections to the executive responsible for the alteration of many of the health records.

MR SPEAKER: I believe we are going to proceed with the presentation of committee reports, and then you will move the motion later, Mr Seselja.

Mr Seselja: I will not be moving the motion, I do not think.

MR SPEAKER: Okay, that is fine. We will move forward with some business.

Estimates 2012-2013—Select Committee Report

MS BRESNAN (Brindabella) (11.00): Pursuant to order, I present the following report:

Estimates 2012-2013—Select Committee—Report—*Appropriation Bill 2012-2013* and *Appropriation (Office of the Legislative Assembly) Bill 2012-2013* (3 volumes), dated 8 August 2012, incorporating additional comments (*Ms Bresnan and Ms Hunter*) and dissenting report (*Mr Smyth and Mr Coe*), together with a copy of the relevant minutes of proceedings and answers to questions on notice and questions taken on notice.

I move:

That the report be noted.

I apologise to the attendant who had to carry all those papers. I did have to carry them down to the chamber, though. First off, I would like to acknowledge my fellow committee members—the Deputy Chair, Mr Hargreaves; Mr Coe; Mr Smyth; and Ms Hunter—and thank them for their contributions and cooperation throughout this whole committee process, including the report deliberations. We actually worked very

well together as a committee and, while there are some dissenting comments to the report, I think overall we did work very collaboratively in terms of coming up with a report and recommendations that could be agreed on by all committee members.

I would also like to particularly thank the committee secretary, Sam Salvaneschi. She did an excellent job in pulling all this together. I know it is a very difficult job to do in terms of recording the proceedings of the hearings, pulling the report together and obviously the questions on notice that come through the process and then obviously the answers coming back. So I would like to thank her in particular for her work. She did an extraordinary job.

I also thank all the committee secretaries and staff, because I know that it is a time when all the committee staff pull together to make sure the process runs smoothly. It did, and I thank them all for their contributions, and particularly thank Lydia Chung, who took all the questions on notice and compiled that process. Again, as I said previously, that is quite a considerable process as well. So I do thank Lydia for that work.

I will go through some of the recommendations from the report. It is quite a considerable report. I should note that on the first day of the hearings, as has been practice in past estimates processes, we heard from community groups. I should thank them also for their contributions in terms of the submissions they made and going through the questionnaire process that has been instituted, which is very useful, and for appearing before the committee. Their contributions are extremely important. They do come on that first day but it does also lead into questions which the committee can then ask of directorates and ministers. I think it is a really important part of the process, because it allows them to not only make submissions and contribute but to actually be a part of the hearings and then, as I said, inform the committee in terms of some of the key issues for community groups. And because they have that direct contact, that grassroots contact with members of the community, it is an extremely important and vital part of the whole process.

One of the recommendations which I will point out is the recommendation in there about having reports in an accessible format. I draw attention to that particular one, because we heard from one of the community groups, Disability ACT, that one of the issues was that the budget papers themselves were not in an accessible format for people who are blind or have vision impairment. That is one of the recommendations that have been made. I think that is particularly important, because it is actually about the community being able to fully participate in this process. So I hope that is one of the recommendations that the government accepts and we can make sure in the future that those papers are available in a format which everybody can access.

Before I go to some of the recommendations, I note there are some dissenting comments from Mr Coe and Mr Smyth. Ms Hunter and I also made some additional comments. This is in relation to—and I will go to the actual notes—chapter 9 of the report. The Community Services Directorate looked at the \$500,000 that had been allocated in the budget to assist the directorate to investigate innovative models of social housing for people with disabilities. Carers ACT had put in a budget submission asking for a social and economic analysis, not just of government models

but basically of all models—models that could be provided through community groups and through the private sector.

One of the things that we have added here, both Ms Hunter and I, in our comments is that we believe that a proportion of that \$500,000 allocation should be allocated to fund the \$250,000 in the budget submission that Carers ACT have put forward to have that examination, that full examination of models of housing for people with disability. I think this is particularly relevant.

One of the issues that were discussed through the hearings was the national disability insurance scheme, which is obviously going to have quite an impact on the way we deliver services to people with disability. The theory behind that too is that people then will be able to have more choice in terms of the sorts of services that they can access. That is why both Ms Hunter and I believe very strongly that this recommendation we have made is important.

I would note in relation to that that we felt that, given the expertise that Carers ACT had, there was sufficient justification under the Government Procurement Act 2001 to exempt this contract from tender or quotation processes and award it on a single-select basis and note that there are numerous examples of community organisations having funding allocated to them. For example, in 2010-11 there were 58 contracts awarded to the community sector. Thirty-one of these contracts exceeded \$200,000 in value and were exempted from the requirement to seek public tenders. In 2011-12 there were four contracts awarded to the community sector and three of these contracts exceeded \$200,000 in value and were exempt from the requirement to seek public tender.

So I think it is worth noting that this is not an unusual practice and that under the act this can actually be accommodated. And that is in relation, as I said, to the additional comments from Ms Hunter and me.

Going through the recommendations here, as I said, there are quite a lot of recommendations and obviously they are something we will draw on more fully in responding to the budget itself. I know other committee members will obviously look forward to seeing the government's response to a number of these recommendations.

I will go to some of the health issues in particular, and one of the issues that have obviously come up was in relation to hepatitis C cases at the AMC. This was something that was discussed in the committee process. I note that Mr Coe and Mr Smyth did dissent from one of these recommendations, but recommendation 36 is that a needle and syringe program be trialled at the AMC to prevent further spread of blood-borne virus diseases. I hope this is something we will see the government act on. We would have liked to have seen some action on this before this time. We do think it is extremely important that we provide this. As we know and as was discussed in the committee process, it is about providing treatment as well. I think everyone recognises that. With any of these issues it is not just about providing treatment; it is also about prevention, and this is one part that has been recommended by a huge number of health groups, that this occur.

I will note in relation to that that this was a recommendation that all the committee agreed on, that all detainees at the AMC should have timely access to hep C treatment. I note, though, that this treatment is dependent on the gene type and body weight that a person has. I note that that factor does obviously need to be taken into account.

Looking at some of the other issues, as I said, there are a broad range of issues, particularly in health, going from campaigns to focus more on preventative health to looking at health promotion grants, the Village Creek centre, which we know was discussed and has been discussed on a number of occasions, to make sure that that is accessible by public transport, and looking at issues around the birth centre and midwives. This is obviously an issue the Greens have brought up on a number of occasions but there are recommendations around that.

There are recommendations around public transport also, noting that we are maintaining investment in infrastructure that allows us to maintain sustainable transport targets. That is going to be extremely important in terms of how we promote and progress public transport into the future. We believe that it was good to see all the committee agreeing on that being an important factor.

We have had a number of deaths on work sites in the ACT and this is an issue that was discussed in the committee process. Also, obviously, the CIT bullying situation was discussed in the committee and there are a number of recommendations around that also.

I will address this very briefly because we did have a recall hearing with Dr Bourke on this matter. It was in relation to Billabong. I have to say this was something that did—

Mr Hargreaves: I owe you \$5, Chris.

MS BRESNAN: I did have to raise it, Mr Hargreaves, because it was an important issue, I think. It was around Billabong and recognising that this was an Aboriginal organisation. I will not go into it, because I think it was prosecuted through the hearing, but I think it is a matter that needs to be looked at very carefully. I think that we did have concerns, as we have had for some time, that while Billabong had people from Aboriginal and Torres Strait Island descent in that housing, they were the only organisation in the ACT specifically providing accommodation. And it is concerning to us that while those properties will remain with the current tenants at the time, as the directorate said, they will not specifically be allocated for people from Aboriginal backgrounds and they will not then be managed by an Aboriginal organisation. That is concerning.

I think it is a shame—more than a shame; I think it is a detriment that we are losing Billabong as a provider for that accommodation. I recognise that there were issues around that process about them registering, but I think it is very disappointing that that could not be resolved.

In terms of making comments about whether or not they are an Aboriginal organisation, they are recognised by everyone in the community as such. And I think we do have to be careful, when comments are made by others that they may not be so, that we do not use that as a basis to not then recognise them as an Aboriginal organisation. I will not make any further comments.

As I said, it is a very comprehensive report, with a number of recommendations—many recommendations. I look forward to the response from the government to those recommendations in the report. Once again, I do thank all my fellow committee members for their cooperation, as I said, not just through the hearings but also in the report deliberations. I think we did work well together as a committee. Again I thank the committee secretaries for pulling all these processes together and making them run so smoothly.

MR HARGREAVES (Brindabella) (11.14): I would like to join the chair and probably other committee members in thanking members for their contributions to our deliberations on this rather extensive report. Also I would like to add my thanks to the committee secretaries who collectively put together this report. It is not an easy task for committee secretaries to distil the views of the many members and the various positions that members were put in, in this particular exercise. I think it is particularly incumbent upon the committee to recognise their efforts. Sam Salvaneschi led a particularly competent bunch of committee secretaries, and I think that needs to be said on the public record.

I draw people's attention to the Centre for International Economics report which is in volume 3. Interestingly, it has been glossed over, so far; and I suspect it will be glossed over when opposition members get up and speak. Essentially the CIE report congratulated, in my view, the budget prepared by the Treasurer, Mr Barr. In fact they highlighted quite a number of approaches, which was rather good. One of them was that the assumptions were by and large conservative and in line with recent trends. We do not hear that said by those opposite. It says, "Savings plan appears to be reasonable." Those sorts of comments are peppered through this report.

They talk about, and in fact debunk, a lot of the claims by those opposite that there will be doom and gloom in the ACT because of the budget cuts to jobs. In fact the CIE in their report estimates that the ACT's share of the 4,200 jobs that will be cut federally will be 1,025. Markus Mannheim, that illustrious reporter for the *Canberra Times*, had it at 1,400, but then again, Markus always errs on the conservative side, I suspect. But either way it is considerably less than the tens of thousands of jobs predicted by those opposite. It also pales into insignificance compared to the 20,000 or so job cuts that Mr Abbott and Mr Hockey have foreshadowed should they ever have the commonwealth public service in the grip of their iron fist. That is a scary thought indeed.

Madam Deputy Speaker, the report, as you can see, has an incredible number of recommendations and it is a very thick report. But you will notice that the dissenting report from those opposite is quite thin. I think what we are seeing in this dissenting report is just those particular aspects of the report which the opposition sought to

prosecute and did not get up; so they stapled them together and that is the dissenting report. With respect to most of them, I had a bit of a giggle because every one of them started off the same way, “We recommend that the ACT Labor government be condemned” for this, that and the other. Well, that was going to get up! So no prizes for being bright and no prizes for being able to count. You would reckon, wouldn’t you, if you were dealing with an inquiry into a budget process that being able to count would be a good idea, but clearly that was not the case. But I have to say—

Mrs Dunne: That reinforces that the Greens are there to—

MR HARGREAVES: I hear Mrs Dunne muttering away in the background—mutter, mutter, mutter. Do feel free to continue to mutter, Mrs Dunne, because you entertain nobody but yourself.

I was, however, intrigued to see in the dissenting report the following passage on page 9 of volume 2, in the “Bullying” section:

Messrs Smyth and Coe emphasise that all people deserve the protection of the organisation in which they work ...

They also say:

All forms of bullying are totally unacceptable. It is not acceptable in the workplace; it is not acceptable in the school yard ...

Yet they sat by and they watched Mr Seselja and Mr Hanson hammer ministers and hammer the officials when they came to give evidence. They bullied them, they harassed them, they talked over them. They gave them no respite at all. Indeed such was the case that the chair sought to remind those members of standing orders 234 and 235.

For those people that do not know, 234 and 235 are where misbehaviour is dealt with by the chair or by another member of the committee. I have to say that I was very close to invoking my rights as a member under standing order 235 and requiring Mr Hanson to be removed from the hearings because his behaviour was, by a long shot, the worst behaviour that I have seen by a member here in a budget process in nearly 15 years of being in this place.

Occasionally Mrs Dunne gives him a run for his money because her behaviour is not only inconsistent but also it belittles those people who appear before her as a witness in these sorts of hearings. They only come down because it is not about the budget, it is not about the community, it is about them and about relevance deprivation that they experience, and we have to put up with it. Then, of course, the officials come along and give evidence, and what do they get? They get howled at. They get harassed.

Then, of course, you get the inconsistency of their approach. Mr Seselja and Mr Hanson went on this whinge-fest about how many questions they did not get a chance to ask. An analysis of it revealed that those two people, Madam Deputy Speaker, asked 60 per cent of the questions between them. Would you believe it?

They are not even members of the committee, yet the generosity of the chair saw them asking 60 per cent of the questions.

I am a member of that committee, and the deputy chair of it. You would reckon I would have a fair shake, wouldn't you? But it might be a bit too much to ask because I reckon as a member of the committee I should have been entitled to about 20 per cent of the questions. I did not come close. Sixty per cent of them were asked by two members who were two members visiting. And what did they do with that privilege? They abused the privilege.

The other thing that I remark upon about this particular process is the insistence by those opposite on having their questions on notice answered before we can actually get them and debate the whole lot. These people are the same people who put 1,000 questions on notice, with multiple sections in their questions. It is impossible to comply with that, and they know it. If you have a look at the last few estimates reports you will see a growing number of these questions on notice.

What do they do with the information, Madam Deputy Speaker? I can tell you: diddly-squat. They do diddly-squat with it. Do you know what I think it is? I think it is self-imposed information overload. That is what I reckon it is. And you have to feel sorry for the people that work in their offices because they get all of this overload. It is just asking questions for its own sake. I do not even see them writing to people and saying: "Guess what I asked in the estimates committee? I asked this, I asked that, I asked something else." We do not see any of that. All I see is them asking questions for their own sake. I guess it is to see their name in print.

Mr Coe: What are you doing now, John?

MR HARGREAVES: What am I doing now, Mr Coe asks rhetorically. I tell you—

MADAM DEPUTY SPEAKER: We are not having a conversation across the chamber.

MR HARGREAVES: Madam Deputy Speaker, through you, I would like to respond to Mr Coe's interjection.

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe.

MR HARGREAVES: Mr Coe, suffering desperately from the impetuosity of youth, cannot help himself. He has got to throw something in the middle. He has got to throw in there a hand grenade or a firecracker. Well, it is not a firecracker. It is not even a tom thumb. It does not even excite anybody; it is just a complete and utter waste of time.

With respect to what I also observed in this pattern of behaviour of bullying, when we were in the deliberative phase Mr Smyth and Mr Coe were quite measured in their contributions and the recommendations that they came forward with. In fact we

agreed with quite a number of the recommendations in this report, and they were proposed by Mr Smyth and Mr Coe. And I do not have a problem. But if you put them inside a committee room when all of these witnesses and the ministers are popping up, the minute Mr Seselja or Mr Hanson walk in that door they go from being considered parliamentarians to growling lapdogs, eager to out-bite somebody to seek their leader's approval, to see how many bite marks they can leave on the officials and how many claw marks they can leave on the ministers. That is what they do.

The inconsistency is absolutely marked. The sad part about it is that Mr Smyth is better than that. Mr Coe is not better than that but Mr Smyth is better than that. In fact Mr Coe has the ignominy in this place of delivering one of the most treacherous pieces of abuse of privacy that I have ever struck in this place. He will go down in the annals of history for this. He has to sit and live with it because people remember how long it takes. He is either a very slow reader in that it takes him 18 months to read something or he is a treacherous piece of work. I suspect that he is a treacherous piece of work.

What we are seeing now is that, of course, he has to persist and do what his leader says.

Mr Smyth: Madam Deputy Speaker, I would bring relevance to your attention.

MADAM DEPUTY SPEAKER: Thank you, Mr Smyth.

MR HARGREAVES: Madam Deputy Speaker, on the point of order, the relevance in fact goes to their behaviour in the committee hearings and in the committee deliberative meetings. I will not reveal what was actually said in those meetings, quite clearly. But I can reveal the demeanour—

MADAM DEPUTY SPEAKER: Mr Hargreaves, resume your seat for two seconds.

MR HARGREAVES: Clock, please.

MADAM DEPUTY SPEAKER: Stop the clock. Yes, I do understand the point you are trying to make but could you stick to the estimates proceedings and the report itself, thank you very much.

MR HARGREAVES: Okay, thanks very much, Madam Deputy Speaker. I had a bit of a look at this dissenting report and I have to say that I think I preferred their policy document on corrections, when Mr Hanson was bellyaching about it. That policy document had “please turn over” on both sides of it. It did not have anything to do with it, and this particular dissenting report, Madam Deputy Speaker—

Mrs Dunne: Relevance, Madam Deputy Speaker. A point of order, Madam Deputy Speaker.

MR HARGREAVES: This dissenting report—

MADAM DEPUTY SPEAKER: Resume your seat for a moment, Mr Hargreaves. Mrs Dunne, a point of order?

Mrs Dunne: Madam Deputy Speaker, this is a debate on the comments of the estimates committee. The estimates inquiry is fairly wide ranging but it does not include—

MADAM DEPUTY SPEAKER: Stop the clock, please.

Mrs Dunne: the motivations of Mr Coe, it does not include a discussion of Liberal Party policy or the motivations of members of the Legislative Assembly who may or may not have been in attendance at the committee. You have already asked him to be relevant once and I would ask you to ensure that Mr Hargreaves is relevant to comments on the estimates report.

MADAM DEPUTY SPEAKER: Thank you, Mrs Dunne. I do believe you have just returned to the estimates deliberations, so we can continue, Mr Hargreaves.

MR HARGREAVES: I have indeed, thank you very much. My comments are around this particular dissenting report. Mrs Dunne says, “You can’t go to the motives of those opposite.” When you open it up the first thing said is that the Labor government has to be condemned for this, that and the other. There is likely to be a little bit of motive behind that. There might be something in that. I suspect that there is.

I remember Gary Humphries once said that the estimates committee report was the worst report he had ever seen. I remember a former Treasurer, Ted Quinlan, saying about an estimates committee report that it was the worst one he had ever seen. But I have to say that in 15 years, Madam Deputy Speaker, this dissenting report is the worst one I have ever seen. This has to be one of the laziest exercises of a dissenting report I have ever seen in my life. You put forward a proposition, it gets knocked off, and it pops up in there. And look at the size of it. It is absolute garbage.

Madam Deputy Speaker, I suggest to you and to the community that they have a good look at what is in this estimates committee report. You will see that it is full of requests for the government to come back and tell them something. Just come back and tell them something; come back and tell them some more. In fact a lot of it says, “Come back and tell us before we actually debate the budget.” That is how ludicrous this is. The request is to come back and debate an item in the budget. “Come and give us the information before we debate it.” When we have to debate things cognately it is nonsensical in the extreme. And where did it come from? Did it come from Ms Hunter? No, it did not. Did it come from Ms Bresnan? No, it did not. Did it come from me? Absolutely not. I guess you can take your pick out of the other two guys.

I recommend that the government have a good read of this report. I recommend the CIE report to the government and to the community for a good read. And I recommend the dissenting report of the opposition to the community for a good laugh.

MR SMYTH (Brindabella) (11.30): If that is Mr Hargreaves's final contribution to an estimates process after 14 years it is probably a succinct summary of his entire time here—laughable and a joke. It is interesting that Mr Hargreaves, of all people, talked about bullying because on a couple of occasions in the committee when we were deliberating on the report I actually asked Mr Hargreaves to stop his aggressive behaviour. In that case, if you want to read “aggressive” equals bullying then Mr Hargreaves should not have been bullying in the committee. His behaviour was particularly aggressive on a number of occasions and I think that is quite regretful. To the person who was the subject of that aggressive behaviour, I have already said that it certainly was not something that Mr Coe and I believed was either earned or necessary. It is the pot calling the kettle black, as always. He has left the room, and that is probably the best thing that could happen.

Madam Deputy Speaker, it is the government's last budget of this term. I think the recommendations highlight that there are significant failings and flaws and a lack of detail in the budget or in the answers that we were afforded as members of the committee. In that regard the report is worth reading. I would go back, again, to what Mr Hargreaves said about the size of the dissenting report. It is curious that some years when we have had large dissenting reports with lots of recommendations Mr Hargreaves did not like them and then when we have a succinct dissenting report he does not like that either. He forgets about dissent. You move a motion in the committee. If it gets up, you cannot dissent from it. A number of the recommendations in the committee report came from Mr Coe or from me. You cannot get something in the report and then dissent from it. I think people understand the way that John Hargreaves operates, and I suspect this place will not miss him when he is gone.

There are a number of areas in this report that need to be discussed. First and foremost I go to page 10. It is in relation to the economic outlook, the budget savings plans and risks to the budget. We are very concerned about the state of the budget and this government's ability, or in this case its inability, to deliver. We know, of course, that what happens this year with the budget is that the surplus for 2011-12 does not exist. There is a deficit of \$125 million. There is no surplus in 2012-13; it is a deficit of \$318 million. There is no surplus in 2013-14; it is a \$130 million deficit. There is no surplus in 2014-15. And so it goes on.

Going to the risk section, it is interesting that Mr Hargreaves forgot to read the risks that the economic adviser wrote about in the report to the estimates committee. It talks about the unencumbered cash. One of the things this government has done under this budget is to run down the cash reserves. We see an enormous risk to the future of the ACT, and it is mentioned in the report that Mr Hargreaves forgot to read. What the committee was told with regard to the territory banking account, given the low balances in the account, which are \$2 million and \$1 million in a couple of years, was that were it to reach zero—if this were to occur—a borrowing requirement would be triggered. There is a very sensible recommendation that says that, should that happen, then of course the Assembly should be informed as quickly as possible. What did the report that Mr Hargreaves refer to say? It says:

On the other hand, unencumbered cash holdings are significantly diminished. This could be a potential concern insofar as it is well recognised in the academic literature on finance that unencumbered cash can be an important risk management tool for investment portfolio managers.

What have we done? We have run it down to virtually zero. We have given away one of those tools because of the poor economic management of this government.

It is interesting that there is a section then on the management of infrastructure projects across the ACT. Recommendation 5 is that the ACT government review the process by which capital works projects are scoped as a means of minimising infrastructure project rollovers and delays in completing infrastructure projects. There are enormous rollovers in this year's budget. The government always boasts of how much it is going to attempt to spend. What it does not clearly outline is how much it fails to spend and deliver and the blow-outs both in time and in budget. The committee makes a recommendation there.

Of course, one of the key aspects of the budget is tax reform. It is interesting that the committee does not actually make a recommendation on tax reform; it is mute. There is no "yes, this is good; this is bad; this is whatever". We tried to put in some recommendations—I will go to that when I get to the dissenting report—but the committee is mute on Mr Barr's tax reform. I think Mr Hargreaves got it in one when he said that you cannot count. That is how the Labor Party thinks of the Greens; they are just Labor votes incognito. He had the numbers. Instead of having a real look at the budget, what Mr Hargreaves reveals is the government's attitude that they will get their budget however they want.

There is a recommendation on the cost of living. It is interesting, again, that in the report that Mr Hargreaves referred to from the economic adviser it says:

We recommend that future Cost of Living Statements could consider more integrated worked examples using the median household income (including only all the concessions that such households would be eligible for) as well as a separate worked example for a representative lower income household that qualifies for the concessions it features.

The report actually says in recommendation 6:

The Committee recommends that section 11(1)(f) of the Financial Management Act 1996 (ACT) be amended to ensure that Cost of Living Statements take into account all matters in the Budget that will affect the cost of living for people living in the ACT.

That, of course, is in light of the fact that the government have sought to minimise the effectiveness of my amendment to the Financial Management Act by minimising what they have taken into account that shows the true cost to ordinary Canberrans of this government in their budget.

The cost of living is important to people, and the cost of living has gone up under this government. When we asked the Chief Minister, who had been Treasurer, whether or not she thought people had done better under her time as Treasurer and now as Chief Minister in regard to the cost of living, she said she had noticed there had been an increase in the discussion about the cost of living but refused to answer whether people were better or worse off. If they were better off, she would have been there claiming the victory but, by her own lack of evidence in her answer, it is quite clear that she does not believe that people are better off after 11 years of Labor government.

We got to the issue of employment in the ACT. It is interesting to note the views of people with regard to employment. I think anybody working in the federal public service this day knows the true extent of the jobs that are going. Only history will reveal, when the staffing numbers come out at the end of this financial year, the true numbers that the federal government has cut. They are significant. I believe them to be more than the 1,400 reported and the number the government is sticking to. Indeed, it then goes to employment in the ACT. The Chief Minister was asked whether she would rule out further job cuts given the fact that Wayne Swan, the federal Treasurer, had said that, if required, further cuts would be in order.

The government apparently still has this fixation that if the Labor Party does something it is simply fiscal consolidation—the weasel words of avoidance. We all know that when governments cut budgets, given that, in most cases, half of the budget is represented by employee costs, they are cutting jobs. Using the weasel words of fiscal consolidation I think shows the disregard that people have for the basic humanity of those people that they get rid of. This is, of course, the only party that has stood up to both Liberal and Labor federal leaders with regard to job cuts. I quote from page 55 of the report:

In evidence, the Chief Minister would not definitively rule out that the estimated reduction in FTEs in 2012-13 would exceed 180 or ‘other job losses’.

So there is recommendation 23 that says that the government should provide a detailed breakdown of those jobs. We will watch with interest whether or not the government can bring itself to answer that question.

There were, of course, two recall days in this estimates process, where the health minister and the minister for Indigenous affairs were recalled. Going to page 67, there are a couple of pages devoted to data management. But, again, the bulk of the committee could not agree to putting in a recommendation about data management. There is no recommendation. There is still no data. We are still none the wiser as to what impact the data doctoring scandal at the Canberra Hospital has had on those numbers.

We note the Auditor-General’s report where she said that, even on the doctored data, you could see the 10-year decline in the delivery of services in the emergency department under this government, and particularly the last six years under this health minister. So no doubt that 10-year decline will be even worse when we finally see that

data. It will be interesting to see whether the health minister and Chief Minister has the courage to table that data before the election.

What I find passing strange is that the committee would not agree to recommendations about that data. It is a shame because it is a large budget line. It soaks up a lot of the hospital budget, but there is no recommendation about the doctored data. I would draw members' attention to page 70, paragraphs 34 and 35, where the committee commends all the staff working at the Canberra Hospital and, in 35, takes the opportunity to congratulate the staff in the ED. Working in a difficult system created by this health minister must be very awkward for people in that regard, but we appreciate their dedication to the task.

There are a number of other chapters, but time does not allow us to go through them all completely. I will go to the other recall. The other recall was, of course, the minister for Indigenous affairs over the Billabong Aboriginal Development Corporation. The committee came to recommendation No 104 on page 220 that says:

The Committee recommends that the ACT Minister for Aboriginal and Torres Strait Islander Affairs not make decisions about whether organisations are Aboriginal and/or Torres Strait Islander on the basis of unsubstantiated statements.

I think it is a real low point in the estimates report where we have a corporation, the Billabong Aboriginal Development Corporation, that is vilified by this minister in many ways, such that he is recalled—and even when he is recalled he apologises but then puts caveats on the apology. It came to light that the action taken against Billabong was because some people had said some things about it. They were unsubstantiated. The minister never checked but he made decisions based on that.

That is no way to run a government, particularly in the area of Indigenous need housing. Of course, because of decisions taken by ACT Housing and through this minister and this government, we do not now have a dedicated Indigenous housing provider in the ACT. Shame on the government and shame on the minister. Indeed, his defence was, I think, destroyed just about every time he changed his defence. For instance, he said that in relation to the definition of Aboriginal and Torres Strait Islanders' organisations within the constitution of the National Congress of Aboriginal First Peoples, Billabong fell outside. But it just was not true. Even on the recall day, attempting to justify what he said, he got it wrong, as Mr Bourke so often does in this place. He just makes things up, and he made things up in this case. Minister, I draw recommendation 104 to your attention.

In the community day there were a number of groups that said ACT Housing affordability is the worst that it has ever been. Indeed, groups like Shelter, the Youth Coalition and even the elected body said—and I will just read one quote; Shelter explained:

While we applaud the efforts of the government over the past 10 years through a series of affordable housing action plans, we feel this has done very little to alleviate the situation. Housing is now more unaffordable than ever.

Indeed, Shelter went on to say:

From what I understand, for instance, the stamp duty concessions are only available if you purchase new dwellings. A lot of the cheaper properties are not new dwellings. So there is going to be no advantage in that.

Their assessment of the reforms is that even more people will be squeezed out of the housing market by a government that for a decade has not been able to deliver land and housing in this jurisdiction at an affordable level. When you get words from groups like Shelter, ACTCOSS, the Youth Coalition and the elected body in that regard then there is a serious problem in this territory and that serious problem is the Labor government.

We go to the dissenting report. The dissenting report really is a report card on the last 11 years. Basically, what the report card says is that the government should be condemned for a number of things. Those things are their inability or their failure to implement sound fiscal policy, their failure to reduce cost of living pressure on Canberra families and households, their failure to exercise sound effective and efficient management of the ACT's health system, their failure to protect all children in the care of the territory, their failure to eliminate bullying in the ACT public service, schools and other places, their failure to manage the capital works program effectively and efficiently and their failure to implement sound, equitable, and efficient tax reform.

It is interesting that the committee did not recommend that the budget be passed. I think what the 2012-13 budget represents is the failure on the part of the ACT Labor government and the Labor-Greens alliance to truly deliver anything worth while in the last four years for the people of the ACT. We know that the alliance over the last four years, according to the Commissioner for the Environment, has seen the ACT environment go backwards. Who would have thought that—that a Greens-Labor government would rule over a decline in the standard of our natural environment? That is what they have done. It goes along with bullying, failure to deliver health, failure to deliver affordable housing, failure to deliver balanced budgets, failure to diversify the ACT and failure to genuinely serve the people of the ACT. (*Time expired*)

MR COE (Ginninderra) (11.45): Firstly I would like to thank my fellow members of the Select Committee on Estimates, Ms Bresnan, Mr Hargreaves, Ms Hunter and my colleague Mr Smyth. Special thanks must also go to Ms Salvaneschi, the committee secretary, for her diligence and commitment throughout the estimates process. The role of the committee secretary during an inquiry into an appropriation bill must be one of the hardest jobs for any committee secretary, so a special thanks and acknowledgement must go to Ms Salvaneschi for the work she did. I know there was much support provided by her colleagues so my thanks go to the other members of the Committee Office too.

During the two weeks of hearings the committee heard from a large number of witnesses and I want to put on the record my thanks to the members of community organisations and department officials for their time and commitment to the process.

Whilst there are sections of the report prepared by the committee as a whole that are acceptable, from my point of view the inquiry into the Appropriation Bill 2012-2013 has highlighted many failures that must be documented.

As my colleague Mr Smyth and I have highlighted in our dissenting comments, what has become apparent throughout the current estimates process is the failure of this government to implement sound financial policies that could hold the territory in good stead in the face of external financial pressures. They have failed to halt a significant increase in taxes and charges across the board. The current ACT Labor government, with the support of the ACT Greens, have earned us the title of the highest taxing government in territory history and the highest taxing government on a per capita basis in the country.

There are other matters that cannot go unreported at this time; notably, the failure of the current government to manage our health system despite the substantial portion of the budget devoted to this area. This government has failed to protect all the vulnerable children in the care of the territory. Again, despite the resources, this government has not ensured that appropriate policies and procedures are in place for the delivery of this vital service.

Throughout the estimates process evidence was provided showing that bullying is becoming systemic throughout the ACT public service. The government has taken a head in the sand approach to cases of bullying within its agencies on more than one occasion, and we must stand up for the many victims of this bad culture.

It was interesting that Mr Hargreaves was talking earlier about bullying. As Mr Smyth mentioned, there were one or two occasions when either Mr Smyth or I had to raise the conduct of Mr Hargreaves during that committee. In fact, in one instance when I was asking questions of the minister for planning on an issue about a family in Belconnen who have been living seven or eight months without a roof because of red tape, it was Mr Hargreaves who chimed in with “tell them to get a bucket”. That was Mr Hargreaves’s response to a family with three kids under the age of three, living in a house without a roof because of this government’s red tape: “Go and get a bucket.” Only when I brought this to the committee’s attention did Mr Hargreaves apologise. It is a bit rich of Mr Hargreaves to be accusing others when he is guilty of the very thing that he is accusing us of doing.

In conclusion, I commend my colleague, the shadow treasurer, Mr Smyth for his leadership and the application of his experience and I urge all people in this place to consider the words presented in the dissenting report.

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

Justice and Community Safety—Standing Committee Scrutiny report 54

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 54, dated 6 August 2012, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 54 contains the committee's comments on eight bills, 20 pieces of subordinate legislation, eight government responses and government amendments to the Crimes Legislation Amendment Bill 2012 and the Human Rights Amendment Bill 2012. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Statement by chair

MRS DUNNE (Ginninderra): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of bills and subordinate legislation committee.

The proposed government amendments to the Gaming Machine Amendment Bill 2011 address issues that have been raised since the bill was introduced. The committee has examined these amendments and has no comment to make.

Public Accounts—Standing Committee Reporting date

Motion (by **Ms Le Couteur**) agreed to:

That, in relation to the inquiry by the Standing Committee on Public Accounts into Auditor-General's Report No 6 of 2012, entitled *Emergency Department Performance Information*, if the Assembly is not sitting when the report is completed the Speaker, or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its printing, publication and circulation.

Taxation Administration Amendment Bill 2012

Mr Barr, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (11.52): I move:

That this bill be agreed to in principle.

The Taxation Administration Amendment Bill 2012 amends the Taxation Administration Act 1999. For many years the Australian Taxation Office has provided the ACT Revenue Office with taxpayer information. This information allows revenue compliance officers to identify and recover millions of dollars relating to unpaid and under-declared ACT taxes.

Likewise, the Commissioner for ACT Revenue has been able to provide the ATO commissioner with taxpayer information obtained through the administration of the territory's tax laws.

Recently, the ATO amended the commonwealth Taxation Administration Act 1953, and this amendment now prevents the ATO from legally providing any taxpayer information to the Commissioner for ACT Revenue. Also as a result of the commonwealth amendment, the ACT Revenue Office cannot provide data to the ATO. Whilst this ATO amendment only directly affects the ACT Revenue Office, other jurisdictions are involved. There is a sharing of information arrangement between revenue offices that is now restricted until the matter can be corrected.

This situation is potentially highly disruptive to ACT revenue collection and compliance activities. Compliance activities will continue to be negatively affected until a resolution can be reached.

The ACT Government Solicitor has recommended a minor amendment to the act to overcome this issue. It is preferable that the ACT amend its taxation law rather than the commonwealth. The ATO has advised that a minor amendment to the commonwealth legislation could take at least two years.

The Taxation Administration Act currently describes the Commissioner for ACT Revenue as a state taxation officer. In the previous version of the commonwealth act, the terms "state" and "territory" were interchangeable. The ACT act referenced a state taxation officer to align with the commonwealth act. Following changes by the ATO to the commonwealth act, this alignment no longer exists.

The amendment to the Taxation Administration Act will result in the Commissioner for ACT Revenue being referred to as a territory taxation officer. This alteration will legally allow the exchange of taxpayer information between the two offices. The ATO have confirmed that this amendment will allow them to disclose taxpayer information immediately to the ACT Revenue Office.

This simple alteration to the act will be beneficial to the ATO, other jurisdictions and the ACT Revenue Office. Data exchange helps ensure the collection of millions of dollars of revenue each year in the territory.

Although we could request that the commonwealth make a further change to their legislation, as I have indicated, this could take up to two years, and it seems a simpler and more prudent approach to make this simple change to the ACT legislation instead and to correct the issue as quickly as possible.

This amendment ensures continued compliance activity and revenue collection by the territory revenue office and therefore protects the ACT revenue base.

I commend the Taxation Administration Amendment Bill to the Assembly.

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

Election Commitments Costing Bill 2012

Mr Barr, by leave, presented the bill and its explanatory statement.

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (11.57): I move:

That this bill be agreed to in principle.

This morning I have tabled both the government response to the report of the Select Committee on Election Commitments Costing Bill 2011 Exposure Draft and the Election Commitments Costing Bill 2012 and supporting guidelines. I would like to take a few moments to outline the government's response, as it has a material impact on the bill that I have introduced today.

The government is committed to formalising the election commitment costing process. The time prior to an election represents a departure from the normal course of government and politics. This bill seeks to address some of the challenges of that time.

The election commitments costing process means that the resources of the ACT public service are available not only to the government but also to other MLAs in certain circumstances. It is therefore important that everyone understands their roles and responsibilities and there are clear guidelines to be followed.

In 2011 the government tabled an exposure draft of a proposed bill on election commitment costings in the Assembly for comment. As a result of this government initiative, a select committee was established to inquire into the Election Commitments Costing Bill 2011 Exposure Draft.

This select committee was a trial of the collaborative committee model for legislation development between the parties. This approach has allowed for an open discussion of questions associated with both the draft bill and the supporting guidelines.

The committee tabled its report on the 2011 draft version of the Election Commitments Costing Bill on 7 June, and the government would like to thank members of the committee for their work.

In considering the recommendations of the committee, it was necessary to balance the rights and responsibilities particular to government, the obligations of the public service to serve the government of the day and the ability for individuals to meet the legal obligations that would be imposed by the proposed bill.

On review of the committee's recommendations, the government has agreed to nine of the 12 recommendations. These nine recommendations have been reflected in the bill I am introducing today, together with its supporting guidelines. Of the remaining

recommendations, the government has agreed in principle to one, partially agreed to one and disagreed with one.

With regard to recommendation 11 of the committee's report, the government could not agree to the lack of public acknowledgement of a costing request. As is noted in the government's response, apart from the issue of transparency, if there is no public acknowledgement of a request, it will hinder a public servant's ability to meet his or her non-disclosure obligations under the bill. It is entirely conceivable that a public servant, in fulfilling their obligations to the government, would inadvertently breach the non-disclosure obligations because the public servant was unaware that a costing request even existed. The government considered that this would place public servants in an invidious and unacceptable position.

The government also could not agree to commencing the costing period from the day after the last sitting of the Assembly and has instead proposed that the costing period and the caretaker period align, in large part because the development and administration around the economic parameters to be used for the costings would not be available. It would make more sense to align the costing period at the commencement of the caretaker period when these parameters are known and the public service obligations to government are clear.

Mr Speaker, following my earlier tabling of the government's response, the government is today introducing the Election Commitments Costing Bill and supporting guidelines. As I have noted, both the bill and the guidelines reflect the government's response to the committee report. These will provide a strong framework for the 2012 election.

It is important that during the election the roles and responsibilities of public servants and political parties are clear and unambiguous, and for government directorates to be non-partisan and objective.

This bill formalises the process for costing election commitments and allows Treasury and political parties to have a shared understanding of the roles and responsibilities of each body during the election period.

Mr Speaker, the bill allows for costing requests to be made for publicly announced election commitments before polling day and after polling day.

The bill places the responsibility on the political parties to decide whether to instruct Treasury to cost a publicly announced election promise, and in essence the party decides how transparent they will be with the community.

Once Treasury costs a publicly announced election commitment, the costing is to be published on a public website. This will ensure the community is provided with reliable information to allow informed decisions to be made, as well as ensure that everyone is aware that a costing request has been made.

The bill and guidelines also ensure that all MLAs can be confident the information relating to their costing request remains confidential during the election process, free

from potential disclosure until publicly released. This will hopefully encourage all MLAs to use the process that will be established.

Mr Speaker, the bill and the guidelines formalise a robust framework for the costing of election commitments in the territory. The bill's introduction demonstrates the government's commitment to the community for an open and transparent process for election commitment costings.

I commend the government response, the bill and the guidelines to the Assembly.

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

Papers

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

Auditor-General Act—Auditor-General's Reports Nos—

2/2012—Whole-of-Government Information and Communication Technology Security Management and Services, dated 8 June 2012.

3/2012—Early Childhood Schooling, dated 12 June 2012.

4/2012—Development Application and Approval System for High Density Residential and Commercial Developments, dated 18 June 2012.

5/2012—Management of Recycling Estates and E-waste, dated 28 June 2012.

6/2012—Emergency Department Performance Information, dated 3 July 2012.

Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(2)—Independent Reviewer—Report for the period 1 January to 30 June 2012, dated 24 July 2012.

Mr Speaker presented the following papers:

Standing order 191—Amendments to:

Courts Legislation Amendment Bill 2012, dated 12 and 13 June 2012.

Duties (Landholders) Amendment Bill 2012, dated 14 and 15 June 2012.

National Energy Retail Law (Consequential Amendments) Bill 2012, dated 13 June 2012.

Official Visitor Bill 2012 (No. 2), dated 14 and 15 June 2012.

2013 Canberra Centenary—Funding and tourism—Letter to the Speaker from the Hon Warren Truss MP, Leader of the Nationals, dated 18 May 2012, concerning the resolution of the Assembly of 28 March 2012.

Dental health—Letter to the Speaker from the Hon Tanya Plibersek MP, Minister for Health, dated 18 June 2012, concerning the resolution of the Assembly of 2 May 2012.

Commonwealth public servants—Contribution to the ACT—Letter to the Speaker from Senator the Hon Jan McLucas, Parliamentary Secretary to the Prime Minister, dated 19 June 2012, concerning the resolution of the Assembly of 9 May 2012.

Code of Conduct for Members of the Legislative Assembly for the Australian Capital Territory—Review, prepared by Stephen Skehill, Ethics and Integrity Adviser, dated 31 July 2012.

Ms Gallagher presented the following paper:

Gene Technology Act, pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 January to 31 March 2012, dated 5 June 2012.

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

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation): For the information of members I present the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 June 2012.

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

Leave granted.

MR BARR: I present to the Assembly the June quarter 2012 consolidated financial report for the territory. This report is required under section 26 of the Financial Management Act 1996.

The June quarter interim headline net operating balance has improved by \$175.9 million and the territory has recorded a surplus of \$50.4 million compared to the estimated outcome of a \$125.5 million deficit.

The improvement is largely due to a number of accounting adjustments in relation to income tax equivalents, but it is also due to commonwealth revenues received late in the financial year, lower expenditures, actuarial re-evaluations and higher returns from land-related activities.

Total revenue has increased by \$112.4 million, mainly due to an increase in dividend and income tax equivalents revenue. This is largely as a result of additional tax equivalents recognised from ACTEW Corporation due to a change in the Australian Taxation Office treatment of unassessed revenues for tax purposes. It is important to stress that this change does not impact on customer billing, the cost of energy or cash returns to government.

The territory received a number of advance payments from the commonwealth in the areas of health, non-government schools and early childhood. Cross-border revenues for health services have also improved, with almost \$14 million of additional revenue provided for the previous year's acquittals.

Total expenses have decreased by \$69.8 million compared to the estimated outcome. \$10.4 million in savings in the Treasurer's advance has contributed to this result, and represents prudent financial management on behalf of agencies in managing unforeseen expenditures and cost pressures.

Other contributing factors to the decrease in expenses include lower agency operational expenditure associated with the timing of project and program delivery, for which it is expected that these funds will be rolled into the 2012-13 fiscal year, and a decrease in other expenses mainly due to end-of-year actuarial assumptions which decreased the value of insurance claims.

The territory's balance sheet has deteriorated due to a substantial increase in the actuarial valuation of the superannuation liability. This is mainly caused by a decrease in the government bond rate which is used to value the liability. However, net debt continues to remain negative, indicating that cash reserves and investments are greater than gross debt liabilities.

Economic activity in the ACT softened in line with expectations. State final demand increased by 1.8 per cent year on year in original terms in the March quarter, driven mainly by public investments. Employment growth moderated in the 2011-12 fiscal year to 0.6 per cent, broadly in line with the 2012-13 budget forecast. Nevertheless, the ACT's labour market performance was amongst the strongest in the nation.

It is important to note that the results presented in this report are interim in nature and are unaudited. Changes will almost certainly occur during the preparation and auditing of the 2011-12 annual consolidated financial report. Changes during this process can be substantial, reflecting technical accounting adjustments and reconciliations between internal trading and transfers between agencies.

Mr Speaker, I am sure you will join with me and other members in this Assembly in welcoming this improved result. I commend the June quarter report to the Assembly.

Papers

Mr Barr presented the following paper:

Independent Competition and Regulatory Commission Act, pursuant to section 24, and pursuant to the resolution of the Assembly of 4 May 2011, as amended 29 March 2012—Independent Competition and Regulatory Commission—Report 6 of 2012—Secondary water use in the ACT—Final Report, dated July 2012.

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-135 (LR, 28 June 2012).

Animal Diseases Act—Animal Diseases (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-139 (LR, 28 June 2012).

Animal Welfare Act—Animal Welfare (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-140 (LR, 28 June 2012).

Architects Act—Architects (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-163 (LR, 29 June 2012).

Building Act—

Building (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-172 (LR, 29 June 2012).

Building (General) Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-26 (LR, 28 June 2012).

Building (General) Amendment Regulation 2012 (No 2)—Subordinate Law SL2012-33 (LR, 12 July 2012).

Casino Control Act—Casino Control (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-118 (LR, 18 June 2012).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Public Cemetery Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-134 (LR, 29 June 2012).

Children and Young People Act—Children and Young People (Children and Youth Services Council) Appointment 2012 (No 1)—Disallowable Instrument DI2012-186 (LR, 26 July 2012).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2012 (No 5)—Disallowable Instrument DI2012-81 (LR, 4 June 2012).

Clinical Waste Act—Clinical Waste (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-155 (LR, 29 June 2012).

Community Title Act—Community Title (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-148 (LR, 29 June 2012). *No 154—14 August 2012*

Construction Occupations (Licensing) Act—Construction Occupations Licensing (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-157 (LR, 29 June 2012).

Corrections Management Act—Corrections Management (Official Visitor) Appointment 2012—Disallowable Instrument DI2012-185 (LR, 26 July 2012).

Court Procedures Act—Court Procedures Amendment Rules 2012 (No 1)—Subordinate Law SL2012-24 (LR, 28 June 2012).

Dangerous Goods (Road Transport) Act—Dangerous Goods (Road Transport) Fees and Charges Determination 2012—Disallowable Instrument DI2012-87 (LR, 28 May 2012).

Domestic Animals Act—

Domestic Animals (Cat Curfew Area) Declaration 2012 (No 1)—Disallowable Instrument DI2012-182 (LR, 12 July 2012).

Domestic Animals (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-141 (LR, 29 June 2012).

Education Act—Education Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-32 (LR, 9 July 2012).

Electoral Act—Electoral (Fees) Determination 2012—Disallowable Instrument DI2012-138 (LR, 29 June 2012).

Electricity Safety Act—Electricity Safety (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-166 (LR, 29 June 2012).

Environment Protection Act—Environment Protection (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-173 (LR, 29 June 2012).

Exhibition Park Corporation Act and Financial Management Act—Exhibition Park Corporation (Governing Board) Appointment 2012 (No 2)—Disallowable Instrument DI2012-184 (LR, 23 July 2012).

Fisheries Act—Fisheries (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-161 (LR, 29 June 2012).

Food Act—Food (Fees) Determination 2012 (No 2)—Disallowable Instrument DI2012-120 (LR, 18 June 2012).

Gambling and Racing Control Act and Financial Management Act—Gambling and Racing Control (Governing Board) Appointment 2012 (No 3)—Disallowable Instrument DI2012-121 (LR, 18 June 2012).

Gaming Machine Act—Gaming Machine (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-117 (LR, 18 June 2012).

Gas Safety Act—Gas Safety (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-152 (LR, 29 June 2012).

Government Procurement Act—Government Procurement Appointment 2012 (No 1)—Disallowable Instrument DI2012-178 (LR, 5 July 2012).

Health Act—

Health (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-109 (LR, 12 June 2012).

Health (Interest Charge) Determination 2012 (No 1)—Disallowable Instrument DI2012-180 (LR, 12 July 2012).

Health Professionals Act—Health Professionals Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-25 (LR, 28 June 2012).

Heritage Act—Heritage (Register Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-156 (LR, 29 June 2012).

Juries Act—Juries (Payment) Determination 2012—Disallowable Instrument DI2012-112 (LR, 18 June 2012).

Legal Profession Act—

Legal Profession (Bar Council Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-114 (LR, 18 June 2012).

Legal Profession (Barristers and Solicitors Practising Fees) Determination 2012—Disallowable Instrument DI2012-77 (LR, 24 May 2012).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2012 (No 1)—Disallowable Instrument DI2012-129 (LR, 28 June 2012).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2012 (No 1)—Disallowable Instrument DI2012-130 (LR, 28 June 2012).

Long Service Leave (Portable Schemes) Act—Long Service Leave (Portable Schemes) Building and Construction Industry Levy Determination 2012—Disallowable Instrument DI2012-107 (LR, 4 June 2012).

Long Service Leave (Portable Schemes) Act and Financial Management Act—

Long Service Leave (Portable Schemes) Governing Board Appointment 2012 (No 1)—Disallowable Instrument DI2012-80 (LR, 24 May 2012).

Long Service Leave (Portable Schemes) Governing Board Appointment 2012 (No 2)—Disallowable Instrument DI2012-122 (LR, 21 June 2012).

Long Service Leave (Portable Schemes) Governing Board Appointment 2012 (No 3)—Disallowable Instrument DI2012-123 (LR, 21 June 2012).

Lotteries Act—Lotteries (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-124 (LR, 21 June 2012).

Magistrates Court Act—

Magistrates Court (Electoral Infringement Notices) Amendment Regulation 2012—Subordinate Law SL2012-27 (LR, 28 June 2012).

Magistrates Court (Liquor Infringement Notices) Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-28 (LR, 28 June 2012).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods (Prescribing Authorisation—Optometrists) Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-34 (LR, 2 August 2012).

Mental Health (Treatment and Care) Act—Mental Health (Treatment and Care) (Official Visitors) Appointment 2012 (No 1)—Disallowable Instrument DI2012-183 (LR, 16 July 2012)

National Energy Retail Law (ACT) Act—National Energy Retail Law (ACT) Regulation 2012—Subordinate Law SL2012-29 (LR, 29 June 2012).

Nature Conservation Act—

Nature Conservation (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-150 (LR, 29 June 2012).

Nature Conservation (Special Protection Status) Declaration 2012 (No 2)—Disallowable Instrument DI2012-111 (LR, 14 June 2012).

Nature Conservation (Threatened Ecological Communities and Species) Action Plan 2012 (No 1)—Disallowable Instrument DI2012-108 (LR, 4 June 2012).

Planning and Development Act—

Planning and Development (Amount payable for, and period of, further rural lease) Determination 2012 (No 1)—Disallowable Instrument DI2012-115 (LR, 15 June 2012).

Planning and Development (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-160 (LR, 29 June 2012).

Planning and Development (Remission of Lease Variation Charge for Environmental Remediation) Determination 2012 (No 1)—Disallowable Instrument DI2012-125 (LR, 21 June 2012).

Planning and Development (Remission of Lease Variation Charges for Adaptive Re-use—Environmental Performance) Determination 2012 (No 1)—Disallowable Instrument DI2012-78 (LR, 23 May 2012).

Planning and Development (Remission of Lease Variation Charges for Adaptive Re-use—Public Art) Determination 2012 (No 1)—Disallowable Instrument DI2012-79 (LR, 23 May 2012).

Planning and Development Amendment Regulation 2012 (No 3)—Subordinate Law SL2012-23 (LR, 21 June 2012).

Planning and Development Act and Financial Management Act—

Planning and Development (Land Agency Board) Appointment 2012 (No 1)—Disallowable Instrument DI2012-131 (LR, 28 June 2012).

Planning and Development (Land Agency Board) Appointment 2012 (No 2)—Disallowable Instrument DI2012-132 (LR, 28 June 2012).

Planning and Development (Land Agency Board) Appointment 2012 (No 3)—Disallowable Instrument DI2012-133 (LR, 28 June 2012).

Public Baths and Public Bathing Act—Public Baths and Public Bathing (Active Leisure Centre Fees) Determination 2012—Disallowable Instrument DI2012-128 (LR, 25 June 2012).

Public Health Act—Public Health (Community Pharmacy Ownership) Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-30 (LR, 29 June 2012).

Public Place Names Act—

Public Place Names (Casey) Determination 2012 (No 3)—Disallowable Instrument DI2012-90 (LR, 31 May 2012).

Public Place Names (Cook) Determination 2012 (No 1)—Disallowable Instrument DI2012-181 (LR, 12 July 2012).

Public Place Names (Crace) Determination 2012 (No 1)—Disallowable Instrument DI2012-89 (LR, 31 May 2012).

Public Place Names (Jacka) Determination 2012 (No 1)—Disallowable Instrument DI2012-174 (LR, 2 July 2012).

Public Place Names (Molonglo Valley District) Determination 2012 (No 1)—Disallowable Instrument DI2012-113 (LR, 14 June 2012).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-116 (LR, 18 June 2012).

Roads and Public Places Act—Roads and Public Places (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-142 (LR, 29 June 2012).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2012 (No 3)—Disallowable Instrument DI2012-119 (LR, 15 June 2012).

Road Transport (General) Driver Licence and Related Fees Determination 2012—Disallowable Instrument DI2012-83 (LR, 28 May 2012).

Road Transport (General) Fees For Publications Determination 2012—Disallowable Instrument DI2012-86 (LR, 28 May 2012).

Road Transport (General) Numberplate Fees Determination 2012—Disallowable Instrument DI2012-84 (LR, 28 May 2012).

Road Transport (General) Parking Permit Fees Determination 2012—Disallowable Instrument DI2012-85 (LR, 28 May 2012).

Road Transport (General) Refund and Dishonoured Payments Fees Determination 2012—Disallowable Instrument DI2012-88 (LR, 31 May 2012).

Road Transport (General) Segway Exemption Determination 2012 (No 1)—Disallowable Instrument DI2012-136 (LR, 27 June 2012).

Road Transport (General) Vehicle Registration and Related Fees Determination 2012—Disallowable Instrument DI2012-82 (LR, 28 May 2012).

Road Transport (Offences) Amendment Regulation 2012 (No 2)—Subordinate Law SL2012-22 (LR, 14 June 2012).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Maximum Fares for Taxi Services Determination 2012 (No 1)—Disallowable Instrument DI2012-137 (LR, 27 June 2012).

Road Transport (Vehicle Registration) Act—Road Transport (Vehicle Registration) Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-21 (LR, 31 May 2012).

Stock Act—

Stock (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-144 (LR, 28 June 2012).

Stock (Levy) Determination 2012 (No 2)—Disallowable Instrument DI2012-143 (LR, 28 June 2012).

Surveyors Act—Surveyors (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-153 (LR, 29 June 2012).

Taxation Administration Act—

Taxation Administration (Amounts and Rates—Payroll Tax) Determination 2012 (No 1)—Disallowable Instrument DI2012-103 (LR, 5 June 2012).

Taxation Administration (Amounts Payable—Duty) Determination 2012 (No 1)—Disallowable Instrument DI2012-95 (LR, 5 June 2012).

Taxation Administration (Amounts Payable—Eligibility—Existing Homes—Home Buyer Concession Scheme) Determination 2012 (No 1)—Disallowable Instrument DI2012-98 (LR, 5 June 2012).

Taxation Administration (Amounts Payable—Eligibility—New and Substantially Renovated Homes and Land only—Home Buyer Concession Scheme) Determination 2012 (No 1)—Disallowable Instrument DI2012-100 (LR, 5 June 2012).

Taxation Administration (Amounts Payable—Land Rent) Determination 2012 (No 1)—Disallowable Instrument DI2012-175 (LR, 29 June 2012).

Taxation Administration (Amounts Payable—Thresholds—Home Buyer Concession Scheme) Determination 2012 (No 1)—Disallowable Instrument DI2012-97 (LR, 5 June 2012).

Taxation Administration (Amounts Payable—Thresholds—Pensioner Duty Concession Scheme) Determination 2012 (No 1)—Disallowable Instrument DI2012-104 (LR, 5 June 2012).

Taxation Administration (Interest Payable—Land Rent) Determination 2012 (No 1)—Disallowable Instrument DI2012-176 (LR, 29 June 2012).

Taxation Administration (Land Tax) Determination 2012 (No 1)—Disallowable Instrument DI2012-102 (LR, 5 June 2012).

Taxation Administration (Rates) Determination 2012 (No 1)—Disallowable Instrument DI2012-96 (LR, 5 June 2012).

Taxation Administration (Rates—Fire and Emergency Services Levy) Determination 2012 (No 1)—Disallowable Instrument DI2012-106 (LR, 5 June 2012).

Taxation Administration (Rates—Rebate Cap) Determination 2012 (No 1)—Disallowable Instrument DI2012-105 (LR, 5 June 2012).

Territory Records Act—

Territory Records (Advisory Council) Appointment 2012 (No 1)—Disallowable Instrument DI2012-187 (LR, 26 July 2012).

Territory Records (Advisory Council) Appointment 2012 (No 2)—Disallowable Instrument DI2012-188 (LR, 26 July 2012).

Territory Records (Advisory Council) Appointment 2012 (No 3)—Disallowable Instrument DI2012-189 (LR, 26 July 2012).

Training and Tertiary Education Act—Training and Tertiary Education (Fees) Determination 2012—Disallowable Instrument DI2012-127 (LR, 28 June 2012).

Tree Protection Act—Tree Protection (Advisory Panel) Appointment 2012 (No 1)—Disallowable Instrument DI2012-179 (LR, 20 July 2012).

Unit Titles Act—Unit Titles (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-164 (LR, 29 June 2012).

University of Canberra Act—

University of Canberra Council Appointment 2012 (No 1)—Disallowable Instrument DI2012-75 (LR, 21 May 2012).

University of Canberra Council Appointment 2012 (No 2)—Disallowable Instrument DI2012-76 (LR, 21 May 2012).

Utilities Act—

Utilities (Consumer Protection Code) Determination 2012—Disallowable Instrument DI2012-149 (LR, 29 June 2012).

Utilities (Electricity Customer Transfer Code) Revocation 2012—Disallowable Instrument DI2012-151 (LR, 29 June 2012).

Utilities (Electricity Feed-in Code) Determination 2012—Disallowable Instrument DI2012-154 (LR, 29 June 2012).

Utilities (Electricity Network Boundary Code) Determination 2012—Disallowable Instrument DI2012-159 (LR, 29 June 2012).

Utilities (Electricity Network Capital Contribution Code) Determination 2012—Disallowable Instrument DI2012-162 (LR, 29 June 2012).

Utilities (Electricity Network Use of System Code) Revocation 2012—Disallowable Instrument DI2012-165 (LR, 29 June 2012).

Utilities (Gas Network Boundary Code) Determination 2012—Disallowable Instrument DI2012-168 (LR, 29 June 2012).

Utilities (Gas Network Capital Contribution Code) Determination 2012—Disallowable Instrument DI2012-169 (LR, 29 June 2012).

Utilities (NERL retailers—Application of Industry Codes) Determination 2012—Disallowable Instrument DI2012-171 (LR, 29 June 2012).

Utilities (Prepayment Meter System Code) Revocation 2012—Disallowable Instrument DI2012-167 (LR, 29 June 2012).

Utilities (Water and Sewerage Network Boundary Code) Determination 2012—Disallowable Instrument DI2012-170 (LR, 29 June 2012).

Utilities Exemption 2012 (No 1)—Disallowable Instrument DI2012-146 (LR, 29 June 2012).

Utilities Exemption 2012 (No 2)—Disallowable Instrument DI2012-145 (LR, 29 June 2012).

Water and Sewerage Act—Water and Sewerage (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-147 (LR, 29 June 2012).

Water Resources Act—Water Resources (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-158 (LR, 29 June 2012).

Work Health and Safety Act—

Work Health and Safety (Work Safety Council Employee Representative) Appointment 2012 (No 1)—Disallowable Instrument DI2012-99 (LR, 31 May 2012).

Work Health and Safety (Work Safety Council Member) Appointment 2012 (No 1)—Disallowable Instrument DI2012-101 (LR, 31 May 2012).

Work Health and Safety Amendment Regulation 2012 (No 2)—Subordinate Law SL2012-31 (LR, 5 July 2012).

Working with Vulnerable People (Background Checking) Act—

Working with Vulnerable People (Background Checking) Risk Assessment Guidelines 2012 (No 1)—Disallowable Instrument DI2012-190 (LR, 26 July 2012).

Working With Vulnerable People Background Checking (Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-177 (LR, 9 July 2012).

Petition—Out of order

Petition which does not conform with the standing orders—Container deposit scheme—Ms Le Couteur (111 signatures).

Assembly sittings 2012—amendment

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (12.12), by leave: I move:

That:

- (1) the resolution of the Assembly of 8 December 2011 relating to the sitting pattern for 2012 be amended by omitting Wednesday, 15 August, Thursday, 16 August and Tuesday, 21 August 2012 and inserting Friday, 24 August 2012; and
- (2) in relation to the sitting on Friday, 24 August 2012, standing order 74 be amended by omitting “questions without notice”.

Mr Smyth: We do not have the motion before us and I would like to see the detail of the last line that the minister slipped in there about deleting question time.

MR SPEAKER: Has the motion been circulated?

MR CORBELL: It is a procedural motion, Mr Speaker. I understand Mr Smyth has a copy. Whilst he is reading that, the government is proposing, given the notice of no confidence that has been provided to the Clerk today by the Leader of the Opposition, that the Assembly will observe the established convention of seven sitting days prior to debate on that motion, which would mean the Assembly would meet again on Wednesday next week, 22 August. It would meet again on its scheduled sitting day of Thursday, 23 August and it would schedule an additional sitting day on Friday, 24 August. Recognising that Friday will be the last sitting day of the Assembly and that we are required to deal with a large number of government bills, there will be no question time on that additional day, Friday 24 August.

MS BRESNAN (Brindabella) (12.14): I will be very quick. Obviously, as Mr Corbell has said, each party has discussed this and agreed on how we will proceed. I will just briefly make a comment that I think the Greens are somewhat frustrated by the fact that we are not able to sit during this time. And while we understand it is convention, the standing orders can actually be interpreted in any way about what the precedent would be. It does say seven days but does not say the Assembly cannot sit.

I just want to note that we are quite frustrated by this fact that we are not during this time doing the work of the Assembly when we feel we can give due consideration to the importance of this vote of no confidence and do the work that we essentially are

elected to do here as parliamentarians. We have agreed on the process and that has been discussed with each party, but I did just want to note our concern with that.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (12.15), in reply: I acknowledge the concerns raised by Ms Bresnan and they are shared by the government. The government would much rather be dealing with the significant number of bills and other matters that were scheduled for this two-week period.

That said, the convention and the custom and practice in this place, recognising the significance of the proposition put by the Leader of the Opposition, are that the Assembly not conduct a substantial amount of business prior to this debate on a no-confidence motion. In my view there are grounds for revisiting this custom, this convention, and the way that the standing order has been interpreted. But now is not the time to do that. You do not deal with this matter when it is a live issue before the Assembly.

I think it would be desirable that once this matter has been dealt with, all parties consider whether or not in future there is a need to continue this practice and that instead we can agree that the convention will be otherwise and that the Assembly will be able to transact other business. I think that is a reasonable approach to the issue but it is not one that should be considered in the heat of an upcoming debate on a no-confidence motion in the Chief Minister, a no-confidence motion that in the government's view is misjudged and completely unnecessary.

Question resolved in the affirmative.

Adjournment

Motion (by **Mr Corbell**) agreed to:

That the Assembly do now adjourn.

The Assembly adjourned at 12.17 pm until Wednesday, 22 August 2012, at 10 am.