



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**SIXTH ASSEMBLY**

6 MAY 2008

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**Tuesday, 6 May 2008**

**The Assembly met at 10.30 am.**

*(Quorum formed.)*

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

### **Standing orders—suspension**

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent:

- (1) any business before the Assembly at 3 p.m. this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2008-2009 and the Duties Amendment Bill 2008;
- (2) (a) questions without notice concluding at the time of interruption; or  
(b) debate on any motion before the Assembly at the time of interruption being adjourned until the question—“That debate on the Appropriation Bill 2008-2009 be adjourned and the resumption of the debate be made an order of the day for the next sitting” is agreed to;
- (3) at 3 p.m. on Thursday, 8 May 2008, the order of the day for resumption of debate on the question that the Appropriation Bill 2008-2009 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speeches of the Leader of the Opposition, the ACT Greens and the Independent member be equivalent to the time taken by the Treasurer in moving the motion—That this bill be agreed to in principle; and
- (4) (a) questions without notice concluding at the time of interruption; or  
(b) debate on any motion before the Assembly at that time being adjourned until a later hour that day.

### **Legal Affairs—Standing Committee Scrutiny report 54**

**MR STEFANIAK** (Ginninderra): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 54, dated 5 May 2008, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR STEFANIAK:** Scrutiny report 54 contains the committee's comments on seven bills, 22 pieces of subordinate legislation, five government responses and one regulatory impact statement. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Planning and Environment—Standing Committee Report 33**

**MR GENTLEMAN** (Brindabella) (10.33): I present the following report:

Planning and Environment—Standing Committee—Report 33—*Report on Annual and Financial Reports 2006-2007*, dated 9 April 2008, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I will give a brief overview of this inquiry for the Assembly. The Standing Committee on Planning and Environment considered the annual reports for the 2006-07 financial year of the ACT Land Development Agency, the ACT Planning and Land Authority, the Canberra Public Cemeteries Trust, the Commissioner for the Environment and the Department of Territory and Municipal Services. The report focuses on those issues raised and assessed during the committee's three public hearings and makes six recommendations pertaining to the adequate provision of resources for key government programs, public accessibility to agency reviews, water use, and the provision of up-to-date information on government programs and initiatives. There is also a recommendation pertaining to the Australian Railway Historical Society. There were no major issues with the annual reports in themselves.

In closing, the committee would like to thank the committee secretary, Nicola Derigo, and the officials and stakeholders who assisted the committee during the course of that inquiry. I commend the report to the Assembly.

**MRS DUNNE** (Ginninderra) (10.34): As the newest member of the planning and environment committee, I would like to make some comments on this report on the annual and financial reports of the agencies that fall within the purview of the committee. I take the opportunity to point out that we are starting to see a failure of the committee process in this Assembly. I think it is a function of the arrogance of majority government that people think they can get away with these things.

It has long been my view, and it is a view that I think increasingly is shared by other members of the Assembly who are not in government, or perhaps who are not in the executive, that the role of committees is an extraordinarily important one that should not be within the gift of the executive, as has been the case here. With respect to the planning and environment committee, we have two government members and, in its current form, one other member. What we actually have is a sort of nodding glee club for the executive.

The most interesting thing that Mr Gentleman said in his very, very short statement was that there were no major issues. I cannot imagine, if you are looking at the operations of the Commissioner for the Environment, the Planning and Land Authority, Territory and Municipal Services and the Land Development Agency, that there are no major issues. When I joined this committee and I saw the first draft of this report, although I had not had the opportunity to attend most of the hearings because I was not then a member of the committee, I was stunned that there were almost no recommendations in that first draft.

There are some recommendations that are here at my suggestion. I thought it was reasonable that we should have some recommendations on some of the issues that arose in the report. What occurred here seems to be more and more the case. A chairman's draft was prepared that said, "We can't say anything difficult that might upset the minister for the environment, the Minister for Planning or the minister for urban services, so we won't say anything at all."

The fact is that the chairman of the planning and environment committee said here today that his committee has taken the time to look at the annual reports for all of these places, covering all of these areas that are vital to the people of the ACT. In the area of land allocation, we have real problems because of the failure of the government over successive years—over 6½ years—to be responsive to the needs of the ACT in relation to land allocation; yet he, as the chairman of the planning and environment committee, says that there were no major issues.

He should be concerned. If he is concerned about issues relating to the housing affordability of working families in this territory, he, as the chairman of the committee, should be directing the committee in particular ways—not by saying, "We must do it like this," but perhaps by saying: "There is an issue with housing affordability. What can we do in our inquiry into the annual reports of the Land Development Agency to tease out the issue of housing affordability?" But no, he does not do that, because the performance of the Chief Minister in relation to housing affordability is so bad that if he teases it out, he will be in a situation where he embarrasses his leader. He is not prepared to do that, because it is much better that we have an embarrassing policy than for him to point out that we have an embarrassing policy.

It goes on. There are issues in relation to drought and climate change. This member, who is apparently interested in climate change issues and has his own personal interests, which are laudable, did not address these issues directly in the inquiry or in his chairman's draft. What we see here is essentially a chairman's draft which has been expanded a little bit after I joined the committee. The chairman's draft arrived at about the time that I joined the committee. I took the somewhat difficult approach of saying, "Look, I'm sorry, I haven't been here for most of this inquiry, but this is pretty thin on the ground." And it still is thin on the ground. It is so thin on the ground that the chairman of the committee has nothing to say in his tabling statement and in speaking to his motion that we note this report, except to say that there were no major issues.

I am gobsmacked that the chairman of the planning and environment committee can look through the annual reports of the department of urban services, at sustainable

housing, energy efficiency ratings, the East Lake project, the Molonglo project, sustainable transport, land development and land release, water and energy efficiency and ACTION buses, and find that there are no major issues. For many years the Commissioner for Sustainability and the Environment has been underfunded. She now has extended tasks. Her legislation has not been updated to reflect that. And this chairman of the planning and environment committee has no major issues?

We are seeing here today the culmination of the last 3½ years of abuse of the committee process, which is also manifest in the estimates process, where the Labor backbench, which has control over the numbers on these committees, basically rubberstamps everything that the Labor executive does. It is not good enough for members of the executive such as Mr Corbell to stand up here and say, “Oh well, it happens in the federal parliament.” We should be at the forefront of open and accountable government.

Mr Stanhope was elected Chief Minister on a program of open and accountable government. What we have here is closed government—government which is not even accountable to its own backbench. Its own backbench is not interested enough in keeping its executive accountable. That is why people in the ACT need to be afraid of majority government, especially majority Labor government. Majority Labor governments are arrogant and say, “We will push it through and do what we like to the people of the ACT, and damn the consequences.”

This report today is a testament to how low the committee process in the ACT has become. It will be a theme that I will be pursuing with considerable rigour in the closing months of this Assembly.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (10.42): I would like to respond to the comments made by the opposition member of this committee on a report to which the member who has just spoken is a party. It is a majority consensus report; there is no dissent. Mrs Dunne is a signatory to this report; it is her report. It is a majority report, arrived at by consensus. Everything that Mrs Dunne has just said is directed, of course, at herself.

To the extent that Mrs Dunne has criticised this committee, and has most rigorously criticised this report, she has criticised herself. She claims that, since she only joined the committee in February, three months was not enough time to allow her to get to the detail, so she criticises her predecessor on the committee. And who was her predecessor? The Leader of the Opposition. So despite comprising one-third of the committee membership, despite it being a majority report, despite the outcomes of this particular committee report, and despite the content of this report being supported by the Liberal Party, Mrs Dunne stands here and says what she said. How two-faced is that? How hypocritical is that? The Liberal Party authors of this report are Mrs Dunne and Mr Seselja.

You can ask: what is Mrs Dunne’s agenda here? What point is she seeking to make? She said: “Look, I’m only a recent arrival to this particular inquiry. I’ve only been on

the committee for three months.” What is Mrs Dunne doing here? She is saying: “Look, I signed off on this report. This report is supported by the Liberal Party, but I’m going to stand here today and make a public statement that this report does not have my support, despite the fact that I’ve signed off on it.” She then says, “But I’ve only been a member of this particular committee for a couple of months, so you can’t point the finger at me because I haven’t had time to actually involve myself as deeply as I might.”

One then thinks: “Well, who was Mrs Dunne’s predecessor on this committee?” Why would she be pointing the finger at her Liberal predecessor and saying, “Well, it’s quite obvious that my predecessor just wasn’t up to the job, just paid no attention and wasn’t interested in the particular committee; didn’t put in any effort.” We then ask: “Who was the predecessor?” “Oh, it’s Mr Seselja.”

So here we have it again. It has been a feature of their 3½ years in opposition, of course, that as soon as somebody is elevated to the leadership they get knocked off—three leaders and four deputy leaders in three years, and always by continual and constant backbiting and undermining. We have it here again today. We know Mr Seselja is not in Mrs Dunne’s camp. Mrs Dunne was actually the loyal acolyte and disciple of Mr Mulcahy before the forces had him expelled from the party. We see here again today the chip, chip, chip away, the backbiting, the stabbing. Mrs Dunne is in the Mulcahy camp. Mr Mulcahy, of course, is temporarily repositioned within the place, so Mrs Dunne is there scoring the points, paying back and undermining. We have here today a report which was authored by the Liberal Party, as much as by the Labor Party, members of the committee—signed off by the Liberal Party.

I have never heard or seen anything as remarkable as this. The Liberal Party sign off on a report and endorse it. It is their report; it is a majority report. There is not a single dissenting statement or comment in the report from the Liberal Party member. It is fully supported and endorsed by the Liberal Party today. Then, for some apparent political purpose, the current Liberal Party member stands up and says: “Look, this is a dreadful report, a dreadful committee. The Liberal Party are part of it, of course, but it really is hopeless.”

It is quite remarkable that Mrs Dunne would condemn herself as essentially being incompetent, while in the same breath she says, “Well, of course, I haven’t been a member for very long, but my leader, Mr Seselja, was a member for years before me.” Of course, we all know how lazy he is: the scarlet pimpernel, the invisible man—the person we never see.

**Mr Seselja:** That argument is working well for you, Jon!

**MR STANHOPE:** It will, mate. Have you got your recognition rate into double figures yet, mate? How is the advertising campaign going?

**Mr Seselja:** It’s going very well. I’m getting great feedback from the Labor Party—

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

**MR STANHOPE:** Have you got your recognition rate up above nine per cent?

**MR SPEAKER:** Relevance, Chief Minister, please.

**MR STANHOPE:** Can you believe that the basis on which the Liberal Party changed leader at the last turn was apparently because the most popular member of the party did not have the gumption—

**MR SPEAKER:** Chief Minister, relevance! Come back to the subject matter of the motion.

**MR STANHOPE:** and the new leader did not have a recognition rating that actually was in double figures.

**MRS DUNNE** (Ginninderra) (10.47): Mr Speaker, I would like to use standing order 47.

**MR SPEAKER:** Please proceed.

**MRS DUNNE:** In accordance with standing order 47, I need to clarify something which I presume the Chief Minister misunderstood, so I will repeat what I said in my speech. The chairman's draft came to the committee after I became a member of the committee. So Mr Seselja had nothing to do with the construction of the chairman's draft or the formulation of this report.

The other point that I made was that when the chairman's draft came to me there were almost no recommendations in it. There are now six recommendations because most of those recommendations were suggested by me. I did not think it was appropriate to make any more recommendations because I was not a member at the time of the hearings for the inquiry. Although I had taken some interest in it and had attended a couple of the hearings at various times, I had not been a regular attendee at those hearings.

The point needs to be reinforced that the chairman's draft came to the committee after I became a member of the committee, and that the only Liberal Party person who made any contribution—and it was a substantial one, given the fact that I had only lately come to the committee—to the formulation of this report was me. It was just a mischievous attempt on the part of the Chief Minister to deflect—

**MR SPEAKER:** Order! Stick to the—

**MRS DUNNE:** from the criticism I had made by attempting to criticise Mr Seselja's part in the writing of this report. He had no part because he was not a member when the chairman's draft was being discussed.

**MR GENTLEMAN** (Brindabella) (10.49), in reply: I will not take too much time. Firstly, in relation to Mrs Dunne's comments on the environment, she said I had a keen interest in the environment but that nothing is done in this report. Mr Speaker, you will see about four or five pages, starting at page 3, regarding the environment. Under "water and energy", paragraph 2.3 talks about Territory and Municipal Services and the Minister for the Environment, Water and Climate Change. The report

talks about the Think Water, Act Water strategy, water conservation and reuse and future contracts for ACT government funded infrastructure work in relation to that.

The report talks about Dr Foskey's interest in current Actew billing; energy is discussed there. It then refers to the national water initiative, environmental flows, post bushfire recovery and quite a number of other areas. Page 9 talks about climate change strategy and the government's "weathering the change" climate change strategy. It also talks about feed-in tariffs—a matter that is close to my heart—solar energy projects, ACTION buses and the new network. So there is quite a deal in the report, contrary to what Mrs Dunne was saying.

I was also interested in her comments about her time on the Assembly's P and E Committee. The Assembly might want to note that, unfortunately, Mrs Dunne has not been able to attend two out of the last four meetings of the planning and environment committee—some eight hours of meeting times of the committee. She might have Mr Seselja's disease. You will remember that when he was critical of a P and E committee report he could not make it to seven meetings. Mrs Dunne is correct—

*Members interjecting—*

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

**MR GENTLEMAN:** when she says she has not been a regular attendee.

Question resolved in the affirmative.

## **Aboriginal and Torres Strait Islander Elected Body Bill 2008**

Debate resumed from 10 April 2008, on motion by **Mr Stanhope:**

That this bill be agreed to in principle.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.53): The opposition will be supporting this bill because, if managed professionally and with sufficient checks and balances in place, the elected body has the potential to provide Indigenous people in the ACT with a cohesive and effective voice and therefore a greater capacity to engage not only decision makers but also the broader community.

The bill would establish a body to be known as the Aboriginal and Torres Strait Islander Elected Body. It would consist of seven members, each of whom would hold office for a three-year term on a part-time basis. The electorate would comprise those persons who qualify as an Aboriginal or Torres Strait Islander who are at least 18 years old. The dictionary provides that Aboriginal person or Torres Strait Islander means a person who (a) is a descendant of an Aboriginal person or Torres Strait Islander, (b) identifies as an Aboriginal person or Torres Strait Islander and (c) is accepted as an Aboriginal person or Torres Strait Islander by an Aboriginal or Torres Strait Islander community, who is 18 years old, who is enrolled or entitled to be enrolled for an electorate in the ACT and who is not under a sentence or

imprisonment for one year or longer for a conviction for an indictable offence. Voting is not compulsory.

In supporting the bill, though, I need to address the following. The Chief Minister in his presentation speech, like in many speeches he delivers in this place, has ingrained yet again an unnecessary sense of bitterness in the debate. In this instance the Chief Minister likens this bill to “the disgraceful abolition of the Aboriginal and Torres Strait Islander Commission by the former federal coalition government”. Of course, that did have bipartisan support. Much debate surrounds the abolition of ATSIC and I totally object to the Chief Minister’s linkage of ATSIC to this new elected body.

There is nothing disgraceful about stamping out nepotism, nothing disgraceful about dealing with corporate mismanagement, and I am sure the Chief Minister on the day of the budget will agree that there is nothing disgraceful about dealing with financial mismanagement. I say this because, rather than unnecessarily dwelling on the past with regard to the abolition of ATSIC, we need to learn from the circumstances and issues that predicated the decision. Only then will this be seen as a historic occasion.

Moreover, in support of this position, many Indigenous leaders have since argued that the abolition of ATSIC was absolutely necessary. Only last month, in fact, with respect to Kevin Rudd’s 2020 summit and the suggestion that the Rudd federal government would establish a peak Indigenous body, Warren Mundine was quoted in the national media as saying that money should be spent where it is needed, not on a “bunch of people flying business-class around Australia”.

In the ACT we have a perfect opportunity in such a small jurisdiction to get this Indigenous board right. If we do, it certainly will be a historical moment. If we do not, it will be yet another failure and the only people that will suffer will be the very people that the board is meant to represent.

I need to raise another point. In looking through the bill from an initial perspective there seem to be sufficient checks and balances in place to hold this board accountable to measure success. However, as legislators, we can do little about those who nominate to be candidates and then, if elected, become members of the board. That will be the responsibility of electors and that will be the responsibility of board members.

Mr Mundine has talked about why ATSIC failed Indigenous Australians. He was quoted as saying that ATSIC had demonstrated the problems of poor-quality candidates being elected by a small number of voters. We trust that this will not happen with this board. My strong view is that this process cannot be dominated purely by the noisy or by the bully. We need to get this right. This is an opportunity. We in the Liberal Party in the ACT support both practical measures to support Indigenous people in the ACT and, indeed, symbolic measures, as was evidenced by the fact that we led an apology to the stolen generations back in 1997, an apology which, of course, was reiterated in this place this year.

Of course, we know that there was a significant amount of division on this issue in the Labor Party, because we saw only one side of the Labor Party speaking to the apology,

which was disappointing. So there is clearly some disaffection and disunity on the issue of Indigenous affairs and on the issue of the apology within the Labor Party. We saw that clearly when we saw members of the left faction avoiding supporting the motion put forward by the Chief Minister which reaffirmed the apology to the stolen generations.

In fact, I was very disappointed that on that day, when I asked the Chief Minister a question about a bipartisan approach to this issue, he rejected that. I also wrote to the Chief Minister separately and he came back to me on 25 March 2008, in response to my request for a bipartisan approach. Unfortunately, the Chief Minister has chosen to play politics with the issue of Indigenous affairs and to reject the approach. This is a different approach from what has been taken at the federal level where it is seen that a bipartisan approach is the best way to get real, practical outcomes for Indigenous people; that we should not be having partisan political debates where bipartisanship is possible on the issue of Indigenous affairs.

We can all agree that we can do better, that we must do better. We have bipartisanship in the ACT, and we have had it for a long time, on the issue of an apology to the stolen generations, on the issue of addressing Indigenous disadvantage, and I was disappointed with the response of the Chief Minister in the chamber and I was disappointed with the response of the Chief Minister in his letter of 25 March 2008 rejecting my calls for a bipartisan approach on this issue.

That said, we will be supporting this bill. We believe in reasonable representation for Indigenous people in the ACT. We believe that the money that has been allocated for this body is reasonable and we will examine the outcomes as time goes by. The number one test will be that issues of Indigenous disadvantage, issues of Indigenous representation, are addressed by this body.

**DR FOSKEY** (Molonglo) (10.59): I am glad to make the support for this bill at least 16 out of 17 members, and I would certainly like to thank Mr Stanhope for all the work that has gone into bringing this bill to this stage. I would also like to thank his office for responding to my staff's questions about the bill.

Even prior to the abolition of ATSIC, the ACT and other jurisdictions nationally and internationally have been looking for ways to expand the voice of Indigenous people in politics and policy—some with more commitment than others, I might add. In 1999 the Select Committee on the Report of the Review of Governance of the ACT recommended that the ACT government establish a select committee to examine the most appropriate means of Indigenous participation in government in the ACT and to examine ways of progressing the reconciliation process. This was prompted by a submission to the government requesting that the Assembly consider reserving a seat for an Indigenous member.

It would seem that the select committee was not established and that the debate has moved on. It would have been interesting to see what recommendations would have been made if the committee had been formed and if having an elected body such as the one proposed by this bill would have been considered the best option for political representation for Aboriginal and Torres Strait Islander people in the ACT.

Although the committee never met, a consultation about the most appropriate model for an Aboriginal and Torres Strait Islander representative body has been a long and involved process, which I can testify to, having been to one or two of the consultations. However, from my discussions with different ATSI groups about the bill, it seems possible that this consultative process, as with so many of the ACT government's consultations, talked only about something that the government had already decided was best rather than the empowering process of opening up a forum for ideas—the ideas in this case of one of the most disempowered groups in our political process.

In discussions about this bill I have heard phrases like “toothless tiger”, “waste of money”, and “just more of the same”. No doubt these concerns were also raised during the consultation process, and obviously the government feels that they have been adequately addressed or this bill would not be going ahead. It is interesting to note that Professor John Warhurst said that he thought any elected body that was just advisory was, in one sense, “a toothless tiger” but, on the other hand, “a platform to have a say”.

I appreciate the desire for an elected Aboriginal and Torres Strait Islander platform in the ACT. I do, however, have a few concerns. The minister's office has advised my staff that the body will be independent and will be allowed to liaise independently with media and the community. This is reassuring and it means that the tiger will not be entirely toothless. My concern is that the bill does not make it clear that the body is independent and can have an independent voice; otherwise I would not have had to ask the staff. So, while the government is currently happy for the body to talk to media and other interested parties, the legislation does not protect this right, and the government could take that independence away. That is why I have tabled an amendment to safeguard the independence of that voice.

Another of my concerns relates to the transient nature of much of the Aboriginal and Torres Strait Islander community in the ACT. We have a small and a mobile group of Indigenous people in our community, as noted by the social and cultural profile completed in 2004. It has been raised anecdotally with me that this mobility of the population, along with the fact that many of our Indigenous residents come from elsewhere, can mean that “many of them feel diffidence about becoming involved in local affairs”. That is from the summary notes of a public meeting at Woden in 2006.

This does not bode well for ensuring high numbers of voters for the body's election. I have been given rough estimates by the department that there are approximately 2,000 people in the ACT eligible to vote in the election and that about 20 people are expected to nominate for the seven seats. I hope that these estimates are met or exceeded and that this level of enthusiasm continues for future elections.

The ACT Indigenous population contains a number of zealous and vocal families, all working hard towards improving recognition, support and representation for the Indigenous community. Robust public debate between these families is important to ensure considered and quality outcomes for the Aboriginal and Torres Strait Islander residents of the ACT. But history has shown us that tensions between the families can also hinder the collaborative process.

I have heard it said that the concerns of the larger numbers of ATSI residents who are not “from around here” can sometimes be forgotten—hidden by those more organised and with the ear of government. There are well-founded concerns that this body could, without care and good process, simply go the way of other attempts by the ACT government to work with similar advisory bodies and that it could be overtaken by one or another specific interest. I hope that there are provisions to ensure that the body remains open to all Indigenous people in the ACT.

I have been advised that the secretariat and associated expenses will be funded from allocations made to the Department of Disability, Housing and Community Services and I commend the government for this commitment. The ACT currently has a strong mix of Aboriginal and Torres Strait Islander organisations that all work very hard to benefit the ATSI population and Canberra as a whole. I will name a very small number of these—Gugan Gulwan, Winnunga Nimmityjah, Billabong Aboriginal Corporation—which, among many others, contribute daily to making the lives of Indigenous people better and to improving relationships between Indigenous peoples and the broader community, to increase that understanding, to overcome disadvantage.

It has been suggested that, rather than fund an elected body which may or may not be able to make a difference to government policy, it would be better to give that money to these already existing organisations who are already making a difference, to allow them to help more people at the front line and to develop the kind of grassroots change that Indigenous people so need. I hope that this new body will be advising these organisations and ensuring that they receive the much-needed funds to address the huge problems that they deal with. I do not see that as a reason not to support the bill; I see it as a way of strengthening the work that the advisory group does. So I do support the bill; I just note that there are concerns.

The establishment of appropriate Aboriginal and Torres Strait Islander representative bodies elected by Aboriginal and Torres Strait Islander people is an Australian Greens policy. The Greens have a long history of advocating for Indigenous rights and we see this bill as being a step in the right direction towards achieving improved outcomes for the Aboriginal and Torres Strait Islander residents of the ACT.

When the former federal government abolished ATSIC, Howard replaced it with an appointed body which made recommendations to him and which seemed, from the outside at least, to have very little decision-making power. It is a pity that Mr Seselja used the bulk of his speech to address our Chief Minister’s comments about that rather than to talk about the scope of the bill before us. It is reasonable to expect that elected representatives will be less inclined to simply rubber-stamp government decisions and more likely to advocate for the wishes and the requests of their constituents on the matters discussed.

Government-funded, elected bodies have had their critics. Professor Lowitja O’Donoghue has stated that she does not support a democratically elected body. By the way, I must say I strongly respect the work of Lowitja O’Donoghue; I do not always agree with her, however. She says that she does not “support a democratically elected body. It didn’t work for ATSIC and it’s basically because

I believe that we're not necessarily democratic in the way we operate. It's very nepotistic and really we look after our own instead of looking after the greater needs and so on in the community". That quote comes from an interview she did on the ABC. Chris Graham notes that a body created by government, "like ATSIC", is an act "of white legislation, so it too can be abolished any time a white parliament so chooses".

But both are advocates for Aboriginal and Torres Strait Islander self-determination and they both support the need for a representative body to work for the Indigenous community. So really the argument is about the form of the organisation—how it comes into being—not about the need for such an organisation. While I have great respect for Professor O'Donoghue, I still think an elected body is the best option available for Aboriginal and Torres Strait Islander representation in the ACT.

I am pleased to see that the bill requires the proposed body to consult with the United Ngunnawal Elders Council. This, and especially the further consultation and collaboration provided for in the functions of the body, provides an opportunity for all Aboriginal and Torres Strait Islander voices in the ACT community to be heard and for the growth of the continuing culture and custodianship of the Ngunnawal people.

The monitoring and reporting function of this bill is one of the key factors in its favour. Providing the government with data on how programs and policies are impacting on Aboriginal and Torres Strait Islander people specifically will be beneficial in developing the right policy to improve outcomes. However, these reports need to be publicly available in order for the government to be truly accountable for its work with the Aboriginal and Torres Strait Islander community. Providing information to the government, particularly if it shows poor performance, will be useless if the government has no compulsion to act on it.

Whatever the shortcomings of the legislation and of elected bodies in general, I will be voting in favour of the bill and I applaud the Chief Minister and all those officers who have worked extremely hard to get it to this stage. I think that in itself is a feat. I look forward to seeing the work of the body, and certainly the Greens will be supporting it in any way we can.

**MRS BURKE** (Molonglo) (11.11): I have obviously more than a passing interest in this matter. As a former shadow minister for Indigenous services in this place, I have had a lot to do—perhaps as far back as 2001—with people in the Indigenous community. At this stage I am still hoping very much that what the Chief Minister is proposing will be a true representation of the Aboriginal and Torres Strait Islander community in Canberra.

One speaker mentioned a bipartisan approach. On such an important matter I would have hoped that the Chief Minister would embrace the whole of the Assembly—all 17 members—so that, rather than the government driving this legislation, the crossbench, the independents and the Liberal Party could have made more of a contribution to the debate.

That said, in April 2006 I wrote to the Chief Minister about this. I think I have been very open about my concerns about another elected body—a white man's construct. I

think I used the words, and Dr Foskey has used those same words today. That is the concern I have, that we are trying to orchestrate something for a community that has the answers. We as white people do not know the lore. We do not understand the culture. We do not understand the significance of a lot of their tradition and their history. I, for one, am very keen to continue to learn more about that.

We do need a bipartisan approach. We all need to be in agreement. I will support the legislation. Back in 2006 I did raise concerns. I said, "I am a little bit concerned that we may never see the setting up of this actual you-beaut body for the Aboriginal people of this community before this side of this year. I mean, when is it to be?" I said that on 2 May 2006. Here we are today, almost to the day, two years on, and only now are we debating this issue, which the Chief Minister has always paraded before the community as a high priority. I think it is a high priority. I hope and hope beyond hope that we do not ever use the Aboriginal and Torres Strait Islander agenda, if you like, for political gain. Sometimes we have seen that, and that disappoints me greatly.

The Aboriginal community deserve true community representation. What do I mean by that? I do not mean the high fliers out there, those people that we all know in the community. I want to see people that we do not know. I do not want to see well-known people. I want to know what grassroots Aboriginal people are feeling—those people who do not get a chance to speak on national or local media. I want to be able to make sure that when we hear from this elected body we are hearing the true feeling at the grassroots level.

The true independence of this body is critical to its success and its survival, and I think it is worth repeating what Warren Mundine has said about this. He was very clear. And I would have to take Dr Foskey up on her comments about the Leader of the Opposition, Mr Seselja, talking about ATSIC. In fact, Mr Stanhope did speak at great length about the demise of ATSIC—and thank God that ATSIC has gone. Maybe now, after the billions and millions of dollars that have gone into ATSIC over successive federal governments, that funding can be better used at the point of need that Dr Foskey was talking about and the money can be delivered into the communities, rather than people being given cars and first-class travel and so forth, which is an abuse of what was intended to reach some of our remote Indigenous communities.

I think it is a good thing that ATSIC is gone. Here in the ACT we do not want to see a replica of that in any way. I am sure that is not what the Chief Minister would want to see either. So I will support the legislation. I want to see true representation. There are a small number of people eligible to vote—Dr Foskey raised this too—but we must make sure that as many people as can vote are able to vote that have their say. This is the opportunity for the Aboriginal and Torres Strait Islander community to stand strong.

I was just looking at Ms Porter then and remembering the time we had in New Zealand. When we visited the parliament we saw the strong representation of the Indigenous community. How proud I would be if we could see something like that in the ACT. Instead of always hearing the heartbreaking stories that we hear about downtrodden Aboriginal people, we could see them in their true light—we could hear their music and see their art.

We have come a long way, and I do recognise some of the Chief Minister's efforts and the ACT government's efforts, but we can do better and we need to do more. Mr Mulcahy scoffingly said that I believe in Christmas or something, but I believe beyond hope, yes, that we can do better and that this will deliver something for the people of our community.

I will be watching it very closely. I will be monitoring what happens very closely. I do not want it to be just another layer of bureaucracy. I hope that it is not, and if all of us in this place keep an eye on it, then it will not be. I want to see our Aboriginal Indigenous community benefit from this legislation. I want to see improvements, and I am sure that the Chief Minister does as well. I have said before—it is worth repeating—that it must be truly reflective of the Indigenous community. Yes, Mr Mulcahy, I really do hope beyond hope because this thing has to stand as independent as it can in our community—

**Mr Mulcahy:** I do not think you heard what I told you.

**MRS BURKE:** You can continue to laugh. I do not. I want the people of this territory at last to have a voice, a proper voice—one that we all listen to, one that we can acknowledge and respect rather than just saying, like we do at every opening of every event that we go to, that we stand on the land of the Ngunnawal people. I want to see more about that. Rather than lip-service, I want to see action. I want to see things actually improve. Let us hope that this is where this legislation will drive us to.

I will leave it there for today, but I will be monitoring it. I will be watching it with great interest. I urge any member of the Indigenous community who has any concerns in the future about the way things are heading to contact any of our offices. We must keep an eye on this body. We must not let it just fall into something that is going to be little more than ATSIC was at a federal level.

**MR MULCAHY (Molonglo) (11.19):** I will be supporting this bill and supporting Dr Foskey's amendments later on. To set the record straight, I was not scoffing at the concept, rather at the notion put forward by Mrs Burke that she had an expectation that things would be approached in this place on a bipartisan and crossbench basis. It was in that respect that I thought she was demonstrating a rather high level of naivety. But I welcome the opposition's recently found fascination with Indigenous issues. I think it is encouraging and helpful, and I hope it is for the long haul and not for the short term.

I do have some reservations that I will go into detail on about this bill, but I will express my support for the creation of an Aboriginal and Torres Strait Islander elected body. In his presentation speech the Chief Minister said:

The Assembly will recall the unfortunate abolition of the Aboriginal and Torres Strait Islander Commission by the former federal coalition government. It was an action that left Indigenous peoples without an elected voice and even further marginalised them from decision-making and political processes.

In many ways it was unfortunate that this statement was made as this legislation was brought in. Certainly I think the Chief Minister should have been a little more thorough in either his research or his public recollection of the events that led to the abolition of ATSIC. I know he worked in this field as ministerial adviser before being

elected to this place. I understand that it was the position of his own party federally, which he may disagree with, but it was his own party's position in 2004 to abolish ATSIC. The Labor Party policy in 2004 was to abolish ATSIC and this, unlike most of Mr Latham's policies, I think was an appropriate position.

That organisation—and this would be an understatement—had become controversial and was not advancing in the interests of the Indigenous community. I am not going to be all scathing and all critical because I think there was good intent. At times, through my good friend Aden Ridgeway, I had several meetings with Geoff Clark. Certainly from those discussions I did not consider him to be the villain that he has been painted in the national media. But the administration of that body is another issue and I think that there were fundamental failings evident that really pointed to the fact that it no longer had a future to operate the way it was.

I acknowledge at the outset of my remarks that this bill will create, on my understanding, something that will be quite different from ATSIC. If, like ATSIC, the ACT body was to have fiscal powers or the ability to allocate funds to the Indigenous community, I would, of course, have some serious issues with this legislation. Part of the problem that I observed with ATSIC was their apparent failure to handle their fiscal responsibilities. I do not think, however, that this is the appropriate forum to rehash the problems of economic management that that organisation faced. Suffice it to say that comprehensively it is government departments that are probably best able to distribute funding in this sort of context.

I do not have a problem with the creation of a body that will receive and pass on views of the community to the minister or propose new programs for the government's consideration. I would have some reservations about the amendment Dr Foskey proposes if it was going to create an environment in which suddenly this body was speaking in public about all manner of things. But I understand from discussions with my office and the Chief Minister's office that they are unlikely to have an issue with this amendment, and my only concern is to ensure that advisory bodies are there to provide advice, not to compete and engage in high level public debate. I think that is more appropriately handled by other organisations.

I am conscious of the need to ensure that the problems experienced by ATSIC—and these are widely acknowledged—are not repeated. I would welcome from the Chief Minister some more detail on how the new body is to be funded—there has been some mention of that this morning—because I am conscious, and I always am, of the need to ensure that public monies are expended prudently and wisely.

Whilst I support the principle of an elected body, if it is to be funded by government, then a suitable level of financial accountability or control is needed. I reiterate the concerns about ATSIC. I note that Mr Seselja also picked up the comments of Tony Mundine, the prominent Indigenous leader and former ALP president. Recently, in response to suggestions arising from the 2020 Summit that the federal government should re-establish an ATSIC-style body, he said:

We seem to be getting on OK without it ... we need to be spending the money where the money needs to be spent, not on a whole bunch of people flying business class around Australia to meetings.

I think it would be hard to take issues with those comments. Mr Mundine also recently raised the example of ATSIC as a demonstration that a problem arises when you have a number of poor quality candidates being elected by a small number of votes. I am sure that is something the Liberal party can relate to because it is a similar problem to what they are facing here in Canberra where, according to media reports, you only need two votes to get preselected, or in the case of a sitting member, seven.

Tony Mundine said:

We don't want to be getting into a whole lot of bureaucracy that supports these people, because it is taking the resources away from the scarce resources that we have got in the first place.

I share this concern on a national level and express some caution about the establishment of an ACT body. I do support the establishment of an Indigenous body to advocate on behalf of the Aboriginal and Torres Strait Islander community in the ACT. However, it is imperative that the lessons of the past should be learnt. We have to take great care that this does not become a bureaucratic mess. It should act as a bridge between government and the Indigenous community. There are those that might question whether a bridge is needed. However, the government has decided that it is and I am happy to support this legislation.

It has to be recognised that Australia-wide significant numbers of Aboriginal and Torres Strait Islanders are living in standards that are not acceptable. I have spoken on occasions, I believe, in this place about my past interest in these matters. It extends back almost 30 years to when I sat on Michael Wooldridge's alcohol advisory council national advisory committee. It used to intrigue me how much interest there was in urban alcohol issues, but the then rather less fashionable plight of Indigenous communities in Australia seemed to be of low level interest to the academics and the Canberra based officials.

I took it upon myself to go into those communities in the Northern Territory and meet with those leaders and hear about the problems they were facing, particularly the prevalence of wine casks and the like that were inflicting enormous damage on those communities. I have talked to others in the Indigenous community about the problem of petrol sniffing and the changes that have been made nationally to try and impair that activity through a new product. But I share—as I am sure members do—the overall concern about life expectancy in those communities.

As one official from Canberra and a leader in the Indigenous community said to me, to improve life expectancy is going to take many, many years. It will certainly not be something that is fixed overnight by a few quick political decisions. But that should be no basis on which we defer or hold back on our efforts. This is a problem that should be addressed, and whilst I do not believe that the creation of this body is a solution in itself, if this new body goes some way to improving the lives of members of the local Indigenous community, then I will be happy to support it.

There are good things going on in this town in this regard. There is good work in the sporting area. There is work with people who have had dependency problems. I have talked to those who are working with them and I think that if this new initiative can do

more than simply be an exercise in appearance but in fact come up with some useful initiatives that the territory can embrace to work, particularly in our local area, then that is something that should be encouraged. I certainly will be examining the progress of this body very carefully and I urge other members to be equally diligent in ensuring that this body achieves what is envisaged and actually helps the Indigenous community in the ACT.

**MRS DUNNE** (Ginninderra) (11.28): I think that the sentiments of support expressed by Mr Seselja go to the heart of the Liberal Party's position on this legislation. Although some members have dwelt upon the problems of the former national ATSIC body—and I do not think it is necessary to do that—we have here in the ACT an opportunity, in a small and discrete jurisdiction with a well identified community, to make an elected body like this work for the benefit of Indigenous people in the ACT and, through them, the wider Canberra community.

It is a notion of inclusiveness which should be something more than mere symbolism but at the same time we should be doing everything we can not to rest on our laurels and say, "We have created the Aboriginal and Torres Strait Islander elected body and that is all we have to do." As the shadow minister for family and community services and during my time as the shadow minister for education and with my continuing interest in these areas, I have been very concerned about areas where our Indigenous citizens are not performing as well as the general community.

These are areas of considerable concern. We have made some progress in relation to Indigenous education and bringing the educational achievement levels of young Indigenous people up to the ACT average, but there is still a long way to go. I hope that we do not just say, "Now we have done this, all the issues are solved." This elected body will be nothing more than a conduit for policy. It means that, by establishing this body, we as the Legislative Assembly, the elected representatives of the whole ACT community, must commit to be responsive to that body and ensure that the recommendations of that body that go towards the betterment of the Indigenous community in the ACT are embraced and that we do not pull back from the very hard work that has to be done.

Mr Mulcahy spoke about the life expectancy gap between Indigenous and non-Indigenous Canberrans and non-Indigenous Australians in general. There is also an educational achievement gap, and one of the things that most concerns me is the fact that one in five children in care and protection in the ACT is Indigenous. This is a considerable problem for the whole Canberra community and a considerable problem for the Indigenous community. We must use the mechanisms available and provided through this body to really consult and really work with the Indigenous community to turn around this terrible statistic.

It is a matter of great trouble to me and it should be a matter of great trouble to everyone in this place that one in five children in the ACT who are in the care of the territory are Indigenous. When you consider that they make up somewhere between 1½ to two per cent of the entire population this is a terrible indictment of what is going on in this territory, and we must use this mechanism and other mechanisms to turn around this dreadful statistic.

It is great to see that every member of this Assembly supports this legislation. I noticed a small amount of point scoring across the chamber about who is more committed to Indigenous matters and who is a Johnny come lately to this issue and I think that, for the most part, that is not particularly productive. We should be embracing the initiative of the Chief Minister and really taking up the challenge as an Assembly as a whole and as a community as a whole to ensure that through this mechanism and other mechanisms we actually do something to raise the living standards, the educational standards and the health standards of the Indigenous people who live in the territory and on whose behalf we make laws and policy decisions. This must be a hand-in-hand approach.

Mr Mulcahy likes to drop names on every occasion and talk about his friends in the Indigenous community and his friend in this community and the other community. It is interesting that in quoting from national figures he seems to have got his figures mixed up. When he was talking about whether or not it was desirable to have a national ATSIC, Mr Mulcahy was referring to Warren Mundine, the former national president of the Australian Labor Party. I am sure that Tony Mundine, the former boxer, probably does have views on the appropriateness of a national body to replace ATSIC, but I do not think that they were reported in the context of the summit. Mr Mulcahy probably should make it clear who he was quoting in relation to that body.

In summary, this is a laudable initiative. It has cross-party support in this chamber in the same way that when members of this Assembly came back and reinforced their commitment to an apology, which was a timely thing to do, and to reinforce that commitment in the context of a national apology, there was a high level of cross-party support. It is a shame that when the Liberal opposition reaches out in a bipartisan way on these issues the Chief Minister often chooses to rebuff those approaches. While he thought that it was important to reinforce the apology, it was not so important that he could emulate his national leader and take a bipartisan approach. When the Prime Minister undertook to work with the Liberal and National parties on these issues on the national stage it is unfortunate and a little saddening that the Chief Minister could not do the same here in the ACT. Even though he was given two opportunities to do that, he has not chosen to go down the path of bipartisanship.

This is really not about point scoring. This is about making the lives of Indigenous people in the ACT better and ensuring that they have every opportunity to participate fully, not only in their own community but also in the wider community; that their children are safe and happy in their homes and brought up in families that are functioning and working; that their children are getting every opportunity for education; and that, as they go through life, they will have the same life expectations as the rest of us. I commend the Chief Minister for the initiative. I am proud to support it.

**MR PRATT** (Brindabella) (11.36): This bill has cross-party support. It is appropriate that there be bipartisan support for this. We clearly support the nature of the Chief Minister's bill, a bill that aims to establish an ACT Aboriginal and Torres Strait Islander Elected Body with a goal of ensuring maximum participation by Aboriginal and Torres Strait Islander people in the ACT in the formulation, coordination and

implementation of government policies that affect them. There are a plethora of practical matters, though, that go to the heart of good governance regarding how we as a territory look after our Indigenous people and, given the complexity of all that, we clearly must support this bill. And so we shall.

If I could say, though, further to the point that Mr Seselja raised earlier, the question that must be asked, however, is: will this body become the son of ATSIC? By that, I simply mean: will it become a bureaucratic son of what became the bureaucracy of ATSIC? ATSIC had its strengths but it had very, very significant weaknesses. We would not want to see, for the sake of political expediency, a body established here in the ACT which becomes as cumbersome and unrepresentative of Indigenous peoples as ATSIC eventually became. I think we all know that ATSIC across the country did not represent the best interests of all Indigenous peoples and, like too many bureaucracies in this country which revolve around well-organised political lobbies, ATSIC had become a place where many questions were asked about not only the effect of its governance as a body but also issues of whether it was actually focusing on the fundamental issues relevant to education, health and proper representation by Indigenous groups across this country.

Whilst a lot of people would not necessarily agree with me, one of the best things that ever happened was the disbanding of ATSIC, therefore, which allowed other more prominent and better representative leaders of the Indigenous community to come forward in this country and make strong contributions to the debates across this country about Indigenous affairs and how we can better progress our Indigenous peoples. We all realise, of course, that Indigenous people in this country have had a pretty rum deal and a pretty rough trot for a long time—no question about that. We would hope that the Chief Minister and his officials are learning the lessons that are very clearly there for us all to look at on the back of what has gone before us in terms of the management of Indigenous affairs in this country.

We must ensure that the bureaucracy of the body that the Chief Minister is proposing does not take over the fundamental goals outlined here today. Indigenous people in the ACT need less bureaucracy and more initiatives and practical measures to coordinate and implement government policies.

We on this side of the chamber are clearly on the record as leading the way in the debate on the sorry statements. As our leader on this side, Mr Seselja, said earlier, in 1997 it was the Liberal Party in the ACT that led the way in trying to break the ground on sorting out the sorry statement matter. We can clearly, by that, demonstrate that we are very keen to see that the Chief Minister's proposal does work. But we want to make sure that it works properly.

We know, for example—if I can just focus on one particular area—the initiatives to reduce the number of Indigenous youths attending Quamby are a very important part of government at the moment. We are very concerned, as is the Chief Minister, about the number of Indigenous youth who wind up in Quamby. It is very, very important, therefore, that all of our programs that seek to intervene and stop young men and young women going to Quamby or anywhere else are well supported. I would hate to see money spent on this particular initiative at the expense of those.

We do not want to see funding that needs to be allocated to reinforce our education and health initiatives and our social support initiatives hived off and misspent perhaps on a body more than we need to spend on that particular body. Clearly, money will have to be spent but let us keep it in perspective and let us make sure that, of a total expenditure for Indigenous affairs, the amount of money spent on setting this body up is a proper representation of the money that ought to be spent and no more. We do know that, from looking at a number of other community groups around the ACT—and I call to your attention, for example, some of the initiatives taken in the multicultural community—if we are not careful, the money can go south when it should be going north because the loudest lobby can always put their hands on the money but the people who deserve it and the people who need it do not necessarily see it.

I point out that—and I think some of my colleagues made a point of that as well—page 67 in last year's budget paper No 3 shows us that funding of \$20,000 was allocated to an Indigenous training program, from which only 15 young Aboriginal or Torres Strait Islander people will have benefited. The formation of this body is certainly going to cost a lot more than that. That is one example. I think that money is not enough in terms of that particular training program and I certainly would not like to see this particular initiative take away resources badly needed for that.

So here we are. We commend the bill; we support the bill; but we do caution the Chief Minister to ensure that things are kept in perspective and that we do not have another damn layer of bureaucracy. We do have a lot of government departments, all of which have responsibilities for how they take care of the welfare of our Indigenous youth and our Indigenous families. We would not want to see a body such as this get in the road of the exercising of good governance by those departments. That is what can happen when you have specially appointed or elected bodies. You do not want to take the responsibility away from a number of departments with a direct responsibility for Indigenous affairs, to drop the ball on their responsibilities. I would call upon the Chief Minister to ensure that never happens. We will be watching him closely to see that it never happens. I commend the bill.

**MR SMYTH** (Brindabella) (11.45): The opposition, as other members have said, welcome this bill. It represents a positive move towards ensuring that Aboriginal people and Torres Strait Islanders living in the ACT have a sound basis for having their voice heard on matters that affect them. I think one of the reasons that this is important is the actual arrangements and the delivery of services to Aboriginal people that have occurred under the Stanhope government. A particular benefit from this body will be to sharpen the focus on the identification needs within the Indigenous community in the ACT and the development of appropriate responses to these needs.

I feel that Indigenous people have languished under this government. I think there has been a sense of favouritism, where some groups are in or out and groups have been played off one against the other, and that has been unfortunate because we should be working towards unity and cohesion in the Ngannawal community, not having this who is in, who is out this day. I think to have it segmented in the way that the government has set up the arrangements is most unfortunate, where policy seems to be with the Chief Minister and delivery seems to be with Ms Gallagher.

I think that is unfortunate because, for instance, as you would be well aware, Madam Assistant Speaker, from your efforts at estimates committees over the years, we have this game: “you have to ask the other minister; that is not in my portfolio”. I think if this place, the Assembly, through the estimates, has difficulty getting to the nub of what is going on inside Indigenous affairs in the Stanhope Labor government, then what hope have the Indigenous people themselves? We often see at estimates the Labor two-step: “Not in my portfolio. Ask the other minister.”

One can be cynical and say that the arrangements have been set up this way to avoid scrutiny—and the Chief Minister can answer for himself on that—but I think, for the community, it is important there is one minister that they know has at heart their interests and control of the acts that govern them and control of the money that will come to their assistance. That would certainly make things a lot better. I think the community itself would welcome that.

The second point is the amount of support that is being put to this project and the time taken to get it to this place. Indeed, I dust off my copy of last year’s budget paper and there on page 66 is the ACT Indigenous elected body. I think it is a shame that, if you believe the Chief Minister’s speech that he had done the consultation and that people had said to him in the lead-up to the 2007-08 budget, “This is the format that we want,” it has now taken another year before this place is actually discussing this issue.

As the Chief Minister says in his introduction, “The Assembly will recall the disgraceful abolition of ATSIC.” He is pleased. “This is an historic occasion; this is the first such elected body.” I cannot help but hear in those words that it is about the Chief Minister and not about Indigenous people. “This is about me, another historic occasion.” We make the speech, but it has taken us a year since it was announced in the budget for it to come to fruition. That is a year of further disadvantage; it is a year of further neglect; and it is a year of potentially further favouritism. And that is a shame.

The money that is allocated for the financial year 2008-09 is \$200,000. That \$200,000 is a substantial sum of money to run this body effectively and to carry out the functions that are listed in the introduction. I note the proposed amendment by Dr Foskey to extend those, and it is a reasonable extension. Part 2, clause 8, says that it is:

- (a) to receive, and pass on to the Minister, the views of Aboriginal people and Torres Strait Islanders ... ;
- (b) to represent Aboriginal people and Torres Strait Islanders ... ;
- (c) to conduct regular forums ... ;
- (d) to conduct research and community consultation ... ;
- (e) to propose programs and design services ... ;
- (f) to monitor and report on the effectiveness of programs ... ;

- (g) to monitor and report on the accessibility ... ;
- (h) when asked by the Minister, to give the Minister information or advice ... ;
- (i) when asked by a government agency or another person ... to recommend any reasonable action ... ;
- (j) any other function given to ATSIEB by the Minister;
- (k) any other function given to ATSIEB under this Act or another territory law.

So there is an extraordinary amount of work that will be covered under this \$200,000 budget. If the minister is fair dinkum about this and is absolutely serious about this being effective, I would be interested in his response when he closes the debate as to how he sees that \$200,000 working.

It could be as little as one senior officer and a part timer; it might be a couple of middle ranking officers or a middle ranking officer and a couple of assistants. But if they are seriously going to do all that work—advertise, involve the community, run forums and actually report to the minister or, when the minister makes a direction, actually have the capacity to carry out the research that is required—it will be very, very hard, I suspect, for the secretariat that supports the elected body to carry out the functions as listed.

This Assembly has a good reputation and has a good reputation on Indigenous issues. As we were all reminded earlier this year when the sorry day was held in the federal parliament, this place had done it 10 years beforehand under a Kate Carnell Liberal government. I just cannot help but get the sense that things have languished over the last seven years.

The minister might outline quite clearly how he sees the money being spent and how that long list of things that should be done and need to be done are done. Will they be done by the support body or will they be done back in the departments? There is the question. Is the \$200,000 the only money that this body will have access to? For instance, if you do a significant consultancy, \$200,000 is simply a drop in the bucket. Maybe the answer from the Chief Minister will be “wait and see at 3 o’clock this afternoon”. But if he could detail how he sees it working, it may allay some of the fears I have and some of the fears that I know exist in the community.

There is then the whole issue of whether this is just a talkfest. I have some concerns about issues that the government is currently handling in relation to Aboriginal issues in the territory as we speak, in particular Billabong, Mr Speaker, which is not far from your residence. Billabong has a three-month licence over its property. That is all they have. It should have expired at the end of March but it has been extended, I believe, to the end of June while consultation goes on with the government. Why is it that an organisation, an independent Indigenous organisation, from letters I have seen from the government and from auditors, that is having tremendous results in helping lift Indigenous people from where they are to where they should be, is living on three-month licences over a property where, I understand, they have put something like \$1 million worth of infrastructure?

The facilities out there, whether it be the nursery they are developing to teach young Indigenous people—and they do not exclude non-Indigenous people, which I think is a very, very good step—nursery skills, whether it be to teach them in the commercial kitchen they wish to establish, whether it be to teach them how to drive so that they get vehicle licences, whether it be a car or a truck, so that they develop a system of independence and of being able to support themselves, are first rate. But Billabong are held on such a short lead by this government and have so much uncertainty hanging over them and have had hanging over them for a period of time. You do not seem to be able to get answers from the government.

It is well and good to have a consultative body where people can sit around and talk the talk but the reality for many Indigenous people is that there is uncertainty coming out of the behaviour of various arms of the ACT government that lead them to have problems about their own future. If, for instance, Billabong have a million dollars worth of development on that property and they were asked to remove that, they would have to do that at enormous expense to themselves, without any certainty of where they could go. Why would we want to lose that? Here is a group that has done a great job by themselves, for themselves, for their community, with the support of both the federal and the ACT governments but they live on a quarterly licence, not even a lease over the land; it is a quarterly licence to use the land.

I think there are some serious issues in their relationship with some of the departments. Perhaps the Chief Minister could enlighten us on how he sees the Aboriginal and Torres Strait Islander Elected Body assisting groups like Billabong have a better relationship with the government because ultimately, if on the ground this does not lead to better outcomes for Indigenous people, this bill will be a waste and the body will be a waste and the Aboriginal community, indeed the entire community of the ACT, will be worse off at the end.

I will close by asking the Chief Minister whether he might elaborate when he closes the debate on what he sees is the future of the arrangements for Indigenous people in the ACT. I know many have difficulties in understanding which arm of government they go to. Part of that confusion is the fact that there are two ministers who represent and look after Indigenous issues and services within the ACT. Perhaps it is time that they came back under bailiwick of one minister—ideally the Chief Minister. I think it raises the level of importance that we attach to Indigenous issues by saying, “I, the Chief Minister, will look after this.”

It would be interesting to hear from the Chief Minister as to whether he will consider that option and, indeed, it would be interesting to see, when the elected body first meet and if that suggestion was made, what would happen. As he concludes, the Chief Minister might tell us how this process will work. If the elected body makes a decision, is it binding on the government? What degree of responsibility will the government take for the policies and recommendations that the elected body puts up to the government? Indeed, will there be a devolution? Will it become more like the former ATSIC and have its own budget? Will there be some discretion that this body may have in terms of directing the government's efforts in assisting Indigenous people?

I think it is very important that these matters are resolved before the bill is voted on. It is quite clear that the Chief Minister has the total support of the Assembly for this bill going forward but, if we are truly to make this an effective tool in lifting the burden that has rested for way too long on the shoulders of Indigenous people, then some of these questions need to be answered. With that, the opposition will be supporting the bill.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (11.56), in reply: I thank members for their contribution to the debate. Today's debate and what seems will be the unanimous passage of this bill mark a signal, perhaps even a seismic, shift in the relationship between this legislature and the Aboriginal and Torres Strait Islander people who make the ACT their home.

The government firmly believes that the establishment of an Indigenous elected body will play two functions, symbolic and practical. Firstly, we hope that it will help this community, black and white, move closer to true reconciliation. Secondly, we believe it is practically significant for the degree of self-determination that it will offer Aboriginals and Torres Strait Islanders in our Canberra community.

Too often, and with frequently tragic results, through the two centuries black and white have jointly occupied this continent, policies and programs affecting Aboriginal and Torres Strait Islander people have been dispensed in a top-down fashion. White Australia has tended to assume it knows best when it comes to black Australia—what is best culturally, what is best linguistically, what is best economically, educationally and medically. We are still, as a nation, doing it, deciding what is best and then imposing it. We are doing it in the Northern Territory, most pointedly. But the same decision-making processes are followed elsewhere, everywhere, and by default because, since the abolition of ATSIC and its regional councils, there has been no representative body chosen from within the community with which to consult.

Here in the ACT we have relied, when we can, on consultative committees. We have tested our ideas on the United Ngunnawal Elders Council. We have engaged in a COAG trial in the wash-up of the ATSIC abolition. What we have not had is confidence—confidence that those to whom we speak truly speak for and on behalf of their communities, confidence that we are kept as accountable as we might be. How do the voiceless articulate their grievances? How do the disenfranchised feed their ideas into the political process?

There may be some who will argue that Aboriginals and Torres Strait Islanders in our community are as fully enfranchised as anyone else, that because they can vote in general elections their voices will be heard as stridently as any other individual's. To argue thus ignores the reality that intergenerational disadvantage and dispossession bring with them, including alienation from the political processes.

The bill before the Assembly today gives Aboriginals and Torres Strait Islanders in our community a direct voice in the scrutiny of policies and programs that affect them and a direct role in formulating those policies and services. This bill gives Aboriginals

and Torres Strait Islanders living in the ACT a new forum at which to speak, a new conduit to government, and the opportunity to select every three years those individuals they wish to speak on their behalf.

A primary function of the elected body will be to transmit to government the community's views about which services and programs ought to be funded, which programs and services ought to be discontinued, how best to meet the express priorities of the local Aboriginals and Torres Strait Islanders—priorities set and articulated by themselves. Another will be to keep the government, this government and future ones, accountable, along with the government agencies that will continue to deliver services into the community.

Since the abolition of ATSIC there have been few opportunities for aspiring Indigenous spokesmen and women, aspiring leaders, to develop their skills and increase their capacity to effectively advocate on behalf of their people. There are almost 4,000 people living in the ACT today who identify as Aboriginals or Torres Strait Islanders. Most do not trace their family roots to this land at all. They have come from all over, an experience only too familiar to a dispossessed people.

I hope that the body established by the bill before the Assembly will be a place for capacity building and skill development, in addition to its other functions. I hope it will be a place of empowerment, a place where Aboriginals and Torres Strait Islanders in our community can feel free to speak, free to explore ideas, and emboldened to participate more fully than ever in the political life of this city.

There is a momentum building nationally to redress the wrongs of the past in relation to Indigenous Australians. It was building some weeks ago when our Prime Minister issued a national apology to members of the stolen generations. It has been building through the COAG processes where Indigenous matters have been elevated and made a priority in all aspects of COAG's work plans.

We in the ACT can again lead the nation on a social justice issue through our actions in the Assembly today. We can again show that symbolism and practical advancement are possible and appropriate and that we have nothing to fear from holding out to members of our community the opportunity to engage more fully in the life of that community.

The elected body that this legislation seeks to establish will shoulder a significant responsibility in articulating the views and ideas of the Aboriginal and Torres Strait Islander community on a range of sensitive and substantial issues. It will have a meaningful role to play in advising and guiding government agencies on ways to reduce the gap between Indigenous and non-Indigenous Canberrans in relation to the basics of life, literacy, employment opportunities, health outcomes—the very span of life we can hope to enjoy.

The government has spent three years consulting on and preparing this legislation. The form takes into account suggestions made by the Aboriginal and Torres Strait Islander Consultative Council. I hope and believe it will be embraced and owned by the local Aboriginal and Torres Strait Islander community and that its work will be respected by all other Canberrans. The solutions will not, of course, come quickly.

Entrenched issues cannot be dealt with in a day, a month or a year, even with goodwill and even with good ideas, but we can build on what has already been achieved here in the territory, much of it shoulder to shoulder with Indigenous people themselves.

We have committed resources to initiatives such as the ACT Justice Centre that was established in 2004, Koori preschools, hearing and midwifery programs, child protection and foster care, the capital program for additional public stock for Indigenous housing, an Indigenous drug and alcohol residential rehabilitation facility, Indigenous traineeship programs, a youth detoxification support service and parental participation programs for children, teachers and the broader school community. But of course this work has in large part been undertaken in consultation with Indigenous leaders who, by default, have appointed themselves, who have taken on the mantle of leadership in the vacuum that has existed since the abolition of ATSIC regional councils.

The body we will create today will not be appointed by the government of the day; it will be chosen by the people it represents, consistent with the notion of self-determination. Late next month, it is my hope that Aboriginals and Torres Strait Islanders in the territory will go to the polls to elect seven members. Then and every three years thereafter they will select from among members of their own community who will put their names forward for election. I believe the result will be a powerful partnership between black and white Canberra, a strong and enduring partnership between the government of the day, its agencies and the local Indigenous community. Together we will help create and deliver the policies and programs that over time will erode and then obliterate the gaps we have, as a nation, allowed to build up over two centuries between the life experience of Indigenous and non-Indigenous people.

The government has noted the comments made by the scrutiny of bills committee in its report of 5 May. The committee's comments do not warrant any government amendment to the bill. A response by the government to the committee's report will be forwarded to the chair. I thank members for their contribution and support for what I believe is an important piece of legislation and commend the bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**DR FOSKEY** (Molonglo) (12.05): I move amendment No 1 circulated in my name [*see schedule 1 at page 1466*].

I have just, I think, ascertained that my amendment will receive the support of all members in this Assembly, and that is really a very great thing. I think it is wonderful that we are all supporting the bill in the first instance, because this is the kind of thing that can only work with full support across the whole Assembly. I am also really delighted that people support the idea of my amendment.

I am not going to speak for long; I will just explain the reason for the amendment. You have all got it in front of you. It is extremely straightforward, because I do not believe that the ability for Aboriginal and Torres Strait Islander people who are members of the body to speak as representatives of the body is clearly enshrined in the bill. So my amendment is purely directed at addressing that shortcoming.

The amendment ensures that the elected body is able to speak freely with the media and the public, thereby giving it some teeth. I must note that these are people speaking as representatives of the body, not in their individual and private capacity as citizens of the ACT, and I am sure the body will have rules in place to ensure that that occurs.

Despite an assurance from the government, the bill as it stood, or as it stands unamended, is not clear as to whether the advice of the body to the minister could be made publicly available. So I have amended the functions of the Aboriginal and Torres Strait Islanders Elected Body, as listed in the bill, to add a provision which allows it to make its advice public. This way, if the body gives the government some advice it would rather not hear, or if it does not take action on advice the body has recommended, the elected body can discuss the matter publicly and require government to justify its stance on the issue.

Democracy in Australia allows, creates, creates the room for, and encourages, debate. Bodies are elected to express the views of their constituents and to make informed decisions. They are expected to justify their decisions, and decisions are made public so that other groups can comment on them. Giving the body the enshrined independence to release and discuss its decisions publicly enhances accountability, both for government and for the elected representatives. It expands the representatives' accountability to their electorate and it provides a mechanism for the choices of the ACT government to be scrutinised. Even elected officials make mistakes so, if the decisions and their reasons are in the public domain, people can name the mistake and propose ways forward, and in the end this is a win-win situation for everyone.

The provision to give public and private advice, as advised by ATSIC, has been suggested by some as the best way of ensuring some level of clout. Indeed, it may be a challenge for this and future ACT governments to hear it. But I trust that this government is committed enough to empowering Indigenous people, to take any criticism on the chin, to hear it and to respond to it. I commend the Chief Minister for agreeing to the amendment and I trust that this government or any future government will not do a John Howard and abolish the body simply because the body criticises government.

With this amendment I seek reassurance from the government that the body's ability to contribute to, enhance and initiate public debate will be guaranteed.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (12.09): The government is more than happy to accept the amendment and notes and acknowledges the points that Dr Foskey makes, which really are about openness and accountability.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## **Electoral Legislation Amendment Bill 2007**

Debate resumed from 23 August 2007, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR STEFANIAK** (Ginninderra) (12.10): The Electoral Legislation Amendment Bill makes a considerable number of amendments which we will be supporting. However, it also makes a number of amendments that go to democratic principles or that we believe are self-serving to the Labor Party and which we will not be supporting.

I must also say that there are a large number of new government amendments to the bill. I think it would be highly sensible if this debate this week only went to the in principle stage. I would think in the circumstances, given the nature of all the amendments and some of the changes proposed, that a roundtable of the interested parties in the Assembly should be convened and the matter taken up again in the June sittings for finality. I make that suggestion to the government because there are some significant further amendments the government has dropped just recently.

Some of the amendments in the bill from the current act cause us great concern. These amendments are ones that would not go through this place, I would suggest, were it not for the arrogance of this current government. Indeed, some of these amendments actually appear to be a government abusing its privilege of holding a majority of seats in this place. We will be opposing these amendments, and I have put forward some amendments, which members have, that give effect to that position.

I want to deal firstly in terms of this bill with the issue of the government's attack on our democracy. The bill seeks to remove the ability of like-minded independent candidates to be listed on the ballot paper together as non-party groups. The effect of this will be to shut such candidates in with all other independent candidates, some of whom may have views and philosophies that are completely at odds with their own.

The flow-on effect is quite simple. When the voters get to the ballot box, they will be confronted with a ballot paper that has the names of all the independent candidates mixed up together. Voters will find it much more difficult to identify those candidates who either are like-minded with each other or whose ideals and philosophies align with those of the voters. Some voters may indeed well decide that it is all just too hard to find the independent candidates they may wish to vote for and so revert to the better-known named parties—and I suspect that is exactly what the Labor Party wants here.

Those over there will no doubt bleat and carry on about the supposed inequity of non-party groups compared to registered political parties, but that is a smokescreen. I

would suggest that they simply want to pull the wool over the eyes of voters there. They want voters to be confused. Indeed, they probably perceive, and I think maybe wrongfully, that there is a significant benefit to them if voters simply give up. And, of course, they want voters to come back to the political parties. And one could be cynical enough to say that they know that this gives them perhaps the best chance of retaining government.

Michael Moore—many of us probably did not agree with a lot of things he said but agreed with some, and I think he is a respected former member of this place—can see what the Labor Party are up to. If people read his article titled “Labor threat to voters” published only last week in the *City News* they will see what I mean. He said:

ACT Attorney-General, Simon Corbell, has presented an amendment to the ACT Electoral Act that has the effect of taking power away from the people.

He went on to say:

It is an affront to our democratic process—the amendment is not about the rule of the people but about consolidating the power of an organisation.

Perhaps it is that this Stanhope government now realises that its run in government is coming to an end and this is nothing more than a blatant attack on independent candidates in the next ACT election, as well as in future elections, to try to limit their presence as elected representatives of the people of Canberra.

This Assembly is coming up for its 19th anniversary next week. I think it has served generally the people of the ACT well. Even the much maligned First Assembly, which had about five different groups, managed to get through the job and do it reasonably well. This government is the first majority government the Assembly has had. I do not think it is going to be in that position next year and clearly I think there is an element of panic here from the government to try to shore up its somewhat untenable position.

We can talk about the democratic effect of enhancing our system through having like-minded independents being able to group together. What harm has that done to our system? I submit to you: none at all. In the past, people would criticise, for example, the Osborne independents. I was part of a government that basically had to change its Chief Minister largely as a result of the actions of that particular group. But what is wrong with a group such as that with similar beliefs—two independents in that case who held similar beliefs—forming a grouping and being put on the ballot paper? What detrimental effect can that possibly have on democracy? None whatsoever.

We are seeing a few independent groups starting to put their hands up here—two might-be parties. I think we have the motorist party registered already and another group that is going to be a party. But what would be wrong if the Save Our Schools group, for example, wanted to put up two or three candidates in each electorate?

**Mr Mulcahy:** They are part of the Community Action Party.

**MR STEFANIAK:** They might be, Richard.

**Mr Mulcahy:** I agree with your point.

**MR STEFANIAK:** Yes. What would be wrong if they just wanted to be like-minded independents on that issue, without having to form a party? What possible adverse effect can that have on democracy? That is an entirely reasonable proposition and it is something, I think, which people have been able to do and which has probably served our democracy well. All of us who have been here for a while could have disagreed with some of the things some of these like-minded independents might believe in, just as we disagree amongst ourselves on various policies that are put up here.

But it is a fundamental tenet of democracy that you enable as many people who want to stand to be able to stand and that you do not put needless obstacles in their path. But that is exactly what is occurring here. It is also a case of “if it ain’t broke, why try to fix it?” There is no real problem here. This is just an excuse, to make it harder for independents, and a blatant attack on independent candidates who are like-minded and who want to avail themselves of a very sensible provision in there which enhances our democracy and in no way detracts from it.

What the government is proposing here actually will detract from our democracy and I think it is really quite shameful. There is no need for it. The government is going to have to get used to the fact that it is certainly not going to have a majority here in the next Assembly, if it is even likely to be the government at all. All of us in major parties have had to manage with independents. Perhaps it is because it is something we do as a party better than you do that you have tried to restrict it. At any rate, it is quite shameful and an attack on democracy.

Given that we are not going to finalise this bill today, I would strongly urge you opposite to have a good rethink about this, because you are just making fools of yourselves with your blatant attack on our democratic system through that particular part of the bill, which is probably one of the most simple concepts for people outside who normally do not get terribly involved in the complexities and technicalities of electoral acts but who certainly can see an attack on a democratic system when they actually have one stare them in the face, such as this does. You do yourselves absolutely no service by putting up amendments such as this.

There are a number of other amendments here. I see the government has changed its mind on a couple, but there are a number of other amendments here which cause us concern and which I will be addressing further in the detail stage. One of those which we will not be supporting is a proposal to relax the disclosure requirements for associated entities as they relate to the sale of food and liquor and to amounts received through gambling. I notice you appear to have made a few amendments around some of these areas but not to that particular part of the amendments.

There are three guesses available as to the beneficiary of this amendment, and two of those guesses do not count. This is very much a self-serving cynical abuse of the privileged majority that this government now have and will not have next time that they seek to perpetrate it on the people of Canberra. Here we have a Labor Party in government using their majority to create an advantage for their major funding source, the Labor Club.

What is the rationale there, Mr Speaker? It is supposedly to protect the identities of those who make the payments for those goods and services. But that, I submit, is rubbish. Its purpose is purely and simply to try to conceal the fact that this ACT Labor Party receives the vast bulk of its funding from poker machine gambling—pure and simple—and no-one else does. It is all very well for those opposite to bleat: “Well, you could have done that in the eighties. Other parties could have but they didn’t.” The fact of the matter is that you do and you are protecting your source. No matter how you try to dress it up, that is what it is about.

If the Labor Party were so concerned about protecting the identity of the individuals who buy food and liquor and who play the pokies, they could have introduced a provision that allows the Labor Club to collate the figures and report them in total. But, no, the government have to hide behind the veil of seeming to protect the privacy of private citizens. Again, that is a somewhat shameless abuse of this particular bill.

Then we have the government’s amendment to considerably broaden the definition of “fundraising event”. It is clear that that amendment is intended to catch the other major party here, the Liberal Party. But it is not a case of goose and gander; it is a case of “show me yours and I’m not going to show you mine”. For example, if a patron of the Labor Club spends more than \$1,500 a year on poker machines—now, with their amendment, that would be \$1,000 a year—that expenditure will not have to be reported.

However, if a member of the Liberal Party, or indeed the Greens or another party, spends more than \$1,000 in any one year attending fundraising events, that expenditure and the name of the person will have to be reported. Where is the equity in that? Again, it is a self-serving series of amendments to benefit the Labor Party to the detriment of others.

There are a number of other areas in this bill which I am not going to canvass because we will be going through it in the detail stage, but there is another matter on which I am pleased to see the government appears now to have accepted advice that it would be a problem, and that is removing the onus currently on the commission under section 300 to pursue matters of defamation of election candidates. The government had indicated—and I assume it has had a change of mind with this one at least—that the lot of the injured candidate to pursue defamation action could be taken up through the civil law.

This amendment was the result of an Electoral Commission recommendation of July 2005. I am pleased to see that is going to change because that was a severe problem in itself. The problem there basically was it would take a great length of time for a person who had been defamed to take a person to court—defamation actions go on for years—whereas the current provision, which now looks like being retained, at least has a possible deterrent effect and enables quick action to be taken under the criminal law to prevent further acts at the very least.

We have had situations in the territory where candidates have been unfairly defamed. At least this provision and others will deter the people defaming them from taking further actions to damage the candidates. I think in one instance about six suburbs

were letterboxed before the people who were doing the defaming pulled their heads in. Without a provision like this, there would be nothing really to stop someone letterboxing the whole of Canberra. It would take two or three years through the civil law—far too late for the poor candidate who had been unfairly defamed. It would seem now, having had a quick look through the government's amendments, that that at least is an area where common sense will apply, and it is sensible, in our view, to keep that provision, for the reasons I have stated.

There are some elements of this bill which we certainly will be supporting. There are elements, for example, to streamline reporting requirements. There are elements to update the definition of "electoral expenditure"; to standardise disclosure thresholds; to create efficiencies in relation to postal voting; to simplify the authorisation requirements for published material; to protect persons whose names form part of the name of a political party; to prohibit taking photographs of completed ballot papers; to ease requirements in relation to publishing of certain addresses; and to make a series of minor and non-contentious technical changes and corrections.

It is a big bill and there are some things in there which I think will assist democracy in the territory rather than hinder it and so those are the amendments that we will be supporting. But we certainly will not support any self-serving, ill-considered and undemocratic elements of the bill, some of which I have outlined earlier. There is just no way. It does not do justice to anyone in this Assembly; indeed, the government is putting a slur on itself for putting ill-conceived, self-serving and undemocratic elements in this bill.

This is a government that used to want to see single-member electorates and finally realised that two-thirds of the community did not want that. It persisted with how-to-vote cards in 1995 and then changed its mind in 1998 and let the whole extent of Hare-Clark flow through—and flow through very successfully. It benefited us then. You got the benefit in 2001 and 2004. The Hare-Clark system has had sensible changes in the past, like Robson rotation, and then the enhanced Robson rotation, so that not just everyone got a chance to be on top of the ballot paper; all the numbers were jumbled up so you could not get any artificial flow-on just by the luck of the draw, as happened with a few people, who suddenly got lots of votes from other people who bowed out, who leapfrogged candidates who might have been 500 or 600 votes in front of them.

It is a system that I think has served the territory well. It is a very fair system. Michael Moore describes it as the fairest system in the world; it enabled independents like him who have community support to get elected. I think he would have had trouble getting back in in 2001. He saw the writing on the wall then and pulled the pin; nevertheless, he got in under a system such as this and he served four terms as an independent. It is fair in terms of ensuring the basic percentage vote in terms of people who want the vote for parties recognised in some way.

It provides choice in terms of members of the community being able to go to not just one elected representative but several. Despite the good efforts of, say, some backbenchers, for example, in government, there is only so much they can do in terms of getting their government to change unpopular decisions, and that is where non-government members and opposition members in the same electorate can help

out a constituent. So it is a system that I think has served Canberra well. It is a system which about two-thirds of the Canberra citizens wanted to have.

We have a really good system of democracy here which fits the needs of the ACT people—and you tinker with it at your peril. When you do some substantial tinkering, such as you are doing here, you are, in fact, altering the very great benefits of that system. You do not, and you should not, put up self-serving amendments which help only one party or one small group of people who might want to stand for the Assembly.

The Chief Minister has mouthed platitudes in recent times, saying that he looks forward to as many people standing as possible; that it is a democracy and the beauty of democracy is that the Assembly is open for anyone who wants to stand. Yes, that is so, but those words become somewhat hypocritical when you try to change acts and try to restrict that very democracy by self-serving amendments in terms of such things as fundraising, the more technical aspects and more easily understood and fundamental changes such as making it impossible for like-minded independents to be in one group on the ballot paper.

Those types of amendments, which you seek to push here, do no-one justice, are self-serving, are probably very misguided and may well backfire on you as well. They do nothing to advance the cause of democracy or the system of self-government here which, although we have only been going for some 19 years, has, despite a lot of criticism, served this territory very well, often through very difficult times. We will be supporting in principle the bill because there is much in it we can support, but there are other elements that we cannot and never will support. Indeed, if they get through we will probably be looking to change them should we attain government.

I close by also stating that I feel this bill should only be devoted to the in principle stage and I recommend, given the extent of the recent government amendments, that perhaps a roundtable would be sensible so that we can then finalise this matter in June.

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

**Sitting suspended from 12.29 to 2.31 pm.**

## **Questions without notice**

### **Housing—stamp duty**

**MR SESELJA:** My question is to the Chief Minister. On 23 April, the federal housing minister Tanya Plibersek supported the housing affordability initiative that I recently announced. Minister Plibersek said:

Most states and territories have reduced stamp duty or no stamp duty for first homebuyers, usually under a cap. And I think that's a good idea. I think helping people into the housing market in that way is a great thing.

Media reports indicate that your Victorian colleagues will deliver a stamp duty relief package in their budget announced today. On the other hand, you have restated your

commitment to charging first home buyers upwards of \$15,000 for stamp duty. Chief Minister, why are you continuing to impose massive levels of stamp duty on first home buyers?

**MR STANHOPE:** I thank the Leader of the Opposition for the question. Indeed, housing affordability is a very significant initiative and the ACT government, I am pleased to say, through our strategic, almost universally accepted and now being copied housing affordability action plan and strategy, is beginning to deliver significant benefits.

*Mrs Burke interjecting—*

**MR SPEAKER:** Order!

**MR STANHOPE:** We get some indication of just how wedded the opposition is to its much-feted stamp duty initiative—its one and only policy, actually, in its 3½ years in opposition—and of course that is why we see it being rolled out sort of ad nauseam over these last couple of weeks, of course, also through the device of an un-means-tested first home buyers grant.

It is quite remarkable in the context of a genuine attempt at dealing with issues of affordability. Affordability affects most particularly those—

*Opposition members interjecting—*

**MR STANHOPE:** in the lower quintiles of earning or income. To release as your signature policy, the policy that you propose to get you out of the single-digit recognition category, is that you will use—

*Opposition members interjecting—*

**MR SPEAKER:** Order! Chief Minister, come back to the subject matter of the question.

*Opposition members interjecting—*

**MR SPEAKER:** And members of the opposition cease interjecting!

**MR STANHOPE:** We have as the signature policy an un-means-tested reduction in stamp duty for first home buyers. So one of Mr Seselja's millionaire mates—

**MR SPEAKER:** Come back to the subject matter of the question.

**MR STANHOPE:** I am explaining the nature of the Liberal Party's signature policy.

**MR SPEAKER:** It was not about—

**MR STANHOPE:** If you are a first home buyer—

*Mr Smyth interjecting—*

**MR STANHOPE:** No, no. You need to understand what this policy is that the Liberal Party is hanging its hat on.

*Mr Seselja interjecting—*

**MR STANHOPE:** It does not matter about your circumstance. It does not matter if you are in that bottom quintile that is having trouble accessing housing at all, affordable housing—

*Mr Seselja interjecting—*

**MR SPEAKER:** Chief Minister, come back to the subject matter of the question. It was not about the Liberal Party policy.

**MR STANHOPE:** It was about stamp duty. I am explaining. It was about the Liberal Party's recently announced stamp duty policy. I am explaining why we are not engaging or we are not endorsing and we have no intention of actually following the stamp duty policy of the Liberal Party. That was the question. The Liberal Party's stamp duty policy is to provide for an exemption from stamp duty for everybody. No matter what your circumstance, no matter what your level of income, no matter your capacity to pay, you will receive a complete or total exemption from stamp duty. That is the policy.

The reason we will not endorse it, the reason I will not endorse it today, in response to the Leader of the Opposition, is that we do not believe that a demand side response that is un-means-tested will have any effect on or implications for affordability.

*Opposition members interjecting—*

**MR STANHOPE:** In fact, it will, perversely, make it harder for lower income earners to enter the housing market. It will drive demand. It encourages those that are wealthy, it encourages those that have absolutely no issue about entering the housing market, to ratchet up—

*Opposition members interjecting—*

**MR STANHOPE:** So the Liberal Party policy is that, if you are in that category of people that can afford to buy a house for half a million dollars with absolutely no pressure—of course you can afford to do it—you go to the Liberal Party and they will say, "Look, no matter the fact that you can go out and pay cash." This is a policy, for instance, that will allow somebody that can pay half a million dollars in cash for a house to be granted by the government a \$20,000 discount. So you can walk up to your real estate agent and say: "Oh, look, I want to buy this house here. Here's half a million dollars in notes. Well, actually, I won't buy that half a million dollar house; I'll actually go and get my \$20,000 discount, so I can then buy a house worth \$520,000."

*Opposition members interjecting—*

**MR SPEAKER:** Order!

**MR STANHOPE:** So you push up the price. You have people entering a market which then pushes those in the bottom quintile, who do not have the capacity to pay, who are struggling to make that entrée into housing—you make them compete. Under the Liberal Party policy, you force people in genuine housing stress to compete with first home buyers under no economic stress. It is shockingly flawed policy. It will drive demand. It will push up prices.

*Mr Smyth interjecting—*

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

**MR STANHOPE:** It will exclude people who are genuinely in housing stress. It is very poor policy and that is why we will not be supporting it. (*Time expired.*)

**MR SPEAKER:** Is there a supplementary question?

**MR SESELJA:** Thank you, Mr Speaker. Chief Minister, on this issue why are you out of step with your federal and state colleagues, as well as being out of touch with young home buyers?

**MR STANHOPE:** This initiative of the Liberal Party will not assist in the affordability equation at all. That is why we will not support it; that is why we have not implemented it. That is why we have no intention of implementing a policy which will drive demand, and which will actually perversely work against young families in genuine housing stress.

This sort of policy is quick fix, populist nonsense: “Oh, we’ll give every first home buyer a total exemption from stamp duty, no matter their capacity to pay. If you can walk up to the real estate agent with half a million dollars in notes, we’ll give you \$20,000.” So that takes a house out. It provides government largesse to somebody in no housing stress, under no economic strain, and it forces them to compete with people who are genuinely in housing stress. It will do nothing for affordability—absolutely nothing. It will drive demand. It will have a perverse effect: it will make affordability worse for those young families at the bottom of the market. The sorts of policies that are incorporated within the 63 actions in the government’s housing affordability action plan are the sorts of actions that will genuinely impact on affordability and will enable young home buyers to enter the housing market.

I think we understand, from the nature of the advertising that accompanies this particular policy, that not even the Liberal Party are genuinely convinced that this sort of policy will work; otherwise they would be open and frank and not twist their advertising in the way they have. They are actually running columns that say, “This is what you’ll pay under the Liberals’ maximum stamp duty regime for first home buyers,” without any explanation that the column in their ad that applies to the maximum stamp duty under Labor does not impact on first home buyers receiving the concession. It is far more complex than what is shown in two simple columns.

There are, of course, a range of other columns. With respect to a first home buyer accessing a concession under the particular category in the government’s current regime—as the Liberal Party’s advertising is so vociferously pursuing, in order to get

the Leader of the Opposition's recognition rating out of single digits—at \$300,000 or \$310,000 you pay a \$20 servicing fee and not the numbers that the Liberal Party is running. Of course, it is all in the detail: "Let's put in here at the top of our little ad that it's for first home buyers only, and then run a column showing the maximum payable under Labor." That does not take account of the fact that that is not the column that applies to first home buyers receiving a concession. So we have this devious, twisted, sneaky advertising which, if one were to test it, must only just comply with the Electoral Act. It certainly does not pass the test of transparency or accountability. You have this keen, young, new leader—the fresh face—in his first advertisement to the people of Canberra, running an ad which is disingenuous to the point of being dishonest. This is the new face, the new approach, of the Liberal Party. That is what the advertisement is. It is not honest; it is designed to mislead.

**Mr Smyth:** On a point of order, Mr Speaker: he accused the next Chief Minister of being dishonest, and he should withdraw.

**MR SPEAKER:** I think he was referring to the advertisements.

**MR STANHOPE:** I was referring to a Liberal Party ad which, in its construction, to be as kind as one can be, is deliberately disingenuous, deliberately designed to mislead, and creates a construction in relation to stamp duty payable that is designed to mislead the people of Canberra. I think it is such a pity, in his first foray into policy. Of course, don't forget that this is the first policy in 3½ years, and it is totally flawed. It will have the reverse impact or effect to that which is actually desired. It will push up the price of housing. It will exclude people in genuine housing stress in the housing market and will force them to compete with people who have absolutely no issues around capacity to pay. It is flawed policy, it is simplistic, it is a stunt and it should not be supported.

### **Olympic torch relay**

**MR MULCAHY:** My question is to the Chief Minister and relates to the Olympic torch relay. Chief Minister, I will preface my question by congratulating everyone involved in the organisation of the Olympic torch relay.

**Mr Pratt:** Including the People's Republic of China?

**MR MULCAHY:** No, I am talking about the people who organised the event, Mr Pratt, the federal police in particular. Do not denigrate them. My question, Chief Minister, is: what was the final total cost of the Olympic torch relay and related taxpayer funded events? Can you update the Assembly on your negotiations with the commonwealth about them meeting half of the final cost?

**MR STANHOPE:** Thank you, Mr Speaker. I thank Mr Mulcahy for the question. The budgeted cost of the torch relay, as I think members are aware, was \$950,000. I understand that the budgeted or anticipated cost was \$950,000. At the time that the government first agreed to a request from Beijing, from China, to host one of the 23 legs of the Beijing torch relay in terms of a sort of celebration that we anticipated would maximise the exposure of the ACT and Canberra to the people of Australia and the world, we believed—and I continue to believe—that the Olympic torch relay

presented an unparalleled opportunity for the ACT to present the national capital of Australia in its beauty and glory, with all the opportunities it presents in relation to tourism and as an expression of a great and proud capital for a great and proud nation, and that \$950,000 represented very good value in terms of the return that we would receive in a pragmatic sense—let alone, of course, the return that we would receive not just in terms of a great celebration of the single greatest international movement but in seeking or pursuing greater international intercourse and harmony among the people of the world.

The Olympic Games—the Olympic movement—is the single greatest success in an institutional sense for creating international harmony and understanding and I was very pleased that my government and, through my government, the people of Canberra could be involved in that. At the time that that budget was set, discussions were held between the Chief Executive of the Chief Minister's Department and the then secretary to the Prime Minister's department, Dr Peter Shergold, at which we were given a clear undertaking or a clear understanding that the commonwealth would meet half of those anticipated costs of around half a million dollars. That remains my understanding and the ACT government's position.

As everybody is aware, as a result of the initial experiences in relation to the relay, most particularly in London and San Francisco and Paris, we did a complete and thorough reassessment of all issues involved in the hosting or the conduct of the relay. That involved a significant ratcheting up of security, to the extent that a decision was taken to fence the entire route, which was around 18 kilometres. That cost just under \$200,000, and we, of course, arranged for significant additional enhanced security, particularly through police resources.

I do not have a final figure in relation to the cost of additional police resources and I do not have a breakdown between the cost of ACT Policing as opposed to federal policing costs, but I am led to believe that the cost would be in the order of three-quarters of a million dollars—\$750,000 or thereabouts.

I have, however, in relation to that additional cost, written to the Prime Minister asking, in the first instance, for the commonwealth to honour the original arrangement and for the commonwealth to consider meeting half of the total cost of the relay. I have had some discussions with the chief of staff of the Prime Minister in which I have put to him my understanding and the ACT government's understanding about the commonwealth's position, namely, that they would meet half of the original costs, and I believe that in the context of the event they should give serious consideration to meeting half the total cost. I have not had a response to that letter. The chief of staff listened to my representations.

I must say that I have also in passing—and I must say that it was in passing—at the 2020 summit had a brief conversation with the Australian Federal Police commissioner, Mr Mick Keelty, in relation to the event and put that same position to him.

**MR SPEAKER:** A supplementary question from Mr Mulcahy.

**MR MULCAHY:** Thank you, Mr Speaker and thank you, Chief Minister. Chief Minister, why did the government not receive a formalised contract or at least a memorandum of understanding from the Australian government in relation to the costs of the event given that your discussions occurred prior to the caretaker period at the federal level?

**MR STANHOPE:** I thank Mr Mulcahy for the question. I must say that, with the benefit of hindsight and having regard to the change of government and perhaps a loss of corporate memory or understanding and the fact that Dr Shergold is no longer the secretary to the Prime Minister's department, I have reflected that it would have been far more clinical and cleaner and clearer today if we had had a contract.

I regret the absence of a contract at this stage. It certainly affects our negotiating position with the new government and new head of the Prime Minister's department. But I have put the position. I must say—perhaps I am a bit old fashioned—that I have proceeded through life, indeed, within government on the basis or the assumption that a deal is a deal; an understanding is an understanding; a handshake is a handshake.

The ACT government, through the Chief Executive of the Chief Minister's Department has an understanding with the secretary to the Prime Minister's department. If governments cannot deal with governments in an expectation that a deal or an arrangement arrived at through consultation and negotiation will be honoured, then we are in a very sorry state.

The ACT government has an understanding, an arrangement between the chief—the most senior public service official of the ACT government—and the most senior official within the commonwealth government at officer level, and I have proceeded through my 30-something or other years in public life on the basis that when a head of a department comes to an agreement or arrangement with another head of a department in another government, those arrangements are always honoured.

It will be a sad and sorry day if we have arrived at a position where the two most senior public servants in the ACT, namely, the head of the ACT government and the head of the commonwealth government cannot come to an agreement and then actually have to produce the contract in order to ensure that it is honoured. That would be a sad and sorry day or outcome.

### **Crime—burglary and motor vehicle**

**MR GENTLEMAN:** My question is to the Minister for Police and Emergency Services. Minister, what is the situation in the ACT in relation to rates of burglary and car theft?

**MR CORBELL:** I thank Mr Gentleman for the question. I welcome the question because there are very pleasing developments in relation to rates of burglary and car theft here in the ACT. Indeed, the number of offences has dropped significantly since 2003. Burglary, at the end of 2007, was at its lowest level for 10 years, and motor vehicle theft has been reduced by over 30 per cent since 2003. Data from the last tabled Department of Justice and Community Safety criminal justice statistical profile show that, over the longer term, the reports of burglary offences represented the

lowest 12-month figure in 10 years. This is despite burglary offences for the December 2007 quarter having increased from the previous quarter.

We have also seen very significant reductions in relation to motor vehicle theft. Motor vehicle theft figures in the year to December 2007 have decreased by 19 per cent, which equates to 430 fewer motor vehicle thefts in the 12 months to December 2007. So 430 fewer Canberrans have seen their motor vehicles stolen because of the very significant work being done by the government and ACT Policing through our property crime reduction strategy.

I will make some further reference to that strategy. Under that strategy, we set ourselves targets, from 2003 to 2007, which have been set at a 10 per cent reduction for burglary and a 25 per cent reduction for motor vehicle theft. The statistical measures applied to the targets are based on the ABS recorded crime data, using rates per 100,000 of population, as opposed to just the number of incidents per se. The ABS 2007 data is expected to be published by the end of this month. But going on the reduced number of offences referred to earlier, it is expected that the strategy target reduction rates per 100,000 will be achieved.

It has been part of this government's priority, through our property crime reduction strategy, to reduce both burglary and motor vehicle theft here in the ACT. These figures give me confidence that the government is working collaboratively with a range of agencies, most notably ACT Policing, to achieve our end of 2007 targets of a 10 per cent reduction for burglary and a 25 per cent reduction for motor vehicle theft.

These are very pleasing figures, and they give the lie to the claims made by those opposite in particular that crime is increasing. In fact, crime rates are decreasing, and have been decreasing for a significant period of time. Indeed, to achieve an outcome where we have the lowest burglary figures for the last 10 years says to me that the trend is certainly heading in the right direction. More importantly, the evidence-based approach that we adopt when it comes to criminal justice policy is achieving results. I am pleased that 430 fewer Canberrans had their motor vehicles stolen in the last 12 months. I am pleased that over 800 fewer Canberrans' homes were burgled in the last 12 months.

**Mr Pratt:** Don't claim the national trend as your own initiative.

**MR CORBELL:** I know Mr Pratt does not like it, and I know Mr Stefaniak does not like it, but they simply cannot dispute the statistics that have seen a very significant decrease in the level of burglary and break-and-enter. It is simply not the case, as we have heard from Mr Pratt and Mr Stefaniak, that we have a crime wave or a massive increase in the level of burglary or motor vehicle theft; nor can they assert that the government does not have a strategy to tackle this problem. Surprise, surprise: the government's targets and the outcomes are virtually the same, which would suggest that the targets were meaningful, that the strategies have worked and that the outcomes were what we were aiming for.

This is a strong endorsement of good public policy when it comes to dealing with crime in our community. I commend ACT Policing and I commend the other government agencies that have been involved in this very important work.

**MR SPEAKER:** A supplementary question from Mr Gentleman.

**MR GENTLEMAN:** Thank you, Mr Speaker. Minister, what measures are being implemented by the government to tackle burglary related and car theft offences?

**MR CORBELL:** Thank you, Mr Speaker. Again, I thank Mr Gentleman for his question. There are a range of strategies that have been put in place to achieve this tremendous outcome. And it is a tremendous outcome! Any reduction in the level of crime in our community should be welcomed. It should be especially welcomed by those opposite. If they were to put aside their petty partisan political aims, they would say openly and honestly that 800 fewer homes being burgled and 400 fewer motor vehicles being stolen is a good thing for our community. They should say so, Mr Speaker.

The types of strategies that have been put in place include programs and policies that target high-risk young people and recidivist—both adult and minor—property offenders. The strategy focuses on concentrating police, correction and early intervention resources to target and/or supervise these high-risk chronic offenders. Other strategies that we have put in place have included things such as our engine immobiliser strategy, and members would be aware that in October last year I announced a massive expansion of that program. We now provide over 5,000 engine immobilisers to Canberrans. Those will be provided over the next two years.

This is designed to prevent opportunistic car theft. We know, for example, that those vehicles without an engine immobiliser are much, much more likely to be stolen through opportunistic car theft than those with an immobiliser. So phase 1 of this scheme has already commenced. It commenced earlier this year. It concentrates on reducing car theft amongst the most vulnerable people in the ACT. We provide the full cost of the purchase and installation of an immobiliser through a voucher scheme which is targeted to holders of health care cards, and this includes most persons receiving a pension of some sort.

Starting from July this year, we will introduce a \$100 rebate, which is designed to make available to all ACT citizens, regardless of their income, a 50 per cent subsidy to have an immobiliser fitted to their motor vehicle. Vehicles manufactured in the 1980s have a theft risk five times that of a vehicle manufactured since the year 2000. The primary reason for this, of course, is the lack of a vehicle immobiliser.

Some other very important initiatives the government has put in place—I am sure that Mr Gentleman will be interested in them—relate to the provision of secure parking facilities for motorcycle riders here in the ACT. The government has provided funding to establish secure motorcycle parking in the Woden Town Centre and in Civic. I was very pleased to join with Mr Gentleman earlier this year to open the first of these new facilities—facilities which have been widely welcomed by the motorcycling community.

*It being 3.00 pm, questions were interrupted pursuant to the order of the Assembly.*

## **Appropriation Bill 2008-2009**

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (3.00): I present the Appropriation Bill 2008-2009 and the following papers:

Explanatory statement to the Bill.  
Human Rights Act, pursuant to section 37—Compatibility statement, dated 6 May 2008.  
Budget 2008-2009—Financial Management Act, pursuant to section 10—Speech (Budget paper No. 1).  
Ready for the future (Budget paper No. 2).  
Budget overview (Budget paper No. 3).  
Budget estimates (Budget paper No. 4).  
Infrastructure statement (Budget paper No. 5).  
Fact sheets.  
CD—Budget 2008-2009.

Later this afternoon, I will be presenting statements of intent for territory authorities.

Title read by Clerk.

**MR STANHOPE:** I move:

That this bill be agreed to in principle.

### **Ready for the Future**

Mr Speaker, I take great pleasure in presenting the 2008-09 Budget.

This is a Budget that equips this community for the future—from a Government that is ready for that future.

A Government that is experienced, that is equipped to deliver. That has delivered and will continue to do so.

Budgets often deal with the year ahead—at most with the few years of an electoral cycle.

That's not how this Government thinks. It is not how this Government acts.

Mr Speaker, the centrepiece of the Budget I present to the Assembly today is a billion-dollar infrastructure program—an investment in the physical nature of our city unmatched in our history.

An investment that will boost our communal asset base by more than 10 per cent.

An investment now that will ensure that this community is ready for the future.

Mr Speaker, we have long been a city of high standards and great expectations.

Our investment in services is unparalleled—services that are important to Canberrans of all ages, in this city for all ages.

Expenditure on health has close to doubled since we came to office. And those dollars have delivered results—there are, for example, 147 more beds.

We have made an unprecedented investment in the public education system. Again, the dollars have delivered. Every public school in the city is receiving capital and IT upgrades. And over the coming years there will be one new school opening every year—schools that will give students and teachers alike the opportunity to reach their intellectual, creative and social potential.

As a Government we have invested heavily to ensure that the most vulnerable members of our community enjoy that same opportunity.

Since coming to office in 2001, the Government has made substantial investments in the Territory's infrastructure too, with record capital works programs in the past few years. The annual capital works expenditure has increased from around \$100 million in 2001 to a record \$314 million in 2007-08.

The social indicators are clear. Life expectancy has increased by half a year for males and a full one year for females since we came to office, and remains the highest in the country.

The proportion of people with a post-school qualification has increased by 5 percentage points and remains the highest in the country.

Household disposable income has increased by 47 per cent since 2001 and remains the highest in the country.

The proportion of people on low incomes has decreased by around 3.5 per cent and is the lowest in the country.

And all this, while as a Government we have delivered consecutive surpluses.

All this, while maintaining a cash position that is the envy of our neighbours.

All this, against a background of virtually full employment and a labour force participation rate at close to its record high.

Mr Speaker, these are tremendous outcomes. We as a community are better educated, living longer, and more prosperous. Poverty has decreased, but our compassion has not.

The Budget structure today is different from the one we inherited. It is now sustainable.

The internal stringencies we have demanded of government operations have delivered about \$100 million a year in efficiencies, for example—year after year.

As I say, we are a community of great expectations, and that is not about to change. We support the highest level of service provision in Australia—at around 122 per cent of the national average.

Yet our taxation levels are middle-of-the-pack.

We do have the strength to withstand some fiscal shocks.

Just as crucially, we have the vision to employ that strength to see that we are ready for the future.

From a position of strength we have been able to prepare and plan proactively, rather than passively accepting what life deals us.

Mr Speaker, the Budget I present today invests—strategically, creatively and boldly—in consolidating that strength.

These are investments that will support economic growth.

They are investments that will allow us to move goods—and people—more swiftly and efficiently around town.

They are investments that will promote scholarly and professional excellence in fields of endeavour that are helping us tackle some of the biggest issues of this century.

Investments made now, for the future.

Initiatives taken now that will deliver social and economic dividends now and later.

The priorities we address with this billion-dollar investment are the priorities of today—the immediate things that confront us. But they are also the priorities of tomorrow. And by making these future priorities ours, we are massively increasing our capacity as a community to be ready for whatever the future brings.

As always, the issues of greatest priority to Canberrans are our priorities: health, education, the environment and climate change.

And because we are a compassionate community, breaking the chronic and intergenerational blight of disadvantage is also crucial.

So is finding ways in which we can meet these priorities.

Increasing the capacity of the economy is important. Economic growth is important.

So is finding ways in which we can grow as a city—but do so sustainably.

We do not want to hand a burdensome legacy to those who come after.

Mr Speaker, the 2008-09 Budget provides for targeted and carefully argued new recurrent spending of \$404 million over the next four years—\$105.5 million in

2008-09, \$99.1 million in 2009-10, \$99.8 million in 2010-11, and \$99.2 million in 2011-12.

But the Budget also commits this Government to a billion-dollar, five-year program of infrastructure investment that will ready us for the future.

### **Building the Future**

Climate change, the ageing of the population, changing models of health care, new technologies and labour supply constraints are converging.

It is time for reconfigured, expanded and new infrastructure, to ensure our continuing prosperity and the sustainability of our services.

*Building the Future* is a billion-dollar investment in the productive capacity of our economy.

It will reduce future costs and provide for growth—in the economy and in our town.

It will give us an edge against other urban centres as we compete for the best people.

And because infrastructure projects themselves have long lead times, and have the capacity to impact on labour supply and create spikes in the economy, they need to be properly planned well in advance, and they need to be properly scheduled.

Our commitment will focus on:

- a health system to serve the needs of the next decade and beyond;
- improvements to the transport system;
- meeting the challenges of climate change;
- improving urban amenities;
- public service infrastructure; and
- providing for the growth of the city and its economy.

*Building the Future* will create a health system for the next decade—starting with a massive \$300 million capital injection.

The investment will start a process of redeveloping and reconfiguring our hospitals and establishing a network of community health facilities.

This first phase of the investment will deliver:

- a Women's and Children's Hospital to improve hospital services for women and children, at a cost of \$90 million;
- a suite of mental health facilities including an Adult Acute Inpatient Unit, a Secure Adult Unit, a Mental Health Assessment Unit, and a forward design for a Young Person's Unit, at an all-up cost of \$37.6 million;
- a new Community Health Centre for the fast-growing community of Gungahlin, at a cost of \$18 million;
- a new, 16-bed Intensive Care and High Dependency Unit at Calvary Hospital, at a cost of \$9.4 million;

- improved breast cancer screening with a \$5.7 million digital mammography facility;
- a Neurosurgery Suite with the latest in imaging systems, at a cost of \$5.5 million;
- redevelopment of Community Health Centres at a cost of \$5 million;
- a new 16-bed Surgical Assessment and Planning Unit at a cost of \$4.1 million;
- an additional 24 beds at The Canberra Hospital, at a cost of \$2.4 million; and
- a new Skills Development Centre, costing \$1.3 million.

And the planning for this health system for the next decade and beyond will go on, even as we embark on this first phase of delivery. There's \$63.8 million for feasibility work and forward designs.

Mr Speaker, *Building the Future* invests comprehensively in transport, with an unprecedented \$250 million capital injection into integrated transport initiatives, from car parking to cycle paths; arterial roads to new buses.

These are investments that will boost the economic productivity of our community by cutting commute times and the cost of doing business, and deliver better social outcomes for all Canberrans—those who use public transport and those who do not.

Major projects committed to in the 2008-09 Budget include:

- the duplication of Athllon Drive and Flemington Road, at a cost of \$22 million;
- upgrades of Tharwa Drive and Airport Roads to improve travel times, at a cost of \$21 million. These upgrades will reduce travel times for 10,000 motorists at peak times, delivering economic benefits of around \$10 million and reducing greenhouse gas emissions by around 3,000 tonnes a year.
- extension of Cohen Street and the construction of a new bus interchange in Belconnen, at a cost of \$16.5 million;
- 100 replacement buses over four years, at a cost of \$49.5 million;
- half a million dollars for bus lanes and other bus priority measures; and
- half a million more for 'Park and Ride' and 'Bike and Ride Facilities'.

*Building the Future* also makes provision for the future—for the projects we will need to schedule to meet the transport demands of Canberrans tomorrow. So there's planning and feasibility work, together with an advance component—\$84 million—for future projects such as Parkes Way, Majura Parkway and the duplication of the Gungahlin Drive Extension.

*Building the Future* represents a historic injection into—and a historic vote of confidence in—our integrated transport systems.

*Building the Future* will see another \$100 million committed to the implementation of the Climate Change Strategy, *Weathering the Change*—taking to \$242 million the funding already pledged to one of the greatest challenges our generation is likely to encounter.

Infrastructure initiatives funded through *Building the Future* go straight to the core of this challenge. They are projects that will let us reduce our greenhouse gas emissions and lock carbon away in tree plantings. They are projects that will help us adapt to

climate change, reduce our reliance on precious resources such as water, and develop new solutions and new technologies.

There's a \$2.5 million co-investment in a climate change adaptation centre of excellence at the ANU. The centre will bring together acknowledged world leaders to explore ways in which we can adapt our way of living and doing business.

There's \$3 million for energy-efficient street lighting, which will reduce energy usage by 2.8 million kilowatt hours a year and reduce greenhouse gas emissions by around 3,000 tonnes a year. That's like taking around 1,000 cars off the road.

There's \$1.7 million for the visionary East Lake Urban Renewal sustainable design and planning project.

As a Territory we currently use about 2 billion litres of water a year to keep government sportsgrounds and school facilities green and playable.

Last summer, 23 grounds were closed by drought. In the event of Stage 4 water restrictions, only 47 out of the 229 ACT Government sportsgrounds and school facilities would remain open for use—only about 21 per cent.

The 'Where Will We Play?' initiative, funded in this Budget to the tune of \$16 million, is planting drought-resistant and low-water-use grasses, laying artificial playing surfaces and developing non potable watering solutions for our much-loved sportsgrounds and school ovals. The goal is to wean our sportsgrounds off their reliance on potable water.

Ovals are not the only things to have suffered to a wrenching degree from prolonged drought. Our trees—the trees that distinguish us as a city—have suffered too.

The 2008-09 Budget provides further support to ensure our urban forests are maintained and replaced.

A million trees will be planted over a period of a decade, in our forests and in our suburbs, with benefits for our environment and our city soul. The 'One Million' Trees initiative will result in carbon sequestration of another 3,300 tonnes of greenhouse gases.

Today's Budget allocates more than \$24 million for additional tree plantings across the city and \$10.6 million for the next stage of the 'One Million Trees' initiative, as well as a \$731,000 boost to the urban forest replacement program.

Mr Speaker, *Building the Future* invests \$100 million in our urban amenity—ensuring that the things we love about our home continue to make us a destination of choice for others seeking a better lifestyle.

Quality municipal services and infrastructure have always set Canberra apart from other urban centres.

*Building the Future* will deliver a massive facelift to the look, feel and functionality of the places we love, with \$100 million allocated over five years.

\$53 million of this will dramatically expand the capital upgrades program, targeting community amenities—picnic areas, barbecues, public toilets and parks. There'll be further work on the Belconnen Foreshore, more than \$3 million for the refurbishment of Bunda Street, in Civic, upgraded pathways for the Jerrabomberra Wetlands, and more cycle paths.

There's an extra \$6 million for pavement upgrades, \$6 million for shopping centre upgrades, \$4 million for lighting improvements, \$6 million for playground and park upgrades and another \$6 million for the upkeep and landscaping of our wonderful urban open spaces.

Mr Speaker, the people of Canberra have been fortunate to be served, over two decades of self-government, by a public sector of high calibre. Across our offices, on our streets, in our classrooms and in our hospital wards, our public sector delivers services of exceptional quality to the community.

Today, through *Building the Future*, the Government makes an investment in those men and women, with \$50 million over five years for Information and Communication Technology projects across government. This infrastructure investment will ensure that our public servants have the best possible professional tools at their disposal, ensuring that they can be as effective and efficient as possible.

The investment will not be limited to “back end” systems and infrastructure. A number of initiatives relate directly to service delivery.

Every secondary school is already scheduled for connection to the ACT Government network through the *Smart Schools, Smart Students* Initiative. Today, *Building the Future* sets aside an additional \$7.7 million to enable 95 per cent of ACT primary schools to also be connected to the fibre network.

A number of ICT initiatives relating to patient care, monitoring and diagnostics are also included in the health system investment program.

Mr Speaker, our city is growing. Net interstate migration is at its highest level since 1993. And as a Government and a community we are actively courting greater numbers to choose Canberra as a home, to combat the skill shortages that are constraining our businesses.

Just last week I announced a massive boost to the number of residential blocks to be released over the next five years, to meet pent-up demand and address supply-side factors affecting housing affordability. The land release program also provides for significant releases of commercial and industrial land.

To support this significant schedule, *Building the Future* provides for a major augmentation of capital works funding, totalling \$200 million. This investment will primarily be used to support the growth of the city that will take place as new areas are opened up.

Significant projects to be funded this year include:

- \$11 million for the Molonglo Arterial Road to support planned land releases;
- \$12 million for the North Weston Pond and Bridge; and
- \$5 million for the Horse Park Drive Extension to Burrumarra Avenue.

Mr Speaker, it goes without saying that the more than 10 per cent boost to our physical assets that will be delivered to the community through this massive investment will need to be maintained and supported. The Budget supports recurrent costs in the order of \$90 million over four years relating to the *Building the Future* Program.

Mr Speaker, combined with the regular capital works program, the massive capital injection of *Building the Future* takes the total forecast capital expenditure included in this Budget to around \$1.5 billion.

The current year's forecast expenditure on the capital works program is \$314 million—the largest ever expenditure on capital works and about three times the investment being made when we came to office.

And the planning for the future goes on.

The Budget allocates no less than \$31.5 million for feasibility studies or design of infrastructure projects for the future that will be funded in subsequent budgets, including:

A pool for Gungahlin.

An enclosed oval for Gungahlin.

A Child and Family Centre for Belconnen.

A Trade Skills Centre for Fyshwick.

A chairlift at Stromlo Forest Park.

A masterplan for the Reid Campus of CIT.

A scoping of possible new camping and caravan parks.

A new Supreme Court.

A new pavilion at EPIC.

This Government has the vision to make such an investment in the Territory's future. And it has the capacity to plan for it, and deliver on it.

Yet, importantly, the Budget remains in surplus, this year and in each of the out years.

This represents surpluses of around \$61 million a year on average—around 1.7 per cent of the annual budget over the forward estimates period.

Modest surpluses, and necessarily so, if we are to invest now in the infrastructure that will boost our economic capacity and help secure our future.

### **A Strong, Skilled Economy**

Mr Speaker, a strong economy is fundamental to maintaining our standard of living, our high levels of employment, our business confidence, our government services and the social cohesion of our community.

A strong economy gives us the capacity to invest in services and facilities for the community. It lets us protect and maintain our cultural, heritage and natural assets as they ought to be protected.

The Territory's economy has been one of the strongest performing in the country in recent years. In 2006-07, the real increase in Gross State Product per capita, at 3.2 per cent, was almost double the national growth of 1.7 per cent.

In the same year, non-dwelling investment reached a record level.

But Everest has a summit. The sky has a limit. While investment has eased from that unsustainable level, it remains robust.

Investment in dwellings also remains solid, supported by the Government's accelerated land supply program.

The annual rate of growth in residential building approvals is more than 10 per cent—well above the national average.

Other indicators are equally robust.

Our labour market remains particularly strong. Unemployment is around the lowest ever recorded for any State or Territory. With virtually full employment, the Territory's economy has been attracting record net interstate migration.

State Final Demand grew by 5.7 per cent in 2006-07. Of course we cannot hope to sustain growth at such levels, and this indicator has eased over the current year, in line with reasonable expectations.

Significantly, however, economic activity has remained at a high level, and is forecast to remain there. This Budget forecasts solid growth in 2008-09 and the forward years.

Mr Speaker, uncertainty and apprehension are natural responses to change. Economies are not immune from apprehension when they witness—or even just anticipate—a change in the activity level of the town's 'big factory', the city's major employer.

The Government is mindful of some legitimate anxiety around the impending fiscal measures contained in the upcoming Federal Budget.

In formulating our own Budget, we have taken into account not just the potential for a tougher than average Commonwealth Budget, but also the effects on our local economy of the burden of recent interest rate rises.

The Budget I hand down today will see us ready for whatever the future brings, ready to adapt quickly, ready to seize opportunity, ready to maximise our strengths.

The 2008-09 Budget creates the conditions for truly sustainable economic growth.

It supports business.

It supports innovation and research.

It promotes greater productivity, particularly in areas that have the potential to yield substantial returns.

Mr Speaker, this Budget contains much beside a billion-dollar physical legacy. It includes targeted tax concessions for business, pensioners and first homebuyers. A minor, nuisance tax is being abolished. Together, these initiatives will cost around \$61 million over four years in revenue forgone.

This Budget provides support for business, private-sector development, innovation and research totalling \$16.5 million over four years.

Small to medium businesses will benefit from a 20 per cent increase in the payroll tax threshold—from the current \$1.25 million to \$1.5 million.

This measure alone will cost around \$28.7 million over four years in forgone revenue and will provide support for many businesses in town.

In the area of innovation, the Budget responds to the independent stocktaking and scoping work in the recent *Innovation, Creativity and Leadership* report.

The Budget supports early-stage innovation with a \$3.1 million incubation program. It co-invests \$1.1 million in a plant phenomics centre at the CSIRO and supports the creation of a climate change adaptation centre of excellence at the ANU.

We are investing \$2.5 million to build and sustain capacity and leadership in our public service.

There's a million dollars in venture capital for the Canberra Business Development Fund and another million dollars for targeted marketing to promote the ACT's investment and business profile.

Above all, however, this is a Budget that responds comprehensively and creatively to one of the greatest constraints on our economic growth—skill shortages.

Skill shortages are a reality—nationally and internationally. The equation is of the simplest kind. The national capital needs more workers. And it needs more workers adept in specific areas.

In response to the recommendations of the Skills Commission, the Government today announces a suite of measures to tackle skill shortages. These are measures that will help us attract quality workers, increase productivity, heighten participation, and create more opportunities for education and training.

The Budget provides \$36.6 million over four years in recurrent funding, and \$14.3 million in capital funding for skills, a total of almost \$51 million over four years.

This substantial strategic investment will support initiatives ranging from enhanced career guidance in schools, to greater vocational training opportunities, measures to attract skilled workers, and investments in the workers who are already here.

There's \$2.5 million for additional places at CIT and an extra \$1 million for the CIT Vocational College.

There's \$1.2 million to strengthen the Skilled and Business Migration Program, link final-year and graduating international students with potential employers and increase traineeships and apprenticeships in the ACT Public Service.

There's \$4.2 million to strengthen our existing health workforce and a boost for the "Live in Canberra" campaign.

We will carry out a feasibility study into a new trades training centre in Fyshwick.

Accelerated apprenticeships in areas of skill shortage are helping to shorten the qualification pipeline for young men and women, as well as those retraining for a new profession.

Now we are looking at alternative methods of trades instruction, including self-paced e-learning options.

### **A Health System for the Future**

Mr Speaker, Canberrans have access to a modern, well equipped and effective public health system and the Government is determined that this high standard of health and health care will continue into the future.

I have already spoken about the \$300 million first phase of a massive reconfiguration of our public health facilities.

The 2008-09 Budget makes a major recurrent commitment to public health too, bringing the total allocation to health services to around \$889 million. This is almost double the expenditure at the time we came to office.

Building on the 60 additional beds we have created over the past three years, we will open another 20 beds next year, with \$16.8 million over four years allocated to

growth in acute-care capacity. A further \$10.5 million over four years will be used to boost intensive-care capacity.

Mental health services will be enhanced with an extra \$8.5 million over four years.

\$4.2 million will be spent to boost services to older Canberrans, with the establishment of an Older Person's Dietetic Service, expansion of the Rapid Assessment of the Deteriorating and At-Risk (RADAR) service, physiotherapy, clinical psychology and occupational therapy services as well as the ACT Equipment Loan Service.

Cancer services are boosted, with \$4.2 million for an additional three inpatient beds, better genetic testing for predisposition for cancer and greater social supports for those dealing with diagnosis.

Chronic disease management gets an extra \$4.2 million over four years, to improve referrals to appropriate prevention and support services.

\$4.1 million in recurrent funding and \$1.8 million in capital will be allocated for a second Cardiac Catheter Laboratory, and \$0.4 million in recurrent and \$0.5 million in capital for a sleep studies laboratory. These initiatives will have massive flow-on benefits, reducing the duration of hospital stays, reducing Intensive Care admissions and reducing demand for interstate patient transport.

Since 2003-04, our public hospitals have achieved record levels of elective surgery. This Budget provides a further \$12.6 million over four years to increase elective surgery capacity.

Mr Speaker, these investments, combined with the infrastructure investment through *Building the Future*, are about building a health system for the next decade.

We can't leave the task to future decision-makers. We cannot abrogate our responsibility. It must be done now and it must be done by us. We must be ready for the future. And we will be.

### **Excellent Education, Quality Teaching**

Mr Speaker, education is perhaps the iconic investment in the future. It gives us the means to offer opportunities for all members of our society to reach their potential, and a means for those experiencing disadvantage to improve their lives.

Education—freely given, not begrudged, not quarantined—strengthens a community, and fuels the engine of a modern economy—its labour force.

Ensuring that our schools prepare our students to be active, engaged men and women, equipped to live fulfilling lives and make a positive contribution to the community, is a priority of this Government.

The quality of a learning environment has been shown to have a positive impact on student performance. We have upgraded educational facilities, with record

investments in previous years. In fact, in 2006 the ACT Government began the largest investment in public education since self-government, with a \$350 million investment in quality facilities.

That program of work continues.

Four new schools are scheduled to be opened in Belconnen, Gungahlin and Tuggeranong, in addition to the Harrison School that welcomed its first students this year.

Four new early-childhood schools will be opened in 2009, providing integrated services for children from birth to 8 years—and, importantly, their families. These schools will incorporate child care, family support services and other children's services.

Mr Speaker, the quality of our teachers is already exceptional. The evidence lies in our student outcomes.

The 2008-09 Budget invests \$2.4 million over four years to further enhance the quality of teaching in our schools and \$0.4 million for developing leadership qualities in our best teachers.

Overall, this Budget supports new recurrent initiatives totalling \$19 million over four years, and capital initiatives totalling \$39 million for both government and non-government schools.

Once again, and in line with our determination to wrap services around those most at risk, the initiatives in the education portfolio are part of an integrated package that draws in other portfolio areas and that extends beyond the child to the family.

For example, early childhood schools provide education, childcare and family support services, while \$2.5 million is being invested in targeted, intensive family support services to at-risk Aboriginal and Torres Strait Islander families. The initiative will be jointly developed by the Department of Disability, Housing and Community Services, the Department of Education and Training and the Department of Health.

The aim is to divert at-risk Indigenous youngsters away from the statutory care and protection system, improve access to services and improve family and child wellbeing.

The educational package also helps deliver on the commitments of the Government's Climate Change Strategy, with a further \$1.6 million committed to making our schools carbon-neutral.

And of course the education portfolio is a crucial player in the Government's skills agenda.

This Budget provides \$4.2 million over four years for additional apprenticeships, and it devotes \$3.4 million over four years for additional staff in every secondary college to improve students' access to careers programs and vocational learning.

## **A Vibrant City and Great Neighbourhoods**

Mr Speaker, as a planned city the national capital has expectations to live up to—expectations that are passed from generation to generation.

The high quality of local and suburban amenities is, in a sense, the birthright of all who call this city home.

But this birthright comes at a cost.

I have already spoken about the \$100 million investment in our urban amenities funded through the billion-dollar *Building the Future* program, and the even bigger \$250 million investment in the transport system that will make it easier to engage in and enjoy the opportunities afforded by membership of our community.

And of course many of the initiatives contained in the \$100 million worth of initiatives to implement *Weathering the Change*, our Climate Change Strategy, will indirectly or directly enhance the amenity of our city too.

All of these investments are on top of the regular capital works program.

But it is what we do in our city—how we come together, how we celebrate—that makes us a true community.

This Budget provides \$16.5 million over four years for the city's festivals, tourism promotion, sporting events and the arts.

There's:

- \$2.4 million to promote Canberra as a great place to visit;
- \$6.1 million for community events and our much-loved festivals;
- \$4.4 million to enhance library collections;
- \$10.8 million for arts activities; and
- \$0.8 million for significant community events, including the hosting of a Rugby World Cup match, the International Mountain Bike Championships and the Festival of Running.

New visitor attractions in the pipeline include a tree-top walk, an enhanced Aboriginal Learning and Presentation area and other new features at the Sanctuary, in Tidbinbilla, at a cost of \$2.2 million.

There's a \$1 million upgrade for the Belconnen Community Centre and \$3.4 million for Exhibition Park.

There's money for a Gungahlin community library.

There's \$2.7 million to restore the Albert Hall to its former glory.

There are major upgrades to shopping centres, including Deakin and Lyons.

## **A Caring Community**

Mr Speaker, a caring community supports its marginalised members and tries to understand and then respond to the root causes of their economic and social exclusion.

We grieve when we do not succeed in every instance.

We search our hearts when our efforts founder.

But our response—the response of this Government—is to redouble our effort. That’s why we have invested so heavily in services for vulnerable individuals and families in our community. Protecting children at risk of abuse and neglect and strengthening services for people with disabilities and mental health problems have been high priorities from the start of our period in office.

Mr Speaker, this Budget meets the future head-on.

It allocates \$12.4 million for programs for people with disabilities, older members of our community, pensioners, and disadvantaged groups and individuals. There’s:

- \$0.8 million for a West Belconnen Children and Family Support Service;
- \$0.6 million to help disadvantaged Canberrans access the arts and culture;
- \$0.6 million to get older Canberrans and those with disabilities involved in physical activity; and
- \$8.5 million to help those living with mental illness.

And we’ve extended water supply concessions to all Centrelink Health Care cardholders, Temporary Protection Visa (TPV) holders and asylum seekers.

Mr Speaker, our Child and Family Centres are regarded nationally as a model of service delivery.

Through this Budget the Government will do forward design work on a third Child and Family Centre—this one to be located in Belconnen.

And many older Canberrans who can no longer drive will benefit from free bus travel under the ACTION Gold Pass funded in this Budget as part of the Surrender Your Licence Program.

The community sector in this town works in genuine and passionate partnership with the Government to deliver services to people in need.

This Budget provides a further \$3.6 million to increase the capacity of the community sector.

I am also pleased to be able to provide seed funding in this Budget to establish a portable long-service scheme for the community sector.

Mr Speaker, after intensive consultation with the community, the Government is upgrading a number of surplus school buildings into community facilities. The Budget

contains capital funding of \$24.6 million and recurrent funding of \$4.4 million over four years for this transformation.

An Arts Hub will be established at Cook, a Health and Wellbeing Hub at Melrose and a community services hub at Weston. Neighbourhood Halls will be created in these and 6 other locations, opening up valuable community spaces and helping revitalise local precincts.

Mr Speaker, housing affordability is a concern and a challenge for all jurisdictions.

While relatively high wages have shielded many in our community from the worst effects of the affordability challenge, the Government is acutely conscious that some in our community are experiencing housing stress or having difficulty getting a foothold in the housing market.

The comprehensive *Affordable Housing Action Plan* the Government released last year has been a model for others to follow.

Last Budget, it was backed up with significant funding for implementation, and a staggering amount has been achieved in a short period.

Land releases have been significantly boosted. A requirement that developments comprise 15 per cent affordable house and land packages is delivering greater choice for buyers. House-and-land packages priced between \$200,000 and \$300,000 are appearing on the market.

Just last week I announced a land release program that would see more than 15,000 dwelling sites released over the next five years to conquer pent-up demand.

This Budget contains \$33.5 million for the servicing and preparation of new housing developments.

In this sitting of the Assembly, we introduce a land rent scheme that will create even greater choice and help households with quite modest incomes enter the market with less trepidation and less anxiety.

I am also extremely pleased to announce today a one-off and complete exemption from stamp duty for pensioners who want to downsize and move to accommodation more suited to their needs.

This exemption will be available to Disability Support cardholders, Veteran Affairs Gold cardholders and recipients of the age pension, on the purchase of a dwelling up to the median price.

This exemption will start on 1 July and will be available for three years.

The 2008-09 Budget also increases the threshold for eligibility for the Home Buyer Concession Scheme. Currently it supports households with an income up to \$100,000. From today, this will rise to \$120,000—a 20 per cent increase.

## **A Fairer, Safer Canberra**

Mr Speaker, a fair and safe society protects its residents and ensures their human rights are respected.

It maintains a justice system which is accessible and responsive and the services that provide support in an emergency.

Mr Speaker, Canberra is a safe community. And community perceptions of safety remain above the national average too.

The Government is proud of the investments it has made in a safe and secure community.

In previous Budgets, the Government has funded significant increases in police numbers. The result is that there are now greater numbers of police on our streets—and visible on our streets.

In the 2008-09 Budget the Government has earmarked \$17 million for the construction of a new Belconnen Police Station.

Closed circuit television networks in Civic, and at Canberra Stadium, Manuka Oval, EPIC and other gathering places are being upgraded at a cost of \$5 million, with another \$3 million to operate the networks.

Our fire fighters and ambulance officers are among the best-trained in the country. The 2008-09 Budget provides additional funding of \$14.6 million over four years to improve response times and efficiency.

Mr Speaker, a fair society gives people opportunities to succeed—including a second chance when they have broken the law.

We will soon have a world-class correctional facility, in the Alexander Maconochie Centre. The Centre is the first prison in Australia which has been designed and will function according to human rights principles, with an emphasis on rehabilitation.

The 2008-09 Budget allocates \$31 million over four years for the Alexander Maconochie Centre for transitional costs, health services, and prisoner education and rehabilitation.

Effective liquor regulation contributes to the safety of our community. The Government pledges an extra \$1 million over four years to better enforcement of liquor licensing laws—one way among many of discouraging anti-social behaviour caused by intoxication.

## **A Sustainable Future**

Mr Speaker, a philosophy of sustainability informs all we do as a Government. For us to be truly ready for the future, that philosophy must dominate our thinking even more profoundly.

Today, we take further steps in preparing for our future.

No effort is too small.

Incremental change, added to incremental change, finally becomes noticeable change. Soon, it becomes impossible to ignore.

Mr Speaker, between 2007-08 and 2012-13 the Government will have injected \$242 million into climate change initiatives.

This includes the \$100 million for *Weathering the Change* announced in today's *Building the Future* package, but of course it doesn't include investments such as the \$250 million for transport initiatives funded as part of the same package.

These are historic investments in sustainability for a jurisdiction of this size.

But these are not the only ones. We have also invested \$142 million in climate change and sustainability initiatives beyond these. We are about to embark on a world-leading feed-in-tariff scheme that will drive cultural change at the individual level, and the Government and the ActewAGL are jointly exploring the feasibility of a large-scale solar power plant, possibly capable of powering 10,000 homes. That's driving cultural change at the level of government.

There are recurrent spendings too—notably the \$12.95 million over four years to implement the new bus network, which will start rolling out from next month.

There's \$3.9 million over four years for water, energy and waste programs to educate Canberrans about steps they can take to reduce their waste and their reliance on water and electricity.

And there's \$11.3 million to cover increased water costs for maintaining town and district parks, trees and shrubs, urban open spaces and sportsgrounds.

This will see that Canberra's town and district parks, trees and shrubs, urban open spaces and sportsgrounds are sustainably protected from the worst effects of drought.

There's \$1.6 million for carbon-neutral schools and \$476,000 for energy-efficient housing.

There's \$1.9 million for Caring for our Country activities with the Commonwealth.

\$900,000 will be invested to bring Kinleyside, Jerrabomberra East, Kama South and Jedbinbilla together into a nature reserve system, using best-practice conservation management to ensure the natural and cultural values of these sites are protected as a community asset.

Mr Speaker, a large chunk of climate-change funding—about \$41 million—remains unallocated, pending the results of feasibility studies and further scoping of priorities. It may be, for example, that this will be used to co-invest in a solar power station for the ACT, subject to the feasibility study now under way.

The crucial thing is that the resources are there, when they are needed.

### **Commonwealth-State Financial Relations**

Mr Speaker, in recent years Commonwealth-State financial relations have been conducted in an atmosphere of rivalry and something akin to paternalism. They have been characterised by blame shifting, rather than shared accountability to the community, cost transfers rather than joint responsibility, and competition rather than cooperation.

Serious attempts are being made to modify these relations and see them mature—particularly in relation to financial transfers from the Commonwealth to the States and Territories.

The reform agenda set by the Council of Australian Governments is genuinely significant. It will simplify and reduce the current list of more than 90 Specific Purpose Payments (SPPs) to 5 broad-banded SPPs, with new performance measures. This work will be completed by December 2008.

There will be some necessary changes to our budget paper presentation in the coming years, as a consequence. But the more visible change, to the community, will be greater transparency, simplicity and accountability.

### **Conclusion**

Mr Speaker, one measure of a good government is how it chooses to leverage the benefits flowing from a period of strong economic growth.

What investments does it make? Are they investments that directly boost the capacity of the economy to strengthen even further?

Are they investments in the future?

Are they prudent, affordable and strategic?

Is there a track record of delivery?

The 2008-09 ACT Budget I present today is a Budget that will ensure that our community and our city are ready for the future.

There's a billion-dollar investment in the infrastructure that supports our economy and our communal life—a more than 10% boost in our physical infrastructure over the next half-decade.

There are targeted tax concessions of \$61 million and an investment of \$404 million in the services the people of Canberra themselves say are priorities.

Crucially, it is a balanced Budget—in every sense of the word. It balances revenues and expenses. It balances current needs and future demands.

It balances recurrent expenditure and capital investments. It balances the imperatives that press upon us today, and the challenges of the future.

The recurrent Budget does not rely on asset sales. Those go towards investments for growth and expansion of productive capacity.

Mr Speaker, the investments I announce today are possible because of our robust economic activity. But they are also possible because of the efficiencies now embedded in the way the Government does business.

This Budget will leave us ready for the future—a future over which we have control, rather than a future we passively let wash over us.

A future we will seize with confidence, rather than simply coping with as best we can.

Mr Speaker, the Government is ready for the future.

I commend this Budget to the Assembly and to the community.

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

## **Duties Amendment Bill 2008**

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

Title read by Clerk.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts) (3.45): I move:

That this bill be agreed to in principle.

The Duties Amendment Bill 2008 amends the Duties Act 1999 to abolish duty on the establishment of and changes to trusts over non-dutiable property. The passage of this bill is necessary in order to give effect to a revenue measure introduced in the ACT 2008-09 budget; namely, the removal of a minor tax.

The minor tax removed by the bill is applied under provisions that impose duty on the establishment of and changes to trusts. Currently, \$200 or \$20 duty is charged on an instrument that declares a trust over non-dutiable property. The most common of these instruments include a family discretionary trust over a small settled amount of money, and an instrument that establishes or varies a superannuation fund.

Duty on the establishment of, or change to, a trust over dutiable property will not change as a result of the bill. A declaration of trust over dutiable property will continue to be liable to duty at the rate applicable to the type of dutiable property over which the trust is declared, for example, land, marketable securities. The related

“nominal duty” assessments, for example, section 54—change in trustees, are also not within the scope of the bill as they involve a change of ownership of dutiable property.

The 2007-08 revenue forecast for the elimination of the minor taxes is \$0.2 million. The relatively small amount of revenue forgone also involves the removal of administrative and compliance costs associated with the minor taxes. Furthermore, the removal of the requirement to lodge and pay duty on related instruments will reduce administrative costs for the professional community and general public. I commend the Duties Amendment Bill 2008 to the Assembly.

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

## **Executive contracts**

### **Papers and statement by minister**

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Environment, Water and Climate Change, Minister for the Arts): For the information of members, I present the following papers:

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

Long-term contracts:

- Annie Glover, dated 25 March 2008.
- David Whitney, dated 27 March 2008.
- Hugh Jorgensen, dated 25 March 2008.
- James Ryan, dated 7 April 2008.
- Robert Carter, dated 28 March 2008.

Short-term contracts:

- Anne McGrath.
- Christopher Cole, dated 17 March 2008.
- Craig Curry, dated 19 and 28 March 2008.
- David Collett.
- Elizabeth Beattie, dated 11 March 2008.
- Frank Duggan.
- Glenn Bain, dated 13 February 2008.
- Janelle Day, dated 31 March 2008.
- Lana Junakovic, dated 31 March 2008.
- Maree Mannion (2), dated 28 March 2008.
- Margaret Bateson, dated 8 and 9 April 2008.
- Martin Hehir, dated 17 March 2008.
- Meredith Lily Whitten, 20 March 2008.
- Michael Bateman, dated 19 March 2008.
- Natalie Wise, dated 17 March 2008.
- Stephen Goggs, dated 27 March 2008.

Contract variations:

Conrad Barr, dated 11 March 2008.

David Matthews, dated 18 March 2008.

Judianne Childs (2), dated 12 and 17 March 2008.

Meredith Lily Whitten, dated 18 March 2008.

Michael Zissler, dated 17 and 18 March 2008.

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

Leave granted.

**MR STANHOPE:** I present a set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all chief executive and executive contracts and contract variations. Today I present five long-term contracts, 17 short-term contracts and six contract variations. The details will be circulated to members.

## Papers

**Mr Speaker** presented the following papers:

Standing order 191—Amendments to the:

Crimes Amendment Bill 2008, dated 11 April 2008.

Gene Technology Amendment Bill 2007, dated 15, 16 and 17 April 2008.

Human Cloning and Embryo Research Amendment Bill 2007, dated 15, 16 and 17 April 2008.

Justice and Community Safety Legislation Amendment Bill 2007 (No. 2), dated 11 April 2008.

Regulatory Services Legislation Amendment Bill 2007, dated 10 and 11 April 2008.

Unit Titles Amendment Bill 2007, dated 15, 16 and 17 April 2008.

**Mr Stanhope** presented the following papers:

Administrative arrangements—Administrative Arrangements 2008 (No. 1)—

Notifiable Instrument NI2008-137 (S1, dated Tuesday 29 April, 2008).

Financial Management Act, pursuant to subsection 62(1)—Statements of Intent—2008-2009—

ACT Building and Construction Industry Training Fund Authority, dated 18 and 25 April 2008.

ACT Cleaning Industry Long Service Leave Authority, dated 29 April 2008.

ACT Construction Industry Long Service Leave Authority, dated 28 and 29 April 2008.

ACT Gambling and Racing Commission, dated 24 and 25 April 2008.

ACT Insurance Authority, dated 1 May 2008.

ACT Public Cemeteries Authority, dated 18 and 25 April 2008.

Canberra Institute of Technology.

Cultural Facilities Corporation, dated 23 and 25 April 2008.

Exhibition Park Corporation, dated 28 and 29 April 2008.

Independent Competition and Regulatory Commission, dated 24 and 25 April 2008.

Land Development Agency, dated 30 April 2008.

Legal Aid Commission (ACT), dated 24 and 25 April 2008.

Public Trustee for the Australian Capital Territory (PTACT), dated 22 and 25 April 2008.

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

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations): Pursuant to subsection 242 (2), I present the following paper:

Planning and Development Act, pursuant to subsection 242 (2)—Schedules—  
Leases granted for the period 1 January to 31 March 2008.

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

Leave granted.

**MR BARR:** Section 216A of the repealed Land (Planning and Environment) Act 1991 specified that a statement be tabled in the Legislative Assembly each quarter outlining details of leases granted by direct grant. The schedule I have just tabled covers leases granted for the period 1 January to 31 March 2008. This was up to the commencement, on 31 March, of the new planning legislation—the Planning and Development Act.

## Papers

Mr Corbell presented the following papers:

### Annual report

Nominal Defendant (Australian Capital Territory)—Annual report 2007, dated 14 April 2008.

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

Legislation Act, pursuant to section 64—

Betting (ACTTAB Limited) Act—Betting (ACTTAB Limited) Rules of Betting Determination 2008 (No 1)—Disallowable Instrument DI2008-52 (LR, 2 April 2008).

Corrections Management Act—Corrections Management (Official Visitor) Appointment 2008—Disallowable Instrument DI2008-62 (LR, 17 April 2008).

Cultural Facilities Corporation Act and Financial Management Act—Cultural Facilities Corporation (Governing Board) Appointment 2008 (No 1)—Disallowable Instrument DI2008-50 (LR, 3 April 2008).

Fair Trading (Consumer Affairs) Act—Fair Trading (Consumer Product Standards) Amendment Regulation 2008 (No 1)—Subordinate Law SL2008-12 (LR, 2 April 2008).

Financial Management Act—Financial Management (Statement of Performance Scrutiny) Guidelines 2008—Disallowable Instrument DI2008-63 (LR, 24 April 2008).

Gene Technology Act—Gene Technology Amendment Regulation 2008 (No 1)—Subordinate Law SL2008-17 (LR, 17 April 2008).

Government Procurement Act—Government Procurement Appointment 2008 (No 1)—Disallowable Instrument DI2008-64 (LR, 24 April 2008).

Health Professionals Regulation—

Health Professionals (Dental Technicians and Dental Prosthetists Board) Appointment 2008 (No 1)—Disallowable Instrument DI2008-49 (LR, 3 April 2008).

Health Professionals (Pharmacy Board) Appointment 2008 (No 2)—Disallowable Instrument DI2008-48 (LR, 3 April 2008).

Health Professionals (Psychologists Board) Appointment 2008 (No 1)—Disallowable Instrument DI2008-47 (LR, 3 April 2008).

Legal Profession Act—Legal Profession (Bar Council Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-54 (LR, 10 April 2008).

Magistrates Court Act—

Magistrates Court (Crimes Infringement Notices) Regulation 2008—Subordinate Law SL2008-14 (LR, 14 April 2008).

Magistrates Court (Liquor Infringement Notices) Regulation 2008—Subordinate Law SL2008-15 (LR, 14 April 2008).

Major Events Security Act—

Major Events Security Declaration 2008 (No 1)—Disallowable Instrument DI2008-58 (without explanatory statement) (LR, 16 April 2008).

Major Events Security Declaration 2008 (No 2)—Disallowable Instrument DI2008-59 (without explanatory statement) (LR, 16 April 2008).

Nature Conservation Act—Nature Conservation (Species and Ecological Communities) Declaration 2008 (No 2)—Disallowable Instrument DI2008-53 (LR, 3 April 2008).

Planning and Development Act—Planning and Development (Fees) Determination 2008 (No 3)—Disallowable Instrument DI2008-57 (LR, 15 April 2008).

Public Sector Management Act—Public Sector Management Amendment Standards 2008 (No 1)—Disallowable Instrument DI2008-56 (LR, 17 April 2008).

Road Transport (Public Passenger Services) Regulation—

Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2008 (No 1)—Disallowable Instrument DI2008-60 (LR, 17 April 2008).

Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2008 (No 2)—Disallowable Instrument DI2008-61 (LR, 17 April 2008).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2008 (No 2)—Disallowable Instrument DI2008-55 (LR, 15 April 2008).

Road Transport (Vehicle Registration) Act and Road Transport (General) Act—Road Transport (Vehicle Registration) Amendment Regulation 2008 (No 1)—Subordinate Law SL2008-16 (LR, 17 April 2008).

Water and Sewerage Act—Water and Sewerage (Fees) Determination 2008 (No 1)—Disallowable Instrument DI2008-51 (LR, 3 April 2008).

## **Answers to questions on notice**

### **Question No 1945**

**MRS BURKE:** When will the minister answer my question No 1945 regarding discharge plans?

**MR CORBELL:** I undertake on behalf of the Minister for to get an answer for Mrs Burke.

### **Question Nos 2002 and 2003**

**DR FOSKEY:** I seek an explanation in regard to the following unanswered questions on notice: question No 2002 to the Minister for Education and Training and question No 2003 to the Attorney-General.

**MR BARR:** I understand that question No 2002 was redirected to me, so I will undertake to get Dr Foskey an answer as soon as possible. As I understand it, it contains questions that go across a number of departmental areas that are not in my responsibility.

**MR CORBELL:** I think I have signed off the answer to Dr Foskey's question. I undertake to get it to her as soon as possible.

### **Question Nos 1974, 2005 and 2026**

**MR PRATT:** I ask when the Minister for Multicultural Affairs will respond to question No 2005, the Minister for Police and Emergency Services to question No 2026 and the Minister for Territory and Municipal Services to question No 1974.

**MR HARGREAVES:** I thank Mr Pratt for bringing this to my attention. Firstly, in relation to question No 2005, I signed that over the weekend, so it should be on its way. The reason for the delay was that it was prepared for my signature before the Australian Transport Council meeting on Wednesday and it did not get to me for signature until the weekend. In relation to question No 1974, that one had somehow gone missing in the department. It surfaced in my office this morning. It was brought to my attention this morning and I signed that letter prior to coming down for question time.

**MR CORBELL:** I have the answer to Mr Pratt's question No 2026 before me at the moment. He will get that by the close of business today.

## **Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 3.55 pm.**

## Schedule of amendments

### Schedule 1

#### Aboriginal and Torres Strait Islander Elected Body Bill 2008

Amendment moved by Dr Foskey

**1**

**Proposed new clause 8 (ba)**

**Page 5, line 14—**

- (ba) to foster community discussion about—
    - (i) issues of concern to Aboriginal people and Torres Strait Islanders living in the ACT; and
    - (ii) the functions of ATSIEB; and
    - (iii) this Act;
-