



Debates

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Wednesday, 7 May 2008

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Wednesday, 7 May 2008

The Assembly met at 10.30 am.

(Quorum formed.)

MR SPEAKER (Mr Berry) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Matters of public importance Speaker's ruling

MR SPEAKER: This morning, members of the opposition each lodged an MPI concerning the impact of stamp duty on housing affordability for first home buyers. Standing order 130 states that a matter on the notice paper must not be anticipated by a matter of public importance, an amendment or other less effective form of proceeding. Private members' business notice No 5 listed on today's notice paper, lodged by Mr Seselja, also concerns matters relating to stamp duty affordability for first home buyers. Accordingly, I have ruled that the MPIs submitted by those members are out of order, and they were not included in the ballot for today's MPI.

Projects of Territory Importance Bill 2008

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

Title read by Clerk.

MR SMYTH (Brindabella) (10.34): I move:

That this bill be agreed to in principle.

The question is: why are we here today—and why has the opposition tabled this bill?

Mr Hargreaves: That is a very good question.

MR SMYTH: I hear the laughter from those opposite. They are, in effect, laughing at themselves. We are here today because since 2003 this government has failed the communities of Macarthur and Fadden. Indeed, for the last seven years it has failed the business community in the ACT.

Mr Hargreaves: You were in government in 2003.

MR SMYTH: We were in government in 2003, says Mr Hargreaves. That is why Mr Hargreaves is not Treasurer. What has happened to this particular community over the last five years is a sad indictment of the government's respect for the people of Macarthur—indeed, for the people of all of the ACT. Over the last five years there have been numerous attacks on this community from this government.

In 2003 we found ourselves talking about the dragway that was proposed to go on this site. In 2004 there was the whole debacle concerning the Karralika development, which, much to the disgust of the community, involved an attempt to run it over the Christmas holidays when most people were not around and most people were not aware. There were rumours that the prison was to go on this site. There has been difficulty with mobile phone towers in the area. And now we have a \$2 billion development put on a site which the community has made well and truly clear is one that it would like to be left as it is.

The opposition support this project. We have been calling for a diversification of the ACT's economy. This is an ideal project, appropriately sited, to benefit the ACT economy. But the poor processes of the government—I do not blame the proponents; I do not blame ActewAGL for this—in its site selection have caused this mess.

Over the last five years, we have seen the failure of the community and the failure of the business community. Even over the last week there has been talk that the government intends to rezone this whole area as industrial, as it is reasonably close to the Hume industrial zone. There are fears in the community that the place that they purchased into—with the reasons that they purchased in that place—will be ruined for all time.

Let me cast back to the time of Mr Corbell as the planning shadow and a promise that the Labor Party made in the lead-up to the 2001 election. It is on page 4 of Labor's plan for priorities in planning: "Labor plans to maintain the garden city". Part of that was to consult with the community about open spaces, about how the community saw that and what they wanted done on it. Then they were to entrench it. I quote: "Following this, an ACT Labor Government will move to have these land use policies entrenched, by referendum, in the Territory Plan." That has never occurred. Seven years later the open space network in this city is still open to the assaults of this government because it has not kept its promise of the 2001 election. A large number of people in the community remember that promise and still scratch their heads and wonder when it might occur.

But the problems continue. Recently even Mr Barr added to the kerfuffle. He made a commitment that he would extend the consultation period on the PA and the DA—the preliminary assessment and the development assessment. Yet in last Saturday's paper there was a notice extending the preliminary assessment, again to much consternation in the community. They looked in vain to see the extension of the development application but could not find it. Again they are confused as to why the government says one thing and seemingly does something else. That is the problem for the government and that is the problem for the community.

This problem has been created wholly and solely by the government. Yesterday—Tuesday, 6 May—the paper said "Power plant plan generates Govt deception claims". When we get to this debate, it will be interesting to see how the government explains the process that it has followed.

Mr Hargreaves regularly attends the meetings of the Tuggeranong Community Council. He knows how his community feels about this; he knows what people

believe about this site. Yet back in the government we do not have recognition that this site is perceived—seen, believed—by the community to be part of their buffer zone, the hills, ridges and buffers that protect each of the various satellite towns that we have here in the ACT.

That is why today the opposition feels obliged to put on the table the Projects of Territory Importance Bill. We want this project to go ahead on an appropriate site. The site the government has chosen is not appropriate.

I have lived in Canberra for many years, as have many people in this place. I believe in this city and I believe in its potential—what it offers to those who live here and to those who visit the nation's capital. As I and many others have said for a number of years, we have got a lot going for us in Canberra. But we do need to diversify and strengthen our economic base if we are to develop into a soundly based economy—not, as this government believes and acts to make reality, one based solely on the sale of land and the transactions concerning those sales.

Ideally, we need to take advantage of the factors that are in our favour—a good supply of suitable land, an educated workforce, good access to a number of services and infrastructure. The philosophy of the bill that I am presenting today is to ensure that our economic future is as sound as it can possibly be and that we ensure that we do not lose projects of economic importance because of unexpected factors impinging on the planning processes and, in this case, the government's incompetence when the impact of these factors could result in a project proponent deciding to take their project away from the territory.

The current imbroglio over the proposed data storage centre project near Macarthur with an associated peak load gas-fired power generation plant is a case in point. This will be a major project. It will involve capital investment of potentially up to \$2 billion. It will provide a facility that is particularly well suited to the Canberra environment. It will utilise, in most cases, existing services such as electricity, water and gas that are readily available to businesses located in the ACT. In sum, this project is an important project for Canberra and for the ACT and the region.

Information that I have obtained indicates that the project will reduce the carbon footprint relative to the existing extent of our impact on the environment. It is a project that is eminently suitable for the ACT if it is on the correct site, but a number of issues have been identified in relation to the initial site chosen for the project.

This project has been planned for a site in the district of Tuggeranong on Mugga Lane, adjacent to Macarthur and to the Mugga Lane disposal area. When the planning for this project commenced, I understand that various sites were available and that the appropriate assessment and evaluation processes commenced. At a later stage in the planning for this project, it became evident that there are some concerns about the chosen site.

Of particular relevance to this project is the fact that, since the original planning processes started, an alternative and I believe eminently suitable site has become available in Hume. This site appears to have the characteristics that make it virtually

equally suitable, at least in principle, as a site for this important project. Moreover, this second site is in a designated industrial area that is conveniently located near services such as high-tension transmission lines, gas, water and transport. And it is not so close to residential areas; indeed, it is more than two kilometres from the nearest residential areas.

The specific issue that my bill deals with is assessing the suitability of this second site for the data centre—with, if it proceeds as part of the overall project, a power generation plant. This bill sets out a process by which this project—a project that we should all acknowledge is of particular importance to the long-term future of the ACT—can actually be developed in the ACT.

At this point, I should note that, contrary to the absurd statement by the Minister for Planning on ABC radio last week, the Liberal Party strongly support this project—and we always have. It is typical of the minister that he creates a problem and then blames somebody else for the ineptitude of his planning process. This is just the type of project that we should be encouraging in the ACT. I had a report done by a consultant last year that listed things like data centres as something suitable for the ACT.

That is why I and my colleagues have been working so assiduously to make sure that this project is located on the optimum site. The purpose of this bill is to put in place a process that will ensure, in relation to much of the assessment and evaluation work that has already been undertaken for the site in Tuggeranong, that that work can be carried over to the new site where it is relevant to the new site. That will ensure that, in the case of projects that have critical time limits based on decisions to proceed or not to proceed, the necessary assessments and evaluation activities can be expedited.

Yes, this bill does need a truncated process in the planning regime. The target of this bill is very limited. As I note in the bill, it will be used only in exceptional circumstances. Indeed, if it is the will of the Assembly, I am not opposed to a sunset clause being placed in the bill. The bill is focused on a very small number of major investments that can be characterised as being economically important for the territory but for which a significant issue has arisen over the site for the project.

This bill is being proposed to deal with exceptional circumstances related to a small number of major investments. Firstly, any proposal to change the site of a project must be genuine. There is no intention for this bill to permit vexatious or otherwise inappropriate proposals for changing a site. Secondly, there will be a combination of checks and balances incorporated into the process of approving a second site. These will involve the *prima facie* approval by each of the three statutory commissioners within the territory—the prices commissioner, the Human Rights Commissioner and the commissioner for the environment—of the proposal for the second site. And it will require a decision by at least two-thirds of the Legislative Assembly for agreement to a project moving to a second site.

These are appropriate safeguards that balance the commercial imperatives for minimising delay in approving and developing major projects with the need to satisfy environmental and other factors related both to the project and to the proposed site for the project. In particular, I want the role of the Assembly in this process to be one of

being a surrogate for bringing the views of the community into this overall approval process. It is, after all, what we were elected to do. This bill achieves that balance.

Let me give an overview of the bill. The bill contains a preamble; this is seen as being essential to establish some of the principles on which the bill is based. The explanatory memorandum states:

The Bill is intended to reinforce the overall planning outcomes that are sought for the Territory. Within this overall planning framework, however, this Bill recognises that, in exceptional circumstances, the current planning regime for some projects may have to be modified.

The focus of this Bill is on a very small number of projects that are considered to be critically important for the future of the Territory, and for which exceptional circumstances will apply during the planning stages of these projects. These circumstances relate to the location of a project and will arise where:

- a site for a project has been identified;
- considerable work—

and genuine work—

has been undertaken to evaluate the suitability of that site for the project;

- considerable work also has been completed on evaluating particular factors applying to that site to make it suitable for the project;
- at a very late stage in the assessment process, it has been determined that the current site is unsuitable; and
- an alternative site has been identified and, to ensure that the momentum of the project is not lost, it will be possible to carry over—

only where it is certified—

relevant parts of the assessment and evaluation processes to the new site.

In these—

and only these—

exceptional circumstances, it will be possible for the ACT Government to expedite all the assessment and evaluation processes for the second site. In implementing this approach, there will be a number of checks and balances to ensure that due process is followed.

In particular, it will be essential to establish that “any proposal to change a site for a project is genuine and is not an attempt to circumvent the Territory’s planning processes or any other provisions”.

I go to some notes on the key clauses. The explanatory memorandum states:

Clause 5

This clause defines a “project of Territory importance”. This definition is in terms of a project providing critical infrastructure, encouraging substantial amounts of capital for investing in new projects and providing a boost to employment opportunities.

Clause 7

This clause sets out the process that will be followed by the ACT Government in establishing that a project has the status of being of “Territory importance”. In particular, this clause provides the grounds on which a certificate of importance may be prepared; included in this process are provisions requiring three independent statutory commissioners to sign off on the approach being proposed by the Government.

The incorporation of the involvement of the three statutory commissioners—the prices commissioner, with appropriate economic expertise; the Human Rights Commissioner, with human rights expertise; and the environment commissioner, with expertise in environmental matters—is intended to provide satisfaction that the proposal to move a major project is acceptable across these major community requirements. The explanatory memorandum continues:

Clause 8

Two Ministers in the ACT government will ... prepare a certificate of importance. The Ministers who will be involved in the preparation of a certificate will be those with responsibility for economic development and for planning.

Clause 9

This is the key provision in the Bill, as it sets out the nature of information required to be incorporated into a certificate of importance. A certificate is required to set out why the initial site chosen for a project is unsuitable and why the second site is suitable, what planning and other laws may need to be modified to expedite the move of the project to the second site and the details of any other matters that the Ministers consider relevant. It is not possible to specify these matters because they will be unique to each proposal; hence, there is recognition that Ministers have the flexibility to include any further information that is considered necessary.

Clause 11 is the safeguard provision. As the objective of this bill is to facilitate the relocation of a major project, particularly through the shortening of the usual planning processes, a safeguard has been incorporated “to provide an indication of acceptance of the change of location of a project of Territory importance by the community”.

In addition to the certification by the three statutory commissioners that a proposal to move a project is reasonable, the bill requires approval to be provided by the Legislative Assembly. The explanatory memorandum states:

This safeguard means that a certificate of importance has to be approved by at least two thirds of the Members of the Legislative Assembly. In reality, this means that at least all major political groups in the Assembly will need to support a certificate of importance. This measure of support will be a surrogate for and indicate broad acceptance within the community for the change of location of the project.

Clause 14 provides:

... in the event that a certificate of importance has been approved, the Minister will advise the Legislative Assembly when the project has been completed. At that time, the certificate of importance will expire.

This bill is on the table today because of the failure of government—the failure of government over five years—to listen to Macarthur residents in particular and the broad community in general. We are here today because of the failure of the government—through its Land Development Agency and planning agency—to take into account the views of the community in selecting sites for major projects. And we are here today because, over the last five years, the constant assault by this government on the Macarthur residents in particular, and those in Fadden, has left that community gun-shy and very much not believing anything the government says.

Some of it may be coincidence; some of it may be accident. But when you have the Karralika proposal, with consultation done over the Christmas period, and then a consultation for a \$2 billion project done over the school holidays, the Macarthur, Fadden and broader communities of Tuggeranong are very cynical about this government and its processes.

Everyone I have spoken to has said that they would like to see this project go ahead. The site that I believe is ideal for the project—and that, under this bill, would be able to be used for the project should it be available—is the old sawmill site at Hume. It is already industrial; it already had huge buildings on it; it already had a smokestack that emitted into the environment. You cannot see it from Gilmore, Macarthur or Fadden. It is a site that was put there for purposes such as these. Indeed, I understand that some buildings there may already have data-holding facilities.

This bill is on the table today because we listen to the community. This bill is on the table today because of the incompetence of the government. I commend the bill to the Assembly.

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

Anzac Day Bill 2008

Mr Pratt, pursuant to notice, presented the bill.

Title read by Clerk.

MR PRATT (Brindabella) (10.55): I move:

That this bill be agreed to in principle.

Mr Speaker, today I table legislation that seeks to preserve the dignity and solemnity of the commemoration of Anzac Day. This legislation will prohibit large entertainment events being held during Anzac Day remembrance events. This

legislation seeks to ban activities such as sporting events, concerts, fairs and entertainment festivals being conducted between 3 am and 1 pm on 25 April every year. Legislation such as this already exists in Victoria and Queensland.

I shall just give some background to the importance of this particular day. On 25 April 1915, the Australian and New Zealand Army Corps began landing on the Gallipoli Peninsula in the first major military action following the Federation of Australia. A national day of commemoration known as Anzac Day is observed on the anniversary of the first Gallipoli Peninsula landing on 25 April each year. The commemoration of Anzac Day recognises the bravery and determination shown by the Australian and New Zealand Army Corps and all members of the Australian Defence Force who have been involved in wars and armed conflict in the service of Australia.

Mr Speaker, like a number of members in this place, I have family members who served in the Gallipoli conflict. My grandfather landed with the 9th Battalion of the 3rd Brigade of the 1st Division in the very, very first wave. His rifle company is depicted in a well-known painting of the landing, so I do confess a deep personal interest in this particular campaign. But the aim of my tabling this legislation today is far, far broader than my own personal and family interest in the significance of the Anzac Day and what it means for us. The Anzac Day commemoration is one of the most important commemorations we have in the annual cycle of commemorations. It is a very, very important one.

Mr Speaker, I just want to draw your attention to some of the mechanics of the bill that I am proposing here today. Firstly, what do I mean by a “restricted activity”? In this act a restricted activity means a sporting event if spectators must pay an admission fee or charge or make a donation to attend the event; a concert or other performance; a fair or festival; or anything else prescribed by regulations. So the minister will have that flexibility to regulate further where the minister sees fit.

What we are talking about here are the sorts of public events which become quite prominent events on the day. What I am saying is that a prominent event which is a recreational fair and a happy event, as all such events should be, is simply inappropriate to be held during certain hours on Anzac Day, regardless of their size. Prominent, paid events and fairly large public events on the landscape should not occur at the same time that our diggers and their families and descendants are commemorating Anzac Day any time from the wee hours of the morning right through until about 1 pm on the day.

Why do we say 1 pm, Mr Speaker? That is, by and large, the time by which Anzacs, veterans and their families are dispersing from the various activities that they have been to. They are probably off to their clubs and their community organisations to commence the more relaxed part of the commemoration of Anzac Day. From 1.00 pm onwards it is absolutely fitting that the community be able to then participate in broader sporting events. As we know, Mr Speaker, looking around this nation, the running of live sporting events on Anzac afternoon really is part of our Australian tradition as well. We have the Anzac rugby matches, we have the Anzac Aussie rules matches and other events, and those matches really are performed in a fitting way as to commemorate Anzac Day. It is entirely fitting that from 1.00 pm onwards such events do occur.

What the bill does provide, however, is to allow for the application for a permit to undertake restricted activities on Anzac Day. This bill writes in the flexibility that a minister does need to be able to look at all the arguments for and against where there is a strong case put forward by the community for the running of a large festival event on Anzac Day between the hours of 3.00 am and 1.00 pm. In accordance with the legislation I am proposing, a person may apply to the minister for a permit to conduct a restricted activity in a public place between 3.00 am and 1.00 pm on Anzac Day. The minister may grant a permit under this section only if satisfied that the activity is a genuine commemoration of Anzac Day or would not detract from or adversely affect the commemoration of Anzac Day.

My bill provides for this to occur: a permit must state the name of the person who is permitted to conduct the restricted activity, the activity permitted, the time when the activity is permitted, the expiry date of the permit and that a permit may be conditional. That means that if a community group would like to put on a large activity which might border on the edge of festival in nature, if they can argue with the minister and the minister is absolutely convinced that the activity is in keeping with the commemorative nature of the morning of Anzac Day, then the minister has that flexibility to approve such a permit. That really is the nuts and bolts of this legislation that I am proposing here today.

One of the most important days in Australian history is Anzac Day. Therefore, as I was saying earlier, it is one of the most important days on the commemorative calendar for the year. It is very strongly felt through this community that, for so long as we can ensure its place in our history, Anzac Day must always be commemorated. The feeling in the community is that it is important to protect the sanctity and the solemnity of the day. I am putting that at the moment we simply do not have the legislation in place that guarantees those protections. I do not believe that we have protections in place in ACT legislation to preserve the solemnity of Anzac Day, and we must ensure that this is the case. Consequently that is why this legislation is being tabled.

I make this comment in terms of retail trading: there is no intention in this bill to impinge on or cause havoc to retail trading. It would be unjust to expect small business to compete with the large traders in this regard. What is incredibly impressive about Canberra on Anzac Day is the fact that all the small retailers who open up for business at the crack of dawn on Anzac Day and who exercise their trade through Anzac Day morning do so in a very respectful way. In fact, in many ways, they add value to the commemorative spirit of Anzac Day.

For example, in the Manukas and the Kingstons and in the city we see cafes and restaurants opening up for gunfire breakfasts and they provide mid-morning breakfasts. Those of us who attend the St Christopher's service on Anzac Day morning and then pause before we move on to the main ceremony at 10.15 am often flock across to one of the many cafes who turn on additional staff to ensure that they do feed those who are attending the services. They do so in such a way that the Anzac spirit is enshrined in that trading.

I stress that trading as we know it on Anzac Day will not be impacted by this bill. If Harvey Norman wish to open at 1.00 pm, they should go for their lives. In keeping with the spirit of Anzac, as people move away from the Anzac commemorative services they go through to the afternoon and go on to other activities, and that is in keeping with the tradition of Canberra and the way that we observe the Anzac spirit here.

I have received staunch support for the need for such legislation from a broad spectrum of the ACT community. At post-dawn service functions this past Anzac Day the proposal that I put out for social testing was overwhelmingly and enthusiastically supported by diggers who have served their country and who deeply understand the importance of this legislation. It was also supported by their families. As we tested the concept, they very much thought that this was the case. I spoke to senior RSL officials as well in the week leading up to Anzac Day and on Anzac Day, and they were quite adamant that there is a gap in legislation that needs to be plugged, and they thought it entirely appropriate that such legislation be introduced into the ACT.

As an ex-serviceman myself and now being an elected representative, I feel I have a responsibility to uphold and defend the sanctity of an event that remains one of the most significant in our nation's history. ACT residents deserve to commemorate the solemnity of the day without unnecessary distraction. I take that responsibility seriously. We all bring to this place our various life experiences, otherwise we would not be here. I feel I have a duty to uphold the Anzac tradition, and my tabling of this legislation is but a small part of that duty.

Many Canberrans have approached me this year to register their absolute concern and bewilderment at the plan for this year's balloon festival to fly balloons on Anzac Day morning. In the week leading up to Anzac Day this was a concern that was widely expressed. The Stanhope government completely missed the mark with their plan to incorporate the festival with Anzac Day. It was also extraordinary that the Chief Minister's Department did not consult with the peak body in this country or in the ACT on veterans matters—the RSL. It is even more extraordinary—this is a bit of history that this place needs to have recorded in *Hansard* as part of the foundation and part of the justification for the tabling of this legislation—that this government did not consult adequately with the Australian War Memorial, another of the peak bodies that should have been spoken to and communicated with by the government in the lead-up to Anzac Day. I have been told by the RSL that the Stanhope government and the Chief Minister's Department only spoke to the Australian War Memorial in the week prior to Anzac Day and fundamentally told them that it was a *fait accompli* that the balloons would fly on Anzac morning.

Certainly Major General Crews, the national President of the Returned and Services League, was clearly of that view, and in the communications that he had with the Chief Minister's Department he was clearly of the view that this was a done deal. There was no prior consultation; it was "By the way, I'm now consulting with you that we have decided to fly the balloons on Anzac morning. Is there anything you'd like to discuss about it?" "Is there anything I would like to discuss about it?" I think was the response from Major General Crews to that particular question. Mr Brodie,

the President of the ACT Returned and Services League, was also deeply concerned and expressed his concern to authorities about that particular event.

That is why the opposition are tabling this legislation—that is, to try and ensure there is no repeat of the events that occurred in the week leading up to Anzac Day 2008. I will be deeply disappointed if the government decides to abuse its majority to reject this overdue piece of legislation, particularly in light of the special role Canberra has as the home of the War Memorial. This government is the custodian of this territory's memorials. These memorials may be administered and funded by federal authorities, but, morally speaking, the ACT government has a partnership role—

Mr Hargreaves: How do you know about “morally”?

MR PRATT: Well, you don't know anything about morals, Mr Hargreaves. We know that simply by your behaviour. Your particular behaviour is well known in this place.

Mr Speaker, the ACT government has a partnership role with the federal and commonwealth authorities in the custodial responsibilities for preserving our Anzac memorials and for preserving Anzac Day. If the ACT government do not support this legislation, they will be sending a very clear signal to the ACT community that they do not particularly give a damn about the sanctity of Anzac Day. Mr Hargreaves, I think, served at some time, so I would really like to see Mr Hargreaves, who has served this nation in uniform, stand up for this piece of legislation. It is time for a bit of testing there.

If the government fail to support this legislation, then they will be sending a very strong signal to the Returned and Services League that they do not give a toss about Anzac Day, because that is what it means. If we do not allow legislation to preserve the sanctity and the solemnity of Anzac Day, then that is the signal that you would be sending out to the community. I will wait with bated breath to see how the government reacts and responds to this legislation. For God's sake, the government can go and steal this legislation. It does not have to have “Steve Pratt” stamped on it. Jon Stanhope himself can rebadge this and put it down here for debate. I do not particularly care, just as long as this legislation is passed in the interests of preserving the solemnity of Anzac Day and in demonstrating our respect in this place not only for war veterans but also for all ex-servicemen and their families and their widows.

It is important that we in this place demonstrate to our children the importance of Anzac Day. I go back to the first point I made, Mr Speaker: as a nation—and the ACT community is an integral part of that nation—it is important that we say to our kids that Anzac Day is very, very important, that we want it to go on and that we want it to be commemorated in perpetuity. We want it to go right on into the future of this nation's behaviour, and we will always highlight and commemorate Anzac Day.

It is very important that we demonstrate to our children that this government and this Assembly will support and pass important legislation to demonstrate their interest in protecting a most important part of our heritage. Mr Speaker, I do commend this legislation to the house.

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

Waste Minimisation (Container Recovery) Amendment Bill 2008

Dr Foskey, pursuant to notice, presented this bill and its explanatory statement.

Title read by Clerk.

DR FOSKEY (Molonglo) (11.16): I move:

That this bill be agreed to in principle.

I am very pleased today to introduce the Waste Minimisation (Container Recover) Amendment Bill 2008. This bill seeks to amend the Waste Minimisation Act 2001. The Greens have been introducing similar legislation to this throughout Australia. The reason for this flurry of activity is that the voluntary schemes are not working and governments around Australia are not responding to the problem with sufficient urgency.

I have borrowed heavily from my colleagues' work in this area and I would like to acknowledge them now. In particular, I would like to acknowledge the work of my colleague Ian Cohen in New South Wales, who recently introduced a container deposit bill there. I would also like to acknowledge the work of the Boomerang Alliance, which has been a huge help in the development of this bill and in assisting others around the country. The Boomerang Alliance has a main focus on the nationwide adoption of extended producer responsibility, policies and practices to ensure that eventually all discarded products and packaging are either reused or recycled.

I have deliberately tried in this bill to mirror the proposed New South Wales scheme in order to achieve uniformity with our much larger neighbouring jurisdiction. It is self-evident that any ACT scheme should operate in tandem with New South Wales. However, I stress that this is not essential and my bill would, if passed, create a scheme that could operate on its own. South Australia has been doing it on its own for decades and we should have been doing it for decades as well.

The national packaging covenant is a voluntary industry-based scheme which is being relied upon by governments around Australia to remove our abysmal container recycling rates from the political radar. This tactic is looking increasingly threadbare as evidence mounts to show that the national packaging covenant is revealing itself as an abject failure. With no real progress on achieving voluntary waste reduction targets, the push for governments to pick up the ball again and introduce container deposit legislation should gain momentum. Ideally, this would be as part of an overall waste reduction and emission reduction strategy, but in the absence of such a beast we should introduce a container deposit scheme as a stand-alone measure.

This bill affords the opportunity for the ACT to take proactive steps towards increasing beverage container recycling. The realisation of the need for positive action

to counter and adapt to climate change is becoming ever more obvious and it moves up the list of things that people expect governments to provide leadership and take action on. I suspect that voters already understand the need for an effective packaging recycling scheme. It is smart, it is efficient, it makes economic and environmental sense, it is overdue, and I am hoping that the government will see fit to support it.

As I said, the voluntary covenant scheme is proving to be an abject failure. Even the packaging industry has largely withdrawn its support for the scheme and, while the true life cycle costs of packaging are being borne by society, government and the environment, the packaging industry continues to rake in the profits, while governments seem to be paralysed and are playing the old “wait for COAG to fix it” game. Well, as usual, we could be waiting for an awfully long time for COAG to come with what could well be another “please all the major lobby groups, political donors and industry bodies” lowest common denominator uniform bill model.

While it would obviously be better for there to be a uniform container deposit scheme around Australia, my bill is designed to operate as a stand-alone scheme if necessary. I acknowledge that this bill may be improved upon and I would welcome further discussions with the relevant ministers and their advisers to help them reach a model which they feel they could support or table themselves. Results are what matter. This issue is too important to let petty political games get in the way. If the government feels it must not ever be seen to be supporting a Greens proposal, then by all means draft your own bill.

Reducing the production of single-use containers minimises landfill space as well as energy use and greenhouse gas emissions from mainly fossil-fuel-generated power stations, mining activities, metal smelters, canneries and bottle production facilities. It also reduces unsightly litter along roads and in other public spaces, and for that reason I would expect Mr Pratt to get right behind this bill.

One-way packaging consumption is unsustainable and a patent failure to internalise, at the appropriate source, the environmental costs of container packaging. While I do not believe that user or producer pays makes sense in all areas, it does make economic and social sense to force the packaging industry to internalise the life cycle cost of its products. The covenant definition of product stewardship is based on a principle of shared responsibility between the industry and government, but the government is left with the responsibility for the overwhelming bulk of the expense of dealing with unrecycled beverage containers, as Mr Hargreaves would well know.

While some sections of the industry are taking steps to bring their operations and business practices into line with responsible corporate ethical behaviour, there are many more that are not. This makes it very difficult for the ones that are trying to do the right thing to compete. This is a recurring problem in a free market system that rewards those companies with the lowest environmental and ethical standards. We have to set the ground rules within which the packaging and beverage companies compete, in order to compel, and hopefully reward, environmental and socially responsible business practices.

We might ask whether the recent trend to buy one’s water in plastic bottles in a city with some of the best, cleanest and most reliable water in the world is not, in fact, a

coup for the water industries, which often mine their waters unsustainably, including those in Fiji, where water is not safe to drink—however, we buy their water in bottles—and whether the whole water industry has precipitated this issue enormously and created a commodity out of something that should be a human right. I will quote now from my colleague Ian Cohen's speech on this subject:

The covenant systems and methodologies for measuring recycling rates gains have been shown to be open to manipulation and no objective criterion to evaluate annual reports has been properly adopted. ... Aspirational language couched in weak commitments is the hallmark of the current regime, the National Packaging Covenant. The poor results that have been reported in the covenant's annual reports are indicative of a regulatory system that is big on aspirational discretionary rules and low on objective benchmarks and obligations.

The recently leaked audit of the national recycling report ... demonstrates that self-regulation has not only failed, but may have pushed us backwards on recycling rates. ... Industry and government signatories have committed to increase the amount of post-consumer packaging recycled from its current rate of 48 per cent, using 2003 baseline data, to 65 per cent by 2010. The National Packaging Covenant 2005-06 annual report revealed that, at publication, the current rate of recycling was 56 per cent, which was 9 per cent off the 2010 target. However, the Pitcher Partners data review report covering the National Packaging Covenant 2005-06 annual report dated November 2007 showed total recycling rates at 48 per cent.

That is 17 people cent below the 65 people cent objective. He goes on:

That is exactly where we were in 2003.

If we take into account further amendments to the paper and cardboard component, the total packaging rate figure drops back to 43 per cent. The leaked audit confirms that glass packaging recycling rates are floundering at 36 per cent, not 44 per cent as industry claims. The audit further highlighted that the people of Australia cannot trust data produced by covenant participants. Visy Industries was caught out including glass recycled from New Zealand, which bolstered the Australian result by almost 70,000 tonnes. Amcor confused newspaper and office paper recycling with cardboard and carton packaging, boosting the figure by almost 300,000 tonnes. These reports cast dark clouds over the industry's characterisation of empirical data of the covenant.

Cooking the books on recycling rates by covenant participants has exhausted the community's faith in the process.

And it should have exhausted this government's faith in the process. In contrast to the hopeless mess that the rest of Australia have had foisted upon them by governments that were too ignorant, too naive, too lazy or blinded by free market ideology to adequately assess the effectiveness of the voluntary scheme and react with decisive measures before now, the South Australian government has achieved a recycling rate of 70 per cent for beverage containers, which has provided a new income stream for community organisations and the state's most disadvantaged groups. It has also created a revenue stream for local councils sufficient to pay nearly the entire cost of their kerbside recycling programs.

The 2001 independent review of container deposit legislation in New South Wales conducted by Dr Stuart White suggested that New South Wales could recover 80 to 90 per cent under a container deposit scheme. I imagine the ACT could reach similar rates if it enacted this bill or one like it. I appreciate that the ACT has put a lot of effort into a number of schemes to increase recycling rates, but they are no longer resulting in significant increases in capture rates of recyclable materials. In the last *State of the Environment Report* that we have available to us, produced in 2003, the comment is made that, although the net change is a decrease in total household waste over the last decade, it is clear that the no waste strategy has had little impact on the amount of waste thrown into the rubbish bin. So we do have a problem. This bill is an attempt to solve it.

The object of this bill is to introduce a container deposit scheme in the ACT if the targets of the latest national packaging covenant are not met after the mid-term review of the covenant later this year. The proposed beverage container scheme will provide for the payment of a 10c refund on containers declared to be subject to the scheme, noting that South Australia recently increased its refund from 5c to 10c because the 5c just was not enough to make people pick up and return bottles et cetera, but 10c is. The introduction of a beverage container deposit scheme as outlined in this bill is conditional upon the failure of the current national packaging covenant to achieve its modest recycling targets. By all accounts we should be getting ready now for that to be the case.

I would just like to walk members through the bill. Proposed division 2A.2 of the bill prescribes the key triggers or conditions precedent that would require the minister to declare the operation of a container deposit scheme in relation to a specific material. There is a short-term trigger that requires the minister to assess the results of the 2008 review when it is handed down and to act to implement a container deposit scheme if preliminary targets are not being met.

If targets for recycling rates of specific materials—paper and cardboard 70 to 80 per cent, glass 50 to 60 per cent, steel 60 to 65 per cent, aluminium 80 to 85 per cent, plastics 40 to 45 per cent—do not look like being achieved by 31 July 2010, the minister must make a declaration that a container deposit scheme comes into effect in relation to that material. July 2010 is the current scheduled expiry date of the national packaging covenant, which makes my bill extremely timely.

Proposed division 2A.3 of the bill establishes a product labelling scheme to inform consumers that a 10c refund is payable upon return of a container to an authorised ACT collection depot. Approval and establishment of collection depots will be at the discretion of the relevant minister under proposed section 20H. Flexibility in establishing collection depots ensures that entities, whether commercial or community, that do not have the capacity for efficient scheme participation in collection and refund efforts are not forced into collection efforts.

The bill encourages a variety of collection depots and points, ranging from community-based facilities to drive-through recycling centres, without dictating compulsory retailer collection. The mechanics of the scheme envisage a process

whereby the return of an unbroken empty beverage container to a collection depot requires the collection depot to return the scheduled deposit. These deposits are recorded by the collection depot and reported to the minister. Based on the data provided to the minister, the collection depots are reimbursed from a beverage container deposit scheme central account.

In instances where beverage containers are not returned to a collection depot, unredeemed deposits will be applied and distributed to a variety of programs to support kerbside recycling, offset collection costs in the operation of the scheme and provide funds to drive product development in relation to recyclability and reusability. Dr Stuart White's independent review of container deposit legislation in New South Wales of November 2001 suggested that the entire scheme would return a significant net operating profit for government. Even with our smaller economies of scale, I imagine that we could achieve the same outcome in the ACT.

Local kerbside recycling has been a success in engaging the public in recycling efforts, and the Greens have no wish to detract from kerbside schemes. The people of the ACT have made a substantial contribution to recycling via kerbside recycling. The issue is that kerbside recycling captures only a certain proportion of beverage container consumption and that away-from-home use of beverage containers could represent anywhere between 30 and 50 per cent of all beverage container use. This is a significant proportion of containers escaping from kerbside recycling schemes.

One notes that during community events the number of plastic and other beverage container bottles just thrown into our landfill, as we do not have recycling in Civic, our other town centres and places where people gather, is very, very significant, and I am fairly sure that most of that would go to landfill, though I certainly seek reassurance from the minister that this is not the case.

Also I note that the ACT is the jurisdiction with the very highest return of hard rubbish to landfill and certainly the greatest exponents of wasteful consumption through our household expenditure, while at the same time we also have among the highest participation rates in environmental and other organisations, which indicates that we have a resource here, a very large resource, and also a will on the part of much of our community to reduce our waste. The government is crucial to this. The government has to provide the mechanisms to make it possible for people to reduce the waste that their consumption generates, and this container deposit scheme will make a very significant contribution. It will also speed up and move along our no waste by 2010 strategy. We are looking at 2010 quite soon and have not seen any major initiatives to move it along. The container deposit legislation could be a godsend for the government to show that it is committed to making very strong attempts to reach that target.

I very much look forward to working with the government to make this scheme a reality and then to work with the New South Wales government to assist in making the scheme a reality there, because it does make a lot of sense to participate with our neighbours in Queanbeyan and elsewhere.

I do anticipate, however, that concerns may be raised about the operation or legality of the scheme, considering the effect of section 92 of the commonwealth constitution

or the commonwealth's Mutual Recognition Act 1992 and its state counterparts. The New South Wales Greens received advice that neither section 92 of the constitution nor the Mutual Recognition Act would automatically invalidate the scheme. I look forward to discussion and debate on this bill and I hope that the bill, and later the act, will play a leading role in implementing a container deposit scheme. I commend my bill to the Assembly.

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

Protection of Public Participation Bill 2008

Explanatory statement

DR FOSKEY (Molonglo): I seek leave to table an explanatory statement to the Protection of Public Participation Bill 2008 and make a brief statement.

Leave granted.

DR FOSKEY: I present the following paper:

Protection of Public Participation Bill 2008—Explanatory statement.

In discussion with the minister's advisers an amendment was suggested that I agree would improve the bill that I tabled in the last sitting of the Assembly. Given the concerns expressed by the minister and his department on some of the provisions of my bill, I see that it would make sense to change the wording to make it clear that a proceeding is brought for an improper purpose if a primary or dominant purpose is to stymie public participation.

By amending the bill to make it clear that the primary or dominant purpose of a legal action is what is being evaluated much unnecessary technical legal argument could be avoided. I invite the government to make such an amendment if they are minded to support the intent of this bill, and I believe the government is so minded. In retrospect I recognise that the Attorney-General may have had a valid point when he originally raised the issue of sub judice in respect of my presentation speech. But I was a little bemused by the subsequent developments, which meant that my attempts to quote in this Assembly from a published newspaper article were considered to constitute a breach of the sub judice rule.

While I appreciate that you err on the side of caution in these matters, I know that the opposition agrees with me in thinking that this is an issue that requires some formal clarification at a future date. Perhaps the appropriate committee could hold hearings and commission an opinion from parliamentary counsel on the proper scope of the sub judice rule. It was ironic because one of the perverse intentions of a SLAPP action is to stymie debate on what should be a matter for public debate.

Gas-fired power station

DR FOSKEY (Molonglo) (11.39): I move:

That this Assembly calls on the ACT Government to ensure development of ActewAGL's proposed gas-fired power station is put on hold until:

- (1) there has been:
 - (a) a full environmental impact analysis consistent with the new planning regime, which includes:
 - (i) a comprehensive air quality analysis;
 - (ii) a rigorous examination of potential noise impact; and
 - (iii) a public investigation into the relative merits of all possible locations;
 - (b) an independent report on its health impact;
 - (c) a cost benefit analysis of renewable energy alternatives; and
 - (d) consideration of the social implications of ACT Planning and Land Authority's Industrial Corridor;
- (2) all such reports are released publicly; and
- (3) a comprehensive and respectful community engagement process has been conducted.

This motion is self explanatory. There is a wide ranging concern amongst residents of Macarthur and Fadden and nearby suburbs that the impact of the proposed gas-fired power station has been underestimated or kept hidden. This is a project that certainly seems to be moving quickly. Although on the drawing board since 2002, an announcement about its imminence was tied to an announcement about a data centre envisaged for Canberra.

A data centre requires a lot of electricity. A data centre is also a very large building with an enormous roof area. Appropriately designed, it could mount a very extensive solar array, and when we spoke about the project last year with ActewAGL officers, there was a high degree of excitement about this potential. Now we see that the only option being considered is a gas-powered one.

Construction is expected to begin in the middle of this year. Information to the community about the project has been extremely poor. Documentation available on the ACTPLA website relating to the development application itself is poorly labelled and difficult to navigate, although the preliminary assessment documentation is more comprehensive. There is quite detailed analysis of the various impacts of the proposed development, but again some of this is cursory or indeed questionable.

I think that this is another one of those development proposals that the proponents and ACTPLA could and should have known would be provocative or distressing to many residents. But no proactive engagement strategy seems to have been pursued. Is it the more impact, the less they want the public involved? One wonders.

Perhaps this government has already forgotten the problems that came from an attempted secret enlargement of the Karralika family centre between Fadden and Macarthur, the result of which led to well organised local opposition, with the subsequent result that a much needed expansion was abandoned. There was also some resistance when the plan to expand Goodwin Homes in Ainslie first became widely known. Once again the response to our questions regarding the consultation process was that statutory requirements had been followed. Yet the Goodwin Homes director himself at an Assembly committee six months previously had acknowledged that the proposal was likely to be contentious. We have seen this over and over again with the 3G towers, which have hit many communities with surprise.

My contention is that statutory processes, while legally safeguarding the government and ACTPLA, are simply not enough for decent community engagement. So either the ACT government generally, ACTPLA itself or the various proponents just think that a bit of public distress and conflict is par for the course and has to be endured or they simply do not even conduct a cursory risk analysis to see whether there will be a negative response.

When we raised the issue of inadequate consultation regarding the Ainslie development the then planning minister pointed to the new planning regime as providing a more appropriate scaling of public consultation. The Greens, of course, have already said that our assessment is that this new planning regime provides even less opportunity for community engagement. And so it seems in relation to the gas-fired power station because the development application was lodged by ActewAGL late last year. Even though the development itself is yet to begin ActewAGL can take its pick of our expectations and do the minimum.

But the power station and data facilities proposed for this site on Mugga Lane is a major development. It is the view of the ACT Greens and, I have no doubt, judging from the letters I have received, the local residents that ActewAGL and ACTPLA, who are both major players in ACT government activity, ought to do much better than comply with the minimum statutory requirements that the ACT government itself acknowledges are inadequate and outmoded.

This motion is not calling for anything particularly exceptional or difficult. It is calling for a more explicit process, more widely promoted than might otherwise be considered necessary. Given that this project is totally new for Canberra and enormous in its implications and scale, we would expect to see much more rigorous cost benefit, technical and other data and analysis, let alone a much more vigorous public consultation process in order to provide the reassurance for all of us that ACTPLA is approving the right project in the right place.

In essence, my motion is only asking for work that has been or ought to have been done already to be drawn together and put on the public record. It is not a big ask. It is merely asking for what I believe should be the normal business of government, which is informing community members and showing transparency so that it makes the best decisions. You would think that a business—which ActewAGL is—would see the economic as well as the social benefit of getting the community onside, and it looks as though this has not happened here.

In scrutinising the documents relating to the development application available on the ACTPLA website, the noise impact and air quality analysis appears to be superficial, to say the least. We are not experts in my office and we have no claim to be. So we are not in a strong position to question the numbers that are used to support the claims that noise and air quality impact is acceptable and whether these claims are meaningful or accurate. But assumedly ActewAGL has access to the experts and we would like to see the evidence out there so that people like me and other members in this Assembly with a responsibility to the ACT community can consult them and feed back our findings to the community and make reasonable assessments of development proposals like this.

Are other MLAs equally concerned? It is well known that the Tuggeranong Valley suffers from inversion layers and, consequently, air quality problems, particularly in winter, that are worse than anywhere in Australia, except perhaps Launceston. That is why the ACT government makes a financial contribution when people trade in their slow combustion stoves.

We notice that the plume assessment, which appears to be the documentation attached to the proposal to demonstrate acceptable air quality impact, gives a range of figures that come in just under the maximum allowed by the New South Wales Environmental Protection Authority. It uses information regarding air quality and average conditions from Wagga and, more locally, from Canberra Airport. It does that without discussion of any ambient air quality in Tuggeranong in winter, when people have their fires going, for example?

There is no supplementary information or perspective from any health experts or authorities, and the letters that I am getting indicate that health issues are one of the major concerns. These concerns cannot be dismissed without good evidence. People cannot just be told that there are no problems; they have to see the empirical data and the experts' conclusions.

The noise impact analysis is based entirely on information provided by the manufacturer. There is no reference to similar installations in other locations. It makes people suspicious—if they are not being told everything, then something is being hidden, and why is that? It may be that nothing is being hidden, but these are the kinds of things that should have been considered by the proponents when they put forward the proposal.

One of the Macarthur residents gives a compelling example of noise issues at the gas-fired power station at Alice Springs. In the end, after the expenditure of considerable sums of money on unsuccessful attempts at noise abatement, the facility was moved 25 kilometres away. This is a concern. I am aware that the proponent has rejected this example, arguing that this is a case of comparing apples with oranges. The lesson of Alice Springs, however, is that whatever the fruit the greengrocer can get it wrong. I think with major installations such as this we would want some other independent assessment considerations of major impacts, such as likely noise impact.

I note also that neither the development application nor the preliminary assessment explores the range of possible sites for this facility. Is there an argument why this site

and no other? Mention is made of sites looked at in the past when the proposal for a gas-fired power station was first mooted. Mention was made that on this occasion other sites were offered, but this one was preferred. But there is no comparative analysis of those possible locations for the public to see and form a view on. That is one of the key differences between a full environmental impact analysis and what used to be known as a preliminary assessment. An environmental impact analysis considers the costs and benefits of a development not going ahead and of it going ahead in a different location.

I would also like to put into the mix the briefing that I and members of my staff received from the proponents some time ago. That briefing was not so much about a power station—rather about more efficient and profitable data storage facilities. Let us not forget that the data storage facilities are the justification for the power station.

As I mentioned earlier, at that time in their talks with me and my staff the idea of solar electricity generation was bandied about. In the interests of doing our best to combine greenhouse gas reduction with new industry I would hope that we could at least explore the possibilities that this project offers for silent, non-polluting, renewable energy generation. We talk about being leaders. Well, we are not leading with this one. It seems clear to me now that there are other reasons that ActewAGL wants to set up a gas-fired power station here in the ACT. Powering the data storage facilities is only one element. An emergency source of power for the ACT is another.

While gas power is certainly better than coal, it is not better than any of the other renewables that are hardly explored in the ACT—solar, for instance, and gas is a finite resource just as oil is. I note that Mr Barr's proposed amendment commends ActewAGL for proposing a gas-fired power station rather than a traditional coal-fired power station. Hang on. It is only better than coal-fired power or oil-fired power. It is not better than many of the other options available to us.

Clearly this project has evolved, but not openly and transparently. Part of the distress has been the surprise to local residents of this development. It has been promoted as a development at Hume. It is, in fact, in the district of Tuggeranong and it is on Mugga Lane. Arguably this is still within the industrial and employment corridor that ACTPLA has been promoting. Perhaps it is not. I would have thought that this kind of facility needs to be located right out of reach of residential areas—remember the 25-kilometre move from Alice Springs—or well within an established industrial zone. I understand from the development application that there are good reasons for this facility to be in an area by itself, in which case, then, the social impact of locating it this close to the suburbs and the potential impact of other developments needs to be considered openly.

Now that this incident has popped up into our wider consciousness maybe a community-wide discussion on developing an industrial employment corridor will be more concrete. Last year ACTPLA announced that it is conducting such an inquiry, and I wonder how this power station fits into it. I would have liked to see that both hands at ACTPLA knew what the other was doing. I should acknowledge that the preliminary assessment documentation on ACTPLA's website is easily available. My view, however, is that the information needs to be drawn together with a more explicit

cost-benefit analysis informed by and, in turn, informing a full community engagement process.

The underlying issue of this motion is the ongoing incapacity of the ACT to bring the community along with it. Instead it seems to duck its head in the sand hoping the community does not notice—the community always does notice—and wait for the fuss to die down. This is disrespectful. It denies the right of Canberra residents to have a good say about their built environment and it wastes the resources that are available among our highly educated population. That is why I urge members to support my motion and to reconsider their amendments, which I do not believe provide what the ACT community deserves.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation, Minister for Industrial Relations) (11.53):
I move:

Omit all words after “ensure”, substitute “that the assessment of the proposed development of ActewAGL’s gas fired power station:

- is carried out in accordance with all statutory requirements;
- is undertaken in consultation with the Canberra community;
- abides by all relevant environmental rules and standards.

The Assembly also acknowledges that the public inspection period of the preliminary assessment has been extended until 27 May 2008.

The Assembly further commends the environmental initiative demonstrated by ActewAGL in proposing a gas fired power station rather than a traditional coal fired power station.

In responding to Dr Foskey’s motion and speaking to the amendment that I have circulated, I think it is important to make a number of statements for the public record. Firstly, it is concerning that the proposal for a gas-fired power station and the associated business data centre has been portrayed by some as a project of the Planning and Land Authority. I need to state very categorically that it is not—that ACTPLA’s role in this case or in any other is to exercise its statutory responsibility to independently examine development proposals put forward by proponents.

Dealing with the facts of this significant project and related development assessment processes, which are still at an early stage, it needs to be stated that the government has only provided in-principle agreement for use of the site for the purpose, subject, of course, to planning approval. ACTPLA, in its role as an independent statutory decision maker, is acting in accordance with the requirements of the territory plan and the relevant legislation.

ACTPLA itself is not a party to the site selection process, and I need to state again categorically in respect of the proposal that has been put forward by the proponents that the land is not to be rezoned to allow consideration of the proposal. The site is

broadacre and under the territory plan, as such, such permits a major utility installation and community facility, subject to the provisions of the territory plan and, in this case, a mandatory preliminary assessment.

As this application, as Dr Foskey has indicated, was received prior to the commencement of the Planning and Development Act on 31 March, the assessment is being undertaken under the old planning system. The preliminary assessment for the proposal is currently being evaluated by the Planning and Land Authority according to the requirements of the legislation. It is important to note that ACTPLA must take into consideration the comments of other ACT government entities, including Environment ACT and ACT Health and, most importantly, submissions from the ACT community.

We have heard this morning from Dr Foskey and from Mr Smyth, and I welcome Mr Smyth's comments giving in-principle support for the project, noting, of course, the opposition to the particular site that ActewAGL put forward. I think it is worth noting that throughout this debate ActewAGL and Technical Real Estate, which is part of the consortium that put forward this proposal, have indicated a willingness to vary their plans to address community concerns and have also noted their intention to optimise the engineering design of the facility to ensure that all relevant environmental guidelines are met. That, I think, shows a willingness on behalf of the proponent to consider all of the issues that are being raised quite legitimately at the moment by local residents and by representatives in this place and by other interested parties.

There has been some concern about the timeline around the consultation process, and I note your attendance at the public meeting, Mr Deputy Speaker, and your recommendation to me as planning minister that it would be appropriate to extend the consultation period. I agree certainly with your recommendation and have extended public inspection and comment on the preliminary assessment—in effect, therefore, on the development application—until 27 May.

Based on the outcome of this evaluation ACTPLA will provide recommendations to the environment minister, and for the purposes of the land act that responsibility falls to me. In considering any recommendations I must make a decision as to whether a higher level environmental assessment is required. This means that if due process is allowed to be followed, rather than the somewhat confused process that is put forward by Dr Foskey, it is conceivable—in fact, highly likely—that an environmental impact statement would be required.

The result of the preliminary assessment process, including submissions made by the community, will inform the assessment of the development application. Given that the period for public notification on the preliminary assessment has been extended—and there is no doubt about the wide publicity and community interest that this proposal has received—I think any reasonable person would agree that there is now adequate time for people to comment on ActewAGL's proposal and for there to be a considered community debate. I thank you, Mr Deputy Speaker, and other members of the Assembly for their contribution to this debate.

This is a very important project for the territory and, as I said last week, if we are serious about diversifying our economic base then we must take this project seriously; we must give it due consideration. That is why I particularly welcome the comment of the Deputy Leader of the Opposition this morning that the opposition is prepared to give this proposal full consideration, and I welcome that.

Dr Foskey's motion calls for an EIS process and an independent report on its health impacts. It is worth noting that under the process that is established by law here in this Assembly these will occur if an assessment process under the PA finds that they are necessary. The thing here is that we should not pre-empt the outcomes by seeking to intervene inappropriately in this process. We have an independent statutory planning authority. We have noted in recent times some of the planning processes in other jurisdictions whereby the involvement of politicians in some of these processes has led to undesirable outcomes. I think we are served well in the ACT—

Mr Smyth: Too many Labor politicians.

MR BARR: I do not think it sits just with one party, Mr Smyth. But not to be distracted, I think we are served well by the independent statutory nature of ACTPLA and the fact that this process is divorced from the political process and that, I think, is important.

What I am concerned about in relation to Dr Foskey's motion, though, is the relationship that she is seeking to draw between the proposals for the gas-fired power station and the associated business data centre. I presume she is referring to the eastern broadacre study that has been conducted by ACTPLA that she refers to, though, as ACTPLA's industrial corridor.

I do not see much point in going into too much debate on that separate issue at this point, but again it needs to be made clear that it is not ACTPLA's industrial corridor, nor, in fact, is it an industrial corridor. The work that is being undertaken by ACTPLA on behalf of the government is to analyse the appropriateness of the Majura-Symonston employment corridor identified by the Canberra spatial plan back in 2004.

The study is intended to identify opportunities, not only for industrial land but further areas of conservation value, service trades, institutional uses and possibly even residential uses. I note that the Leader of the Opposition was similarly oblivious to the content of the Canberra spatial plan that was published in 2004 at the time of his statements around this alleged industrial corridor. I took the opportunity to provide him with a copy of the Canberra spatial plan, and I will ask one of my staff to drop a copy to Dr Foskey's office so that she can see the origins of this study.

It is worth noting that this work is still in its preliminary stages. It will be the subject of public consultation, as well as potentially any territory plan variations. So it strikes me again that what Dr Foskey wants is for the Assembly to become the ad hoc planning authority. A statutory planning authority that we have established by law that abides by the proper process appears to be inferior, in her view, to the Assembly

assessing each major project on an ad hoc basis. Dr Foskey appears to be suggesting that we repeat all the statutory processes that we have, that we do them informally through the Assembly before we follow the statutory requirements and, in so doing, that we duplicate every step along the way. I do not think any reasonable person would consider this good public policy.

Finally, in relation to community consultation, if Dr Foskey is referring here to the development application, which I believe is the basis of her notice of motion, this is ActewAGL's responsibility. ACTPLA follows the requirements of the legislation. Given that there has been no need for a territory plan variation, the first opportunity that the planning agency has had to inform the public of the proposal is when it received the application.

I remind the Assembly that we have planning laws that we expect everyone to abide by. Given that this proposal is following the laws that we have established, then it would be wrong of us to seek to intervene inappropriately in today's processes. It is on that basis that I have moved my amendment to the motion that the assessment of the proposed development of ActewAGL's gas-fired power station is carried out in accordance with all statutory requirements; is undertaken in consultation with the Canberra community; that it abides by all relevant environmental rules and standards and that the Assembly acknowledges that the public inspection period for the preliminary assessment has been extended until 27 May.

I do note that ActewAGL has demonstrated its commitment to moving away from traditional coal-fired power stations through this proposal. I also acknowledge the point made by Dr Foskey that gas is better than coal, but perhaps not as good as some of the renewables. I think there are a range of technical reasons why ActewAGL has come forward with a gas proposal here in terms of base load generation that I do not believe are possible, but they are not under a renewable source at this point. That said, I would welcome ActewAGL's further consideration of the possibility of being able to combine renewables. Given the available roof space that this proposed data centre would have, I think that would be a sensible step for further examination.

I think that, given the willingness that ActewAGL and their partners have indicated in this process, they will consider all of those suggestions. It is an important part of this debate that we will have in the weeks and months ahead that ideas like that come forward. So I welcome Dr Foskey's contribution. I just think that in some of the other aspects of the motion that she has put forward she is off the mark. It is important that we let the statutory processes complete themselves and that we let our independent statutory planning authority do the work that we have charged it to do. There is ample opportunity now for further public contribution to this issue.

In closing I need to indicate that this is a very important project for the territory. As I said last week in comments to the ABC and other media outlets, we should not try and shut this project down and shut this debate down because we do not happen to like certain aspects of it. It is important for there to be a genuine consideration of this project. It is so important that the processes are allowed to continue, and I particularly welcome the comments of the Deputy Leader of the Opposition this morning that he believes and the Liberal opposition believes this project has considerable merit for the territory.

I acknowledge the concerns that have been raised about the specific site. Certainly I think it would be worth while, given that another potential site appears to be available now, that that be given full consideration as well because this project is very important to the territory. I thank Dr Foskey for raising the issue. I thank Mr Smyth for his comments earlier today. We look forward to a constructive debate and, I hope, a positive outcome for the territory in that this project can be delivered, but delivered in a manner that is acceptable to the Canberra community.

MR PRATT (Brindabella) (12.07): I stand here this morning to speak to Dr Foskey's motion. I think this is quite a laudable motion which certainly addresses a very, very significant community issue. But whilst I think her motion is laudable, I do not think it goes far enough. I do not believe it addresses adequately the central concern that the proposed gas-powered station and the data facility will very likely impact on Macarthur and surrounding suburbs and, therefore, the siting of the power station and the data facility should not be allowed in Macarthur. That, I think, ought to be the central concern here, and I would have liked to have seen Dr Foskey's motion enshrine that particular principle.

Meanwhile, Mr Barr has put up an amendment, but really Mr Barr's amendment simply enshrines the unacceptable state of play on this particular matter. Mr Barr's amendment simply enshrines the inadequate planning—in fact, the poor planning. Mr Barr's amendment simply enshrines the inadequate prior consultation that we have seen in this particular matter. As a consequence, I seek to amend Mr Barr's amendment. I am quite happy to move my amendment now. I move:

Omit all words after “that”, substitute:

“(1) ActewAGL's proposed gas fired power station and data storage facility is not built on the currently proposed site;

(2) ActewAGL's proposed gas fired power station and data storage facility is not approved until the required planning and environmental studies have been completed and adequately communicated to the community before any approval process occurs;

(3) the Projects of Territory Importance Bill 2008 is supported;

and notes that the development application objection process was not extended beyond 5 May 2008.”.

My amendment, which I have now moved and which I have circulated, seeks to ensure that ActewAGL's proposed gas-fired power station and data storage facility is not built on the currently proposed site. My amendment ensures that ActewAGL's proposed gas-fired power station and data storage facility is not approved until the required planning and environmental studies have been completely and adequately communicated to the community before any approval process has occurred; that the Projects of Territory Importance Bill 2008 is supported, the one that Mr Smyth tabled this morning which I think is a very, very good initiative; and that it should be noted that the development objection process was not extended beyond 5 May 2008. In my view, that should be the case.

This has been a very, very disappointing exercise on the part of the government. I am going to outline a few matters here. There is no doubt that the gas-powered station and data storage facility is a very worthwhile project and will be beneficial to the ACT in terms of its broader economic needs. But until we are sure of that and until we know what the environmental issues are, we cannot be entirely sure.

I would have thought, on the basis of what I have been able to glean so far, that this is quite an impressive project. If it is sited in the right place to ensure that environmental—in terms of emissions and in terms of noise—concerns are addressed, and we can guarantee that there is no impact on suburban Canberra, then clearly it is going to be of benefit to the ACT. But until we know that for sure, you must question the usefulness of this project if, as is currently planned, it remains sited at Macarthur.

There has been no consultation. In fact, this consultation question is very, very interesting. I would put it to you, Mr Speaker, there has been more consultation for a road repair project than we are witnessing for what is a proposed \$2 billion project, with all of its associated and potential risks. No wonder the residents of Macarthur are deeply angry about this. As Mr Gentleman, Mr Smyth and I witnessed at the Tuggeranong Community Council special meeting on Monday week last, the concerns are deep. Only token consultation has ever been conducted thus far.

What does this indicate? I do not have the evidence to say that this is the case, but when a \$2 billion project is not prior consulted in adequate terms, you have got to wonder why it has been allowed to be pushed beneath the radar, as has definitely been the case here. Is this project a *fait accompli*? I have been somewhat comforted by some of Mr Barr's words here this morning, on the back of Dr Foskey's and Mr Smyth's remarks here today. I hope it is not, therefore, a *fait accompli* and I hope that Mr Barr is true to his word and there will be adequate assessment, analysis, consultation and a really good hard look at the other 15 or so kilometres of broadacre space that we have along the eastern fringe of Canberra and whether or not there is a better site.

There has been some confusion over this. Last year, there was talk about this facility being put in Hume. Lay people like me did not take particular notice of what that actually meant, and certainly the residents did not. It was not until really February and March that the penny began to drop. The question has to be asked: why has the government allowed that to occur? Why has not the government been much clearer in the pushing of a \$2 billion project? This has got to be one of the largest projects the ACT has ever seen.

Yet what did we see? In Bugden Avenue, Gowrie, we see a large number of signs proposing that Bugden Avenue is going to be changed in its alignment. In this particular case, we see a small yellow sign for the proposed Macarthur gas-powered plant project, a fraction of the size of those signs in Bugden Avenue, placed on a fence down on Long Gully Road. Finally people began to see it and read it and say, "What is all this about? Why is that? Why is a \$2 billion project, with possible environmental impacts, not broadly consulted to the community in an appropriate, democratic, prior consultative fashion?"

Mr Barr: It was on the front page of the paper and in the—

MR PRATT: The odd story in the newspaper about a data facility at Hume or in the Tuggeranong area is not specific enough. Why were not the residents of Macarthur, Fadden, Gowrie, Isaacs, O'Malley and Farrer letterbox-dropped? They should have been told, "Your suburbs are in close proximity to a proposed project of this size. You need to have a look at this. We would like to talk to you about it. How do you feel? Do you have a problem?" That did not occur.

At the community meeting Monday last, if you had listened to the 330-odd people there speaking, the great majority knew very little about this. That indicates to me, to Mr Smyth and to people on this side of the chamber that there has been no adequate prior consultation and education about this particular project.

By the way, I have to applaud the residents of Macarthur who have got together at the 11th hour and campaigned to do something about this. I particularly take my hat off to Rodahn Gibbon, who spoke in a very clear and a very, very measured way last Saturday morning at Chisholm. I support him, and I support them in their campaign. I have said to those people that I will stand in this damn place and fight to the last fingernail to not allow this project to be built in the backyard of Macarthur and that it be re-sited. If you cannot re-site this, Mr Barr, then your whole planning process stinks. This is a damned and push-through process. This is unacceptable.

MR MULCAHY (Molonglo) (12.18): I find myself agreeing with the minister in relation to adherence to the process here, but I also am conscious—

Mr Pratt: The residents are going to love that.

MR MULCAHY: If you will let me finish, Mr Pratt, before you chip in, you might learn something. I also believe, without anticipating the debate, that there is some semblance of sense in Mr Smyth's bill that he introduced earlier today, which obviously I have not studied in detail, but I did hear his introductory speech and that makes an enormous amount of sense as a way forward. Mr Pratt's amendment seems a little strange in that it is asking us to support the bill which we are not actually yet voting on. So it is a badly worded amendment.

Mr Pratt: That is your flawed opinion, as usual.

MR MULCAHY: It is not just my view. In fact, if you read it, it does not make grammatical sense. But let us not dwell on that.

I am happy to see the Assembly discussing a motion about the development of infrastructure in the ACT and the concerns of ACT residents. These are clearly important issues, especially in light of the growing importance of infrastructure issues as this city expands in size. The residents of Macarthur and other nearby residents who have expressed apprehension at this proposed development have valid concerns on this issue, and their concerns should be taken seriously by the government.

However, notwithstanding my appreciation of a motion on such an important issue, I cannot support the motion as it is written by Dr Foskey. It seems quite clear to me, from the extent of the rigorous requirements of this motion, that it is essentially designed to kill the development by means of death by paperwork. The motion calls for requirements that go far beyond what is required by ACT planning law and seems to me to set a precedent for arbitrary demands to be made against any development application.

It is especially unfortunate that this motion has not been presented to the Assembly until ActewAGL has gone to some considerable effort to prepare a development application in accordance with the requirements of planning laws. If Dr Foskey requires additional analysis on this project, then I think this motion probably should have been put while the proposal for the development of the application was in the stage of initial planning, while ActewAGL were conducting their noise studies and other analysis. A significant amount of public money has now been spent on planning this proposal and, since it is now to the stage of a development application, it is entirely reasonable for the application to proceed according to the legal processes existing under ACT law, with all of the safeguards, assessments and objections that apply.

The motion calls for the development to be put on hold pending environmental and noise analysis consistent with the new planning regime. The motion also calls for an independent report on the health impact of the development, a cost-benefit analysis of renewable energy alternatives and consideration of social implications of the industrial corridor.

But it is not clear from the words of the motion what Dr Foskey means when she calls for consistency with the new planning regime. Presumably the motion means either that merely the normal planning processes should run their course or supplanting that process by consideration of rules that did not apply at the time of the development application. It means that the normal planning process should run its course, and there seems to be very little need for a motion in the Assembly. So I must presume that it means that it is the latter.

Whilst I certainly appreciate the desire to ensure a comprehensive analysis of the various concerns—and there are many—that have been raised about the development, it seems to me that the existing planning laws are the appropriate mechanism for this. I agree with the minister in the context of those remarks that he made in this regard. It seems to me to be rather a dangerous precedent to apply a set of rules and procedures that did not apply at the time of lodgement of the development application.

Since ActewAGL has taken the time to ensure that the application is lodged by a particular time and has spent a considerable amount of funds on this process, it seems to me to be only fair and reasonable that the application should proceed according to the normal rules and schedules that apply under ACT planning law. The motion would instead create a situation in which arbitrary demands can be made against any development application to an extent which can never be satisfied.

I do not share the distrust Dr Foskey has for the capacity of existing planning laws to deal with this development application. There is already sufficient provision for an assessment of environmental and noise issues under the approval process for the application, and I am not convinced that this process is insufficient to consider these issues.

The valid concerns of community residents can be dealt with as objections to the application, which can be lodged as part of the planning process, and the merits of those objections can be assessed under new laws of the territory. Quite regularly matters come across my desk where people do raise objections and they are taken into account and often have an impact on the final determination.

In relation to the noise analysis issue, I am somewhat confused by the call for a rigorous examination of the potential noise impact since it is my understanding that a noise analysis has already been conducted for the development. My office was fortunate to receive a briefing on the development proposal, and it was made clear that the preparation had involved an analysis of noise levels for the surrounding suburbs.

I hear what Dr Foskey said about her own office—and we share the same concern in that we are not experts on the physics of noise propagation—so I am not in a position to say whether this analysis was sound. However, if the analysis is questionable in any way, then this again can be settled during the objections process for the application and contrary views can be put.

One part of the motion which I find particularly objectionable is the requirement for a public investigation into the relevant merits of all possible locations for the development. This is a very open-ended requirement and it is hard to see how it could ever be satisfied since the list of possible locations for a development is virtually endless. Mr Smyth has suggested what he believes is a preferred location, but I do not think he is suggesting that every single possible scenario in the ACT ought to be exhausted. That is what effectively is meant by this motion.

I do not think it makes sense to place an onus on a developer to prove that the location they propose is the best possible location out of all possible locations for their development. It is for the developer to choose the location they wish to build on and make the proposal for the development that they wish to build. The government or the authority may approve or reject the proposal, based on the planning rules and an assessment of the application. But it is not appropriate to redesign the proposal and tell the developer where and what to build. Governments have a role to play in the release of land, in decisions on zoning for this land, but this too has to be done in accordance with planning laws.

In this case, the situation is complicated somewhat by the fact that ActewAGL is obviously partly owned by the ACT taxpayer or the government. However, it is a separately incorporated entity, not wholly owned by the government, and is therefore an entity which must make its own decisions about its proposals.

It is certainly the case for this development that there are objections by a significant number of members of the community, as Mr Pratt has pointed out, to the location of

the proposed development. However, these objections can be raised under existing planning laws. If there is any specific reason why the proposed location is unacceptable, then that application should obviously be refused.

It is for ActewAGL, however, to decide on its proposal and it is for the authorities here to assess the proposal under the laws passed by the Assembly. For that reason, whilst the minister's amendment is a little bit of a pat on the back and carries a commendation and so forth, I do believe that the sentiment is appropriate. I do not concur with Dr Foskey's motion and I do not think that the opposition amendment is appropriate under the planning regime because there may be a media opportunity in taking that position.

MR SMYTH (Brindabella) (12.27): The genesis of all of this problem is the failings of the government. For seven years the government have not carried out a promise they made before the 2001 election, which was to consult the public and have a referendum to put into the territory plan protection for what the public consider to be their open space.

Mr Corbell had a solution, which he failed to carry through. Mr Corbell is at fault for not doing that. Unfortunately for Mr Barr, Mr Barr yet again is cleaning up the mess of the former planning minister. But that being said, Mr Barr is now the planning minister. It was curious to note in his early comments that ACTPLA is somehow detached from this. ACTPLA certainly may be detached from it, but it does have a role to play.

More important—and he is not the minister responsible, and the Chief Minister is not here—is the role of the LDA in selecting suitable sites for suitable projects in the ACT. So there is no way that the government can distance itself and say, “We are some sort of guardian of the process,” after the event. The government is involved in this process right from the start. We have seen the press releases from the Chief Minister. Perhaps the Chief Minister should be down here telling us the process by which this particular project got to this particular site.

Over the last five years we have seen proposed extensions to Karralika foisted upon the community in Fadden and Macarthur and defeated through a faulty use—they see it as an abuse—of the process. Something was advertised, a significant proposal was advertised, over the Christmas holidays and notification was only sent to seven residents. We saw a briefly waved flag that the prison might go there, but that disappeared.

I have to say that I have been to a number of planning rallies in the ACT. At the Vikings Club at the town centre at Tuggeranong, 1,500 people turned up to a rally. Only 600 or 700 got inside and there were 800 or 900 outside. The people of Macarthur have a right to be upset about the way that this government is going about its business. Then, after that went away, the dragway proposal was dropped.

Yet again, it is a significant facility and, as I said this morning, something that we are entirely supportive of—the concept of data storage and an auxiliary power supply in the ACT—but it is just dropped on this site by the government. The government

picked the site. The government gave the proponent the site. The government cannot wash its hands, as Mr Barr said, and walk away from the process. There must be consideration of the community in this. For a government that say they are so in touch with the community and they are out there and they are talking to the community, they must be deaf not to have known that this would occur.

Mr Barr graciously tries to give Mr Gentleman some credit for getting the time frame extended. I had already spoken to ActewAGL about this. Indeed, on the night of the meeting of the Tuggeranong Community Council last week, it already had on it “willingness to extend”. It was there. We had already had this discussion. Mr Pratt and I had already had this discussion.

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 12.30 to 2.30 pm.

Questions without notice

Budget—capital works

MR SESELJA: My question is to the Treasurer. Treasurer, each year between 2002-03 and 2006-07, your government has underspent the capital works budget by between 36 per cent and 48 per cent of the revised estimated capital works budget. Over six years this adds up to an underspend of \$659 million. Treasurer, why has your government consistently failed to achieve the delivery of the capital works budget?

MR STANHOPE: The ACT government has a proven track record of consistently delivering the annual capital works program. For the 2007-08 financial year, it forecast that 69 per cent of the revised capital works program would be spent. Taking into account the record level of forecast expenditure—in other words, \$314 million—that will be a most significant achievement: in 2007-08 we will spend 69 per cent of the forecast budget. A total of \$314 million of capital was delivered by this government over the course of this year. That is the highest level of capital ever achieved in any single year in the ACT by an ACT government. It is a very significant achievement.

It should also be noted that expenditure on capital works programs is often delayed due to factors which are largely outside the control of government—factors such as workforce availability, weather conditions, legal proceedings, and the need to carefully schedule works to minimise disruption and maintain continuity of services.

Expenditure on capital works—this is also relevant—has tripled since 2001-02. It has increased from \$111 million in 2001-02 to a forecast \$314 million, as I just said, for 2007-08, with delivery averaging around the same percentage of the revised budget, including rollovers, as each of those prior years. The average program—the original budget—between 1998-99 and 2000-01 was \$86 million. The average program for the last three years—2005-06 to 2007-08—was \$350 million. This is a 307 per cent increase over what the Liberal Party was delivering in government.

We will go through those numbers again: the Liberal Party in government, through its last term, delivered on average \$86 million of capital. That was the great investment which the Liberal Party made in community infrastructure—\$86 million. Eighty-six million dollars a year was the original program proposed, prepared and presented by the Liberal Party through each of its last three budgets. I repeat: \$86 million a year. The average program presented by my government over the last three years is \$350 million a year.

Let us contrast those again: the last three years of this government, \$350 million a year to be invested in capital; the last three years of the Liberal Party in government, \$86 million a year. It is another one of the reasons that they were ejected from government in 2001. And it is another one of the reasons that people will not bother to trust them again. You just have to look at these numbers in relation to the respective positions or commitment of the two governments to capital and infrastructure. The Liberal Party's commitment was \$80 million a year. The last three budgets that the ACT government has prepared have average programs of \$350 million.

The introduction of the annual capital upgrades program has assisted in the delivery of the capital works program. Agencies have certainty of base funding allocations and are able to more effectively plan procurement activities around this considerable component of the program.

In 2006-07, 96 per cent of the \$32 million capital upgrade program was delivered within the financial year. It is interesting—in the face of the question from the Leader of the Opposition seeking to make some capital out of my government's record in relation to delivery of the capital program—that a question should be raised. He does not—in his question or his criticisms—look at his own party's performance or indeed at his own party's commitment to the capital program. In 1998-99, the Liberal Party's original budget was for \$87 million. Its underspend—

Opposition members interjecting—

MR STANHOPE: No. This is a question by the Leader of the Opposition of the Labor Party in relation to our record and capacity to deliver capital. So it is relevant that we go back and compare our record against the Liberal Party's record. One of the relevant points about a question such as this is that it invites the government and the community to compare performance now and performance then. And who was running the capital program in 1998-99? None other than the deputy leader, Mr Smyth. Let us look at Mr Smyth's commitment: in 1998-99, a capital program of \$87 million and the rollover of \$36 million. Out of a program of \$87 million he delivered \$50 million. (*Time expired.*)

MR SPEAKER: Supplementary question, Mr Seselja.

MR SESELJA: Thank you, Mr Speaker. Treasurer, given the infrastructure spend announced in your budget, what action are you taking to improve the performance of your government in delivering capital works projects?

MR STANHOPE: I think it is relevant, before answering a question such as that—

Mr Smyth: No, no, you have to answer the question.

MR STANHOPE: to compare the way in which we have delivered—our record and our outcome—with that of the previous government. Mr Smyth, as a minister in that last government, in 1998-99 promised \$87 million worth of capital and delivered \$64 million. In 1999-2000 Mr Smyth promised a massive \$89 million worth of capital and he improved; he increased it from his anticipated \$89 million to \$76 million. He only rolled over 67 per cent in 1999-2000.

Then, of course, we come to 2000-01. Look at that: from a high of \$89 million promised in capital in 1999-2000, Mr Smyth and his government promised \$82 million worth. They actually dropped it in 2000-01 to a massive capital infrastructure program of \$82 million. Mr Smyth's and the Liberal Party's commitment to capital was that in the year 2000-01—not too long ago—they committed the grand total of \$82 million in their capital budget and they rolled over \$18 million of that. Let us compare that to 2007-08. The Liberal Party's last year—\$82 million. Just compare it with 2007-08—\$420 million. We have gone from \$82 million under the Liberals in 2000-01 to the budget of 2007-08—\$420 million committed by this government to capital and infrastructure—

Mr Gentleman: Five times.

MR STANHOPE: Five times, 500 per cent, more. And we delivered over this last year \$314 million. We have delivered more this year than the Liberal Party delivered in its last three years in office.

Mrs Dunne: I raise a point of order, Mr Speaker. The supplementary question was prospective, not retrospective. It asked what action you were taking to improve the government's performance. The Chief Minister has not got on to that part of the question yet.

MR SPEAKER: He is entitled to draw comparisons about performance of other governments, I think—before he comes to the punchline.

MR STANHOPE: I am drawing those comparisons. It is just remarkable that the Liberal Party, the Leader of the Opposition in this place, would stand and criticise the government for its performance or its capacity to deliver capital. The record shows that in an entire term the Liberal Party delivered less—I think about \$70 million or \$80 million less—than we delivered this year. There is the bald, stark comparison of commitment and capacity: the Liberal Party in its last term in government delivered less capital in an entire term than the Labor Party delivered over the last 12 months. The record speaks for itself: the Liberal Party could not run a chook raffle, let alone a major capital works or infrastructure program.

Planning—Weston Creek

MR MULCAHY: My question is to the Minister for Planning and relates to proposed developments in the Weston Creek area. Minister, you would be aware of the

significant concerns that a large number of Weston Creek residents have about, firstly, the need to keep a buffer between the proposed Molonglo development and Weston Creek and, secondly, the Arana school, the Baha'i centre and the new Sikh community centre being surrounded by proposed high-density housing. What attention has your department paid to submissions made by the Weston Creek Community Council, and will you undertake to listen to and instruct your department to listen to the residents of Weston Creek on these issues?

MR BARR: I thank Mr Mulcahy for the question. It is, indeed, a very important question and I welcome the opportunity to provide the Assembly with some information in relation to the government's response made through the Planning and Land Authority and my own personal interest as Minister for Planning and as a local representative for that Weston Creek area.

In the first instance, through the ability of the public to make comment through the draft variation process, I am aware that the Weston Creek Community Council, together with the Arana school and a number of other associated organisations, have made a detailed submission to the Planning and Land Authority in relation to the proposal that has been put forward as part of draft variation 281. I am meeting with representatives of the Weston Creek Community Council later this afternoon, about 6 o'clock, about three hours and 15 minutes from now. I will be meeting with them this evening. I understand and acknowledge the issues that have been raised by the Weston Creek Community Council.

However, in all of these matters, the government is seeking to balance the need for more housing and more housing supply in the ACT. We are seeking to do so in a manner that is appropriate for the areas that we are considering.

Members would be aware that I have announced that, following the successful implementation, through this year's budget, of a new water culture for the CIT at Bruce, the future of the existing arboretum on the CIT campus at Weston can be guaranteed. I have announced that that site will be protected as part of redevelopments in that area. That includes both the eucalyptus arboretum and the other arboretum.

As Mrs Burke would be aware, there are, of course, on that site a number of different landholders. The ANU has some land. The Australian Federal Police have some land in that part of Weston Creek. All of those organisations are involved in discussions with the Planning and Land Authority in relation to future development proposals.

I just happen to have in front of me a copy of the proposals that the Weston Creek Community Council have put forward for discussion with me this evening. They have put these proposals forward. The Planning and Land Authority have made some initial comments on aspects of those proposals. I have, of course, referred this variation to the Assembly's planning and environment committee for its consideration. This is part of an ongoing debate.

Just like the issue we have been discussing this morning, this is part of the public debate, part of the process.

Mrs Burke: It is not over, then.

MR BARR: It is certainly not over. At no point have I, as planning minister, the government or the Planning and Land Authority given any indication that the debate was over. In fact, I announced last week reference to the Assembly's planning and environment committee, according to due process.

Again, what we have here is the Liberal opposition, the merchants of doom, trying to walk both sides of the street. You have got Mr Seselja up there beating his chest about what he is going to do for first home buyers and for housing affordability. On the other hand, you have got Mrs Burke out there peddling away, trying to stop affordable housing in this part of the city. That is a very disappointing response from the Liberal opposition.

Mrs Burke: On a point of order, Mr Speaker: I ask Mr Barr to retract that statement. I am not peddling that matter he has just raised. That is a lie, and I ask him to withdraw.

MR SPEAKER: I think you should withdraw your imputation as well. You cannot call members liars across the chamber.

Mrs Burke: I withdraw "lie". I ask Mr Barr to withdraw his statement also.

MR SPEAKER: It is contestable, I think. If Mr Barr is—

MR BARR: I have certainly not referred to Mrs Burke as a liar, and I would not refer to Mrs Burke as a liar. If she believes I have, I apologise. But I have not referred to Mrs Burke as a liar. I have made an observation about her activity in relation to this issue. I do not believe it is constructive; I do not believe it aids the public debate. But that is a matter of how Mrs Burke conducts herself and that is a matter for her.

MR SPEAKER: I call on Mr Mulcahy with a supplementary question.

MR MULCAHY: Thank you, Mr Speaker. Thank you, minister. Minister, why is it only after the very vocal protests of so many residents that you have now started to take these concerns seriously and open dialogue with the Weston Creek Community Council?

MR BARR: Thank you, Mr Speaker. I do not think I can accept the assertion of Mr Mulcahy's question. The government, through the Planning and Land Authority, has been engaging in considerable public consultation on these matters. I have discussed particular concerns with parents of the Orana school committee. In fact, they have invited me out to the site next week and I am going out on the 14th. I must add that I am very, very familiar with this site, having spent seven years at school at the former AME school that was right on this site. I am very familiar with the area. I know it very well. Most of my youth was spent around this area.

For Mr Mulcahy to suggest that I have not been and the government has not been involved in consultations is, I think, a little bit unfair. It is an election year. You expect these sorts of accusations. That is life; that is politics.

For those who are interested in genuine consultation and debate and listening to all sides of that debate, then that is what this process is about. That is why we have had the opportunity for public comment. That is why the planning authority has given an initial response to the issues that were raised. That is why this matter has been referred to the Assembly's planning and environment committee. That is why I am meeting with residents and with the Weston Creek Community Council this evening. That is why I am going out on site next week.

I need to stress again that no final decisions have been made. It is also worth noting, as I have indicated in this place on at least half a dozen occasions before, that this is a parallel process that we are also running with the National Capital Authority in relation to the variation. It has to go through both planning processes. So there is plenty of opportunity for people to comment.

It needs to be said that in striking a balance between buffer zones and open space and affordable housing it will not be possible—it will simply not be possible—to please absolutely everyone. No consultation process, no matter how long and no matter how exhaustive, will be able to see 100 per cent agreement reached on every issue.

I am confident, most particularly having seen some of the details of the proposals that the Weston Creek Community Council have put forward, that there is considerable room for dialogue and considerable room for agreement to be reached, at least between the community council representatives and the government, on many of these issues. I look forward to my meeting later this evening with the council.

Distinguished visitors

MR SPEAKER: I welcome to the Assembly the Right Honourable the Speaker, the Deputy Speaker, the house leader, house whip, directors of various projects and members of the federal House of Representatives and the Assembly of Rivers State, Nigeria.

Questions without notice

Economy—growth forecast

MR SMYTH: My question is to the Treasurer. Treasurer, in the Assembly on 8 April this year, you said:

There is a moderation in and a softening of activity within the territory.

Treasurer, in the budget that you introduced yesterday, you forecast an increase in gross state product during 2008-09 of 2½ per cent after growth of five per cent in 2006-07. Treasurer, on what basis can you describe a 50 per cent reduction in your growth forecast as a moderation in economic activity?

MR STANHOPE: I can describe it as a moderation because it is moderated. It has gone from a higher point to a lower point. It is a moderation.

MR SPEAKER: Is there a supplementary question?

MR SMYTH: Thank you, Mr Speaker. Treasurer, what risk factors have you built into your budget to take account of this moderation and the likely impact of next week's federal budget on the ACT economy?

MR STANHOPE: The government, on the back of detailed modelling and assessment that the Treasury has done in relation to the likely impacts or implications of the federal budget, and a range of other risks that present not just to the ACT economy but to all economies around Australia and, indeed, increasingly the world, has factored in risks that we are able to assess and that we are aware of. There has been detailed assessment and analysis of performance and of information available to us in relation to economic activity. There is the fact that we have historically low levels of unemployment and very high participation rates. The economy is still strong. The economy is still operating at a very high level.

The number one indicator of the strength or performance of an economy is, of course, the labour force—the labour market. We have unemployment at under three per cent in the ACT. We have participation rates of over 70 per cent. We have, as reflected by the level of employment participation in the territory, an economy that is performing very strongly. There are certainly risks presented by a contractionary commonwealth budget which will be delivered next week, but those have been factored into the budget. On the basis of our expectations in relation to residential construction, commercial construction and activity, work that we know is in the pipeline, the significant budget which we have delivered and the capital projects of ActewAGL, we have made a range of assumptions.

There are risks in this budget; we are aware of that. But in the context, for instance, of this coming financial year—2008-09—it needs to be understood that the capital budget is fully funded, not just for this year but into the future. This budget specifically allocates funding to the tune of \$752 million. That is almost precisely the amount of accumulated cash. Expenditure announced and committed to in this budget is covered by existing cash reserves. It gives us a degree of comfort as well, of course, to have a budgeted \$85 million surplus, and surpluses at an average of \$61 million over the budget estimates. We have budgeted for an \$85 million surplus this year. We have budgeted for an average of \$61 million in surpluses over the budget estimates. The committed capital budget is covered by cash reserves.

We have been responsible—at one level, conservative. There are no borrowings. We have the second-lowest negative net debt in Australia. Our balance sheet is very strong. Our cash position is strong, and remains strong. But there are risks; we are aware of that. There are always risks. There are risks in every budget. But we have done the detailed analysis. We have done the work. The budget is sustainable. We have significant cash reserves, and we are budgeting for the future. We are, through this particular budget, creating an environment where the ACT government can play its part in ensuring the continuing strength of the ACT economy. All of the initiatives within our \$1 billion infrastructure fund, Ready for the Future, are designed to assist, encourage and facilitate economic activity and growth. At one level, you might argue that it tends to be countercyclical, in that we are investing heavily in an economy where the major firm in town—namely, the commonwealth government—is, on all

accounts, going to reduce its activity, its consumption and its level of effort within our community.

This is a perfect budget for the times. It takes into account the risks we face and it faces up to the risks we face. It seeks to address them rather than doing as the Liberals would do—lying down limply by the side of the road and waiting for the tide to wash over us, rather than standing, facing it and dealing with it as a good government with good economic credentials and a sustainable budget has the capacity to do.

Education—public system

MS PORTER: My question is to the Minister for Education and Training. Can the minister inform the Assembly of the steps being taken by the Stanhope government to help Canberrans be better prepared for the future through the ACT public education system?

MR BARR: I thank Ms Porter for her question and for her continued interest in education matters. Ms Porter has asked more questions on education than the entire opposition combined over some time.

The very fine budget that was brought down yesterday by the Treasurer continues this government's record investment in public education. The ACT leads the nation, and in many cases the world, in educational outcomes. This government is committed to ensuring that all ACT students have access to high-quality education.

Whilst the merchants of doom opposite carp about the budget and try to look for some small political advantage, I am very pleased to be able to advise the people of the ACT that the extra funding provided for education in yesterday's budget means that funding for education under the Stanhope Labor government has increased by more than 40 per cent since the government was elected in 2001.

We know that the single biggest factor influencing a student's performance is the quality of the teaching they receive. That is why the 2008-09 budget provides funding to enhance quality teaching and supports teachers in the classroom and throughout their careers. The \$2.378 million extra that is provided for professional development for staff will help teachers across the ACT education system to adopt the quality teaching model out of New South Wales. And almost \$1 million is targeted for professional development for literacy and numeracy coordinators in all of our public schools.

We know that quality education—quality public education—is the greatest provider of opportunity and the best way to eliminate poverty in our society. That is why teachers who teach students from socioeconomically disadvantaged backgrounds will receive additional support through this budget. We will be providing \$421,000 to enhance professional development for the next generation of teachers to assume the leadership positions that our public education system needs into the future.

In addition to quality teaching, the government wants to ensure that our schools are of a consistently high standard in both the public and private sectors. That is why we

have committed additional funding to continue the consultation on the establishment of a school standards authority for the ACT. And that is why we have committed an extra \$3.2 million over the next four years to improve the quality of non-government education in the ACT, particularly with programs targeted at assisting students with a disability in non-government schools but also to address equity issues within the non-government school system. The budget also continues the ACT government's proud record of support for students with a disability in the public system and support for the enhancement of their education and their experiences.

Additionally, in a program that I know Ms Porter is very passionate about—it is something that she has had extensive involvement in—the government is providing an additional \$802,000 for the continuation of the SPICE program through Volunteering ACT. Students in colleges and high schools will benefit from dedicated teachers to help with their transition from high school to college and with career advice. These teachers will also be responsible for reviewing and enhancing VET programs within our schools.

Another important area of investment is an additional \$7.7 million for the further rollout of fibre-optic cabling. That will mean that all ACT public schools will have access to high-speed internet and state-of-the-art information and communication technology in the classroom. The ACT is setting the benchmark for the rest of the nation, and in many instances for the rest of the world. We have a world-class ICT network in the making for our ACT public education system, something that this government is very proud of—a significant investment in the future and the future of education in the ACT.

As part of our commitment to revitalising physical activity in our schools, there is a strategic investment in the Erindale leisure centre of \$3 million, a very important investment for that part of Tuggeranong and for that college in particular. This is on top of the \$250,000 seed funding for the Children's Physical Activity Foundation, which will provide support for every primary school in the ACT to provide more physical education opportunities across the board—every school. Every primary school student in the ACT is being invited to be part of the minister's physical activity challenge, an important practical step in getting 60 minutes of physical activity a day and an important practical step in this government's commitment to revitalising physical education in our schools.

Olympic torch relay

DR FOSKEY: My question is to the Chief Minister and is in regard to the Olympic torch relay event held in Canberra. We are all aware of evidence that the Embassy of the People's Republic of China was involved in organising a red army of Chinese students who formed a moving barrier to shout down and block out any contrary views. Members who attended the event or listened to the ABC on the day or saw *Stateline* later in the week would be aware of the great hostility directed by that crowd at human rights and pro-Tibet protesters, with several incidents, including physical attacks and intimidation, leading police to advise protesters not to attend the final concert of the relay.

Can the Chief Minister explain how his strong commitment to human rights, and specifically the right to free speech, is consistent with his view that this was “peaceful” and “an outstanding success”, and can he advise the Assembly if he has raised any concerns regarding the behaviour of the large red-flag-waving crowds with the embassy?

MR STANHOPE: I do regard the Olympic torch relay as a significant success. I spent the entire day at the start, at the finish and on the course. I spent the day amongst the tens of thousands of Canberrans, Australians, international students and human rights activists and protesters. I am well aware of the passion and the heat of the protest, the passionate nationalism of tens of thousands of Chinese students and the passion of those who were there protesting at human rights abuses and concerns around human rights in China generally and in Tibet.

I saw a number of exchanges of aggression. I must say that I did not see any actual physical violence but I certainly was witness to a number of very ugly—I think that is an appropriate description—confrontations between Tibetan and Turkistan protesters and supporters and large groups of young, proudly nationalistic Chinese students. I saw acts of aggression by people demonstrating against human rights in China. I saw acts of aggression by young Chinese students.

I think, Dr Foskey, in relation to any discussion around freedoms and an abuse of freedoms, such as abuse of a fundamental freedom, the freedom of expression or speech, we really do need to be aware of the extent to which in relation to any contest where there is a contest of views it is perhaps unfortunate to suggest that all of the blame or all of the conflict was generated by one side of an argument. Dr Foskey, I am sure you would be the first to agree that it beggars belief that, of the thousands of pro-Tibet anti-China demonstrators, there was not one who did not act in an aggressive or regretful or unacceptable way while only Chinese nationalists behaved in an aggressive or unacceptable way. If that were the case, one would ask the question: why did the police do five arrests that were undertaken on the day? Three of those arrested were Chinese nationals and two of those arrested were people demonstrating against China on behalf of Tibet and in relation to human rights abuses.

I saw acts perpetrated of aggression, of assertion, by both Tibetan supporters and Chinese supporters. Each of us can take a particular perspective, but I would have thought, in relation to the context of abuse, it would be remarkable, Dr Foskey, as we embrace our support for human rights and the right to freedom of expression, that we adopt an attitude that, because there were two groups of people with diametrically opposed views, each wishing to express an opinion, we somehow suggest that those who were the largest and the loudest on the day were in some way preventing or inhibiting the right of others to freedom of expression.

Certainly, some of the behaviour was unacceptable, but there were two points of view, Dr Foskey. There was a proud, nationalistic, Chinese expression of a point of view. I do not have to believe, in the context of my right to defend the right to freedom of expression, the truth or otherwise of the views that were being expressed. Isn't that what freedom of expression is all about? Isn't that what inalienable human rights are

all about? Isn't it about, "We will defend," as I think it was Voltaire said, "to the death the right of people to express a view, even if we are diametrically opposed to the view being expressed." All right; we did not like some of the expressions of the Chinese nationalists. We do not have to like them. What we, people committed to human rights, have to do is defend their right to express those views.

I am one of those who believe that there are significant human rights abuses in China and I have put that point of view strongly and often to successive Chinese ambassadors; I have no hesitation in doing it. In all of the speeches I gave over the course of those two to three days, in every single speech I raised issues around concerns of human rights abuses and the need to protect the right to demonstrate and to express a point of view. But we need to be even-handed in our commitment to human rights of all. (*Time expired.*)

MR SPEAKER: A supplementary question, Dr Foskey.

DR FOSKEY: I thank the Chief Minister for that answer and wonder whether he could advise the Assembly how the total costs for the event panned out and the shares—

Members interjecting—

DR FOSKEY: Can the Chief Minister advise me of the costs that will be picked up by the commonwealth and the ACT? If it was totally covered yesterday, just refer me to that.

MR STANHOPE: Thank you, Dr Foskey. I will actually provide to your office the speeches I gave over the last two days of the event, to give you some clearer indication of the extent to which I spoke strongly and publicly about human rights abuses and about the right, within a strong democracy such as ours, of each of us to express—and, one would hope, in an uninhibited way—a point of view.

As I said, on this occasion we had a multiplicity of views and we had significant numbers of people all wishing to express their particular view. As an upholder and defender of human rights, it is not for me to say, "I defend the rights of this particular group to express their point of view. Because I do not agree with what you are saying, I will characterise your expression of your view or your behaviour as in some way to be singled out for particular odium."

I saw, as did everybody who spent the day there, acts that were unacceptable being perpetrated by groups of people supporting Tibet and issues of human rights, just as I did—and there is TV footage—see the behaviour of people from both groups in attendance. They each were expressing points of view.

I would think it is reasonable to suggest that 98 per cent of the Chinese students that were at the relay enjoyed the day. The ones that I was associated with or that I stood beside the road with were friendly, were laughing, were having fun, were young and were expressing their pride in their country. Whether or not we would share that pride, from our particular perspective, is beside the point.

In relation to this context of human rights and rights and responsibilities, certainly a right carries with it certain responsibilities. But I am not going to start scapegoating an entire cabal for the behaviour of a small minority of that cabal. I think it is regrettable that, in the context of standing up for human rights and the freedom of expression, we slip into scapegoating an entire community or an entire group that attended that particular event.

I am more than happy to provide you with those speeches. In relation to the cost, I did respond to a question from Mr Mulcahy yesterday, and I have nothing to add to that particular answer today.

Budget—inflation forecast

MR PRATT: My question is to the Treasurer. Yesterday, Treasurer, the Reserve Bank Governor, Mr Stevens, said that the consumer price index in Australia is rising by a little over four per cent during 2007-08 and that the underlying measures of inflation are continuing at a similar pace. He also said that in the short term, that is, into 2008-09, inflation is likely to remain relatively high.

Treasurer, in the ACT budget that you introduced yesterday, you forecast an increase in the consumer price index during 2008-09 of three per cent. Treasurer, why should the Canberra community believe your forecast for the consumer price index when it differs so substantially from that of the Governor of the Reserve Bank?

MR STANHOPE: I do not think it does disagree. It is interesting, and I do thank the member for raising the matter again and allowing me to actually draw the attention of the community to the fact that issues we face in relation to inflation are, of course, a direct result of the Howard-Costello mismanagement of the national economy—eight consecutive interest rate rises over the last two years, adding nearly \$4,000 to a standard mortgage of a young Canberra family. Then, of course, we see the crocodile tears from the Leader of the Opposition in relation to his apparent concern around affordable housing.

Mr Pratt, the issues in relation to the consumer price index and inflation in Australia are, of course, directly attributable to the mismanagement by your party of the economy and the fact that we have had eight consecutive interest rate rises over the last two years. I think that whilst there is continuing concern, of course, nationally and certainly within the federal government in relation to inflation, it was, I think, pleasing to all of us that the Reserve Bank did not choose to raise interest rates again. Mr Pratt, in the context of the scare campaign that you are seeking to run today in relation to our budget for the future, or indeed the health of the economy here in the ACT as you continue today to continually talk it down, it is a strong economy. It is actually reckless of the Liberal Party in this place to continually talk down the strength of the economy and our future and our security.

The fact that the reserve bank has chosen not to increase interest rates again I think perhaps allows us just a small sigh of relief, with hopes that the urgent action the reserve bank has taken to try and ameliorate the damage which the Liberal Party has done to the national economy actually is a good and positive sign.

Mr Pratt: The Liberal Party saved the Australian economy a long time ago, mate, after you blokes stuffed it.

MR SPEAKER: A supplementary question from Mr Pratt.

MR PRATT: Treasurer, what are the implications for your budget if your forecast for the consumer price index is too low?

MR STANHOPE: There are some risks. I acknowledged this in my presentation of the budget. There are risks; we are aware of that. At one level, the reason the budget has been delivered in the way that it has—the reason we have taken the tough decisions over recent years—is to ensure that our budget position is sustainable, so that we can weather those risks, so that we can survive the buffeting that we might have to endure.

There is a level of confidence within the community. You saw that yourself this morning in terms of the significant endorsement that the budget received from the business council of the ACT. Chris Peters—I will have to completely revise my opinion—from the chamber of commerce was glowing in his support of the budget, as were the business council, the Master Builders Association and all reasonable commentators and significant private sector groups—the respected business representatives—in the ACT. That is the view of the business community in the ACT.

It is about our capacity to weather the storms. The budget I have delivered and constructed together with my colleagues was designed to ensure, to the greatest extent possible, that we can use the levers available to us to continue to support economic growth in the territory. It is wonderful to have from the business community in the territory that strong endorsement of the strategic approach we have taken in this particular budget. I am sure that the Governor of the Reserve Bank would also endorse those comments.

Schools—closures

MRS DUNNE: My question is to the Chief Minister. Chief Minister, in yesterday's *Canberra Times*, there was a report in relation to the closed school sites which included a chronology of contradictions made by your ministers and even by you yourself. The report said:

Education Minister Andrew Barr promised in mid-2006 that no land sales would result from school closures but he was later contradicted by Chief Minister Jon Stanhope—

you—

who said the sites were likely to be developed for homes.

I recall you saying that on radio 666. Yesterday's *Canberra Times* report went on to quote Minister Gallagher as stating:

We're putting all types of housing options on the agenda or up for discussion.

The story also reports the frustrations and suspicions of the community in relation to the conflicting statements coming from the government, all made in the context of so-called public consultation.

Chief Minister, why is there so much conflicting information coming from you and your ministers about the future of closed school sites?

MR STANHOPE: There is not. The community are quite clear on what our government's intentions are. The Deputy Chief Minister has made those intentions very clear, with a very clear commitment to consult with the community in relation to the future of each of the sites under investigation. There is a willingness and genuine commitment to consult.

In relation to the school sites and the government's commitment to invest \$22 million in enhancing—

Ms Gallagher: Twenty-four.

MR STANHOPE: \$24 million to enhance community facilities and community access to much-needed community infrastructure. I refer you to the commentary and press statements made by the chief executive of ACTCOSS, Ara Cresswell, as recently as yesterday in relation to the strong support of the community sector for this particular initiative and the level of need that there is within the community sector for appropriate accommodation.

Once again, it is an initiative, an approach and a policy position being pursued by the government which is endorsed solidly and strongly—

Mr Seselja: You can always find an endorsement.

MR STANHOPE: Here we go. Here we have the first word from the Leader of the Opposition on ACTCOSS: "You can always find somebody to endorse anything." And he includes ACTCOSS in that general description. There you go. In that sneering reference by the Leader of the Opposition to ACTCOSS, we detect exactly what the Liberal Party think about the community sector and indeed what the Liberal Party think about people living with disadvantage and those who support people in the community living with disadvantage—the sneering reference "Oh, you can always get ACTCOSS to say whatever you want them to say". This is the view of the Liberal Party about the overarching community representative body within the ACT.

Mr Smyth: No, he did not say that.

MR SPEAKER: Order!

Mr Pratt: That's a comment coming from Captain Sneer himself.

MR SPEAKER: Order, Mr Pratt!

Mr Seselja: He didn't answer the question.

MR SPEAKER: Mr Seselja, quiet, please.

MR STANHOPE: What a shameful position to be expressed.

The position that has been put is a \$24 million investment. When you think about it, \$24 million is more than 25 per cent of each of the annual budgets for them by the Liberal Party in their last term in government. That one initiative, \$24 million, for the community sector is more than 25 per cent of the entire budget in each of the last three years of the Liberal Party.

Mr Smyth: Because we spent six years cleaning up—

MR SPEAKER: Order, Mr Smyth!

Mr Corbell: Capital.

MR STANHOPE: Capital budget, yes. It is more than one-quarter of the Liberal Party's entire capital budget in each of its last three years in office. It is probably why there is now so much pent-up demand for accommodation—

Mr Smyth: Because you've done nothing for seven years.

MR SPEAKER: Order, Mr Smyth!

MR STANHOPE: because in its period in government the Liberal Party did absolutely nothing to build or develop infrastructure.

The government intend to consult. We are going to consult on all the options. Of course, there is a significant and increasing need in this community for aged care accommodation—for housing for the aged, in other words. The government is committed to seeking to support aged care accommodation, particularly at Rivett and Mount Neighbour. We do not resile from that. The minister has undertaken to negotiate and consult with those communities around aged care and the form of aged care and around the community's attitudes to aged care facilities.

We know the Liberal Party's attitude to housing for the aged. In seven years in government, they delivered 14 aged care beds—two beds a year. I can understand that they are uninterested in the possibility of providing housing for the aged. They are not interested in providing housing for the aged. In seven years in government, they provided 14 aged care beds, two a year over seven years.

We see the same dismissive attitude to aged care today. The government says, "Yes, we are interested in considering housing for the aged on some of these sites." That is a quite reasonable expectation, I would have thought—and a strong need. The Liberal Party dismiss the possibility of aged care accommodation being provided on these sites—out of hand, without consideration—because they think that there is a cheap political point to be had in dismissing the possibility and running scare campaigns. We see it all around the place. If there is an opportunity for some affordable housing initiatives—

Mr Smyth: Talk to Mr Corbell; he's the expert.

Mr Corbell: It still hurts, doesn't it?

Mr Smyth interjecting—

MR SPEAKER: Order, Mr Smyth!

MR STANHOPE: Here we are: "We dismiss the possibility of aged care or housing for the aged and in the same breath we show no concern for the possibility of at least exploring the possibility of affordable housing on these sites." We do not adopt that shallow, short-sighted, populist approach to significant issues of policy and of community.

Mr Smyth: Mr Corbell carried it; you are right.

MR SPEAKER: I warn you, Mr Smyth.

Housing—affordability

MRS BURKE: My question is also to the Chief Minister and Treasurer. I refer to your comments on radio on 23 April that you were happy for first home buyers, representing one per cent of the population, to pay four per cent of the ACT government's taxation revenue and stamp duty. Chief Minister, given that housing affordability is at record lows, why are you so happy for first home buyers to bear this burden of stamp duty?

MR STANHOPE: At no stage did I say—it is simply not true—that I was happy for one per cent—

Mr Seselja: You're not going to do anything about it.

MR STANHOPE: I did not say it. It is not true; it is simply false. I said no such thing.

Mr Seselja: You're not unhappy because you're not doing anything about it.

MR STANHOPE: I said absolutely no such thing. It is a false assertion. In the context of stamp duty, one does need to consider the first policy position put by the Liberal Party in 3½ years. The policy involves providing to first home buyers, un-means tested, a complete exemption from stamp duty. I do not think it is good policy. I do not think it is good policy at all to provide, in an un-means tested way, an exemption from stamp duty to a person who is not in financial stress, who is not in housing stress, who is suffering no economic, financial, housing or other stress at all. It is a policy that on the face of it says, "We, the Liberal Party, will provide this to you, even if you are a millionaire."

The Liberal Party policy is as simple as this: it proposes that, even if you are a millionaire, the Liberal Party believes that you deserve to be freed from a community

obligation to support the delivery of community services. I just do not think that is good policy. I don't think it is equitable; I don't think it is fair; I don't think it is good; and it is not a policy that the government will support. I have no intention of endorsing a policy which says that even millionaires under no housing stress should be exempted from the obligation of contributing to services to support the community.

Through initiatives and measures that the government have in place, we do provide targeted support for people suffering housing stress or seeking access to housing for the first time. We have 62 measures in our affordable housing strategy. They are targeted, they are equitable, they are fair and they do not do what the Liberal Party has done for simple, populist effect. It has created a policy which allows the possibility of incredibly wealthy people in our community, including, say, millionaires, being exempt from paying stamp duty. It is not a policy we will support.

MR SPEAKER: A supplementary question, Mrs Burke.

MRS BURKE: Chief Minister, how many millionaire first home buyers do you know in the ACT and why are so many first home buyers going to Queanbeyan, Yass, Jerrabomberra and even Goulburn because they cannot afford to buy a home in Canberra?

MR STANHOPE: The Liberal Party actually begins to understand some of the implications of its policy and seeks now to rebut them. There are no wealthy people that access or buy first homes. You do not have to be a millionaire to be not in housing stress. I just used it as an example to illustrate the flaw within the Liberal Party's policy. You are not a millionaire, but you are exceedingly well off. This illustrates the folly of the policy at the first level. There is absolutely no equity in providing a policy that advantages wealthy members of our community.

The majority of us at some stage buy a first home. So at some stage we are all first home buyers. Many of us, when we buy our first home, are significantly well paid. Many people who buy their first home are well off. But the Liberal Party's policy has no regard to that because it is a populist stunt. "Irrespective of your wealth, irrespective of your capacity to pay, we will exempt you from the obligation to pay stamp duty. We do not care about your personal circumstance. You could be as wealthy as you like. We will not even inquire. We will just give you this massive exemption from stamp duty."

It is a nonsense policy and it drives demand. Everybody knows it will drive demand. It will not actually, at the end of the day, achieve the purpose or the outcome that is sought. It will probably exacerbate the situation. It is counter intuitive. It will exacerbate the situation that is sought to be addressed. As I say, it is populist; it sounds attractive; it is very simple. It conjures up a notion that all first home buyers are, of course, poor and in housing stress and do not have the capacity to pay. But that is not how it will work. You think about it.

It does not address the issue of affordable housing. As I said before, the government's home buyer concession does. It is carefully targeted. It is targeted at moderate income households looking to purchase a house up to the median price. Stamp duty relief is

most meaningful. It is for those households, which is why, under the government's rules, homes up to \$310,000 are exempt from stamp duty. It is targeted. It works. It sought to address, for a targeted group in our community, issues around their stresses.

The Liberal Party proposal does none of those things. It provides the largest concession to the wealthy. That is the other interesting aspect of it. The wealthier you are—

Mrs Burke: On a point of order, Mr Speaker: I asked the Chief Minister why so many first home buyers are going to Queanbeyan, Yass, Jerrabomberra and Goulburn because they cannot afford to buy a home in Canberra.

MR SPEAKER: Come to the subject matter of the question, Chief Minister.

MR STANHOPE: As I say—and I will conclude on this point—there is no targeting. It actually advantages the more well-off, those that will buy the more expensive houses. The price will actually factor in several indices of house prices. That is why it will drive up prices. It will drive demand, and it is simply not effective.

The plans that the government has developed under its 62-point housing affordability strategy are real, genuine, targeted, working and put to shame cheap, populist stunts like this that have no regard to need and at the end of the day actually provide the greatest benefit to those with the greatest capacity to buy more expensive houses. The more you pay—in other words, the wealthier you are, the better off you are, the higher the price of the house you buy—the greater the discount you get. At every level it is a nonsense.

It actually applies to millionaires. It actually provides a greater benefit to those that pay the most. In other words, those with the greatest capacity to buy actually achieve the most; those with a lesser capacity then have to compete and receive the smallest breather. It is a nonsense policy; it is a stunt; it will not work; it is totally flawed; and the people of Canberra are too smart to fall for it.

Budget—community safety

MR GENTLEMAN: My question is to the Minister for Police and Emergency Services. Minister, can you please outline for the Assembly how the community safety initiatives announced in yesterday's budget will help to ensure a safer, fairer Canberra?

MR CORBELL: I thank Mr Gentleman for the question. I am very pleased to provide some further information to the Assembly—

Mr Pratt: A very incisive question, Mick—well read.

MR CORBELL: about community safety. Once again, those who profess the greatest interest in community safety, such as Mr Pratt, show absolutely no interest in the answer.

Opposition members interjecting—

MR SPEAKER: Order!

MR CORBELL: Of course, that is very disappointing because this government delivers on community safety for the Canberra community.

Mr Pratt interjecting—

MR SPEAKER: Order, Mr Pratt, please!

MR CORBELL: An additional \$31 million are to be invested in community safety as a result of this year's budget, including, of course, the establishment of a new police station in Belconnen—a very important initiative to anyone who would know the existing police facilities—and it builds on this government's commitment in police services.

Opposition members interjecting—

MR SPEAKER: Order!

MR CORBELL: Our investment in police just leaves those opposite in the shade, absolutely in the shade.

Mr Pratt interjecting—

MR SPEAKER: Order, Mr Pratt!

MR CORBELL: An extra 122 police on the beat because of this government's investment, a new police station in Woden and now a new police station in Belconnen. Those opposite, who love to beat the law and order drum, just wish they had a record like that when it came to investing in community safety.

Mr Pratt interjecting—

MR CORBELL: What did they do? Did they upgrade the Woden police station?

Opposition members interjecting—

MR SPEAKER: Order!

MR CORBELL: No, they didn't.

Opposition members interjecting—

MR CORBELL: Did they deliver—

MR SPEAKER: Order! Mr Corbell, resume your seat, please. Cease interjecting, members of the opposition; otherwise I will issue you warnings.

MR CORBELL: Thank you, Mr Speaker. This investment of \$31 million includes, of course, the new police station at Belconnen; a new forensic medical centre to replace the ageing and dilapidated facility at Kingston; and a major rollout of CCTV coverage across the city. There is \$17.7 million over four years for the construction and maintenance of a new police station at Belconnen. The government funded in last year's budget a feasibility study into the new station.

Opposition members interjecting—

MR SPEAKER: Order!

MR CORBELL: It found that a new state-of-the-art facility would provide a police precinct on Canberra's north side which would better serve the needs of our local police force.

Opposition members interjecting—

MR CORBELL: The new Belconnen police station will be located adjacent to ACT Policing's headquarters, the Winchester—

Opposition members interjecting—

MR CORBELL: No wonder you guys have got no chance of being in government. Fair dinkum! If the people of Canberra could see you guys now, it would be all over. The new police station, adjacent to the new Winchester Police Centre—

Mr Stefaniak: The one at Belconnen, mate.

MR CORBELL: will provide for a new station and support the headquarters facility. Construction is expected to commence in May 2009 and be complete by August 2010. One hundred police and other staff will be based in the new facility and it will feature facilities such as a public access foyer and counter, holding cells and incident rooms, a welfare counselling and victim of crime room, a muster room, a breath analysis area and secure staff and visitor car parking. It replaces, of course, the current Belconnen police station, which is over 30 years old and beyond the point of refurbishment. That station is overcrowded and completely inadequate.

Of course, there is more on the community safety investment; in particular, \$8 million over four years to roll out a major expansion of the CCTV network—indeed, an initiative that even those opposite have to concede was a good idea.

Mrs Burke: How many times have you announced this?

MR SPEAKER: I warn you, Mrs Burke.

Mrs Dunne interjecting—

Mr Pratt interjecting—

MR SPEAKER: I warn you, Mr Pratt.

MR CORBELL: Even they, in all of their churlishness, had to concede that it was a good idea. And it is a good idea, because it means better surveillance and improved community safety in the nightclub districts of Manuka and Kingston. This is a new area for surveillance by CCTV. Of course, we are also expanding it to Manuka Oval and to the showgrounds at EPIC, where major events take place, such as Summernats, the National Folk Festival and, of course, the Canberra Show. This will be a very valuable tool for policing here in Canberra and, again, it builds on the investigations undertaken through feasibility work in previous budgets.

MR SPEAKER: Before I go to Mr Stefaniak, I remind members of the opposition in particular of standing order 39, which prohibits disturbances which might interrupt a member while they are speaking.

Capital works—Belconnen

MR STEFANIAK: My question is the Chief Minister and Treasurer and it relates to the capital works initiative in relation to Cohen Street in Belconnen. Chief Minister, the project first appeared in the 2004-05 budget and was allocated \$3 million over two years. It then managed to disappear from the budget for a couple of years with no work conducted. However, it has once again popped up in this year's budget at \$2 million in 2008-09 and an overall cost of \$16.5 million over three years. Chief Minister, why did your government fail to proceed with this project when it first appeared in the 2004-05 budget?

MR STANHOPE: Thank you for the question, Mr Stefaniak. It is good to see, Mr Stefaniak, that you have your finger on the pulse of your electorate. I think actually that other members of the electorate, perhaps other than their elected representative, would have been fully aware of detailed negotiations which the government, through ACTPLA and the LDA, have been conducting with Westfield over the last two years. We consult, we discuss, we look for partnerships and we deliver excellent public works or capital programs such as a new bus lounge or suite provided by Westfield as part of an undertaking or arrangement entered into by the ACT government through its agencies with Westfield.

Mr Stefaniak, we have been negotiating with Westfield to deliver an outstanding result for the people of Belconnen through a reconfiguration of Cohen Street and reconstruction of busways and routes. The construction is part of an arrangement that we have come to through those negotiations of a new innovation within the territory, namely, a significant bus lounge modelled very much on bus lounges, I think, pioneered in New Zealand, which will be provided for the people of Belconnen by Westfield in association with the ACT government as we make the necessary changes to Cohen Street. It is as simple as that. It involved detailed extended commercial negotiations with Westfield.

MR SPEAKER: Supplementary, Mr Stefaniak?

MR STEFANIAK: Thank you. It might explain part of the supplementary, but why will this project now cost eight times the original cost?

MR STANHOPE: It is very much the scope of the project. We are now realigning Cohen Street. It is coming down—

Mr Stefaniak: I thought that was the original proposal.

MR STANHOPE: Not in this particular configuration. This is a result of quite detailed negotiations. It is the cost of a major piece of roadwork to extend Cohen Street through to Benjamin Way. It is a very significant project. There is significant engineering required. It will completely reconfigure traffic movements through the Belconnen town centre. It is a very significant project with some major engineering associated with the move. As you, Mr Stefaniak, would understand from your knowledge, to take Cohen Street down to Benjamin Way past the Belconnen Mall is a significant engineering exercise.

Health—services

MS MacDONALD: My question is to the Minister for Health. Minister, could you update the Assembly on how the government is responding to future demand for ACT health services.

MS GALLAGHER: The plans outlined by this government yesterday in relation to health and preparing our community for the future are visionary and ambitious. We have set ourselves an enormous job to completely redevelop and reconfigure the ACT public health system. That has been based on some rigorous data and analysis that has been worked on over the last 18 months to try and project exactly what the city's health needs are now and what they are going to be in the future.

This is something that our community has never done. We have taken a yearly, two-yearly or three-yearly look at where we are going and how we meet that challenge. The work we have done shows clearly that an incremental change over a number of years is simply not good enough. It will not deliver the capacity we need, it will not deliver the workforce we need, and it will not deliver the information technology changes that we need to meet the health tsunami that will hit this community in around 2016.

The plans outlined by this government yesterday start this most important work. We have provided \$300 million to kick off this infrastructure redevelopment, but it is expected over time that once this finishes, over a 10-year period, this investment will exceed \$1 billion.

Yesterday's announcements have been largely welcomed by interested members of the health stakeholder community, and also by the broader community. I think they see the stress that our public health facilities are under, and they see the need for radical and dramatic change. We know that we are going to need around a 60 per cent increase in capacity over the next 10 to 15 years. It will take time to build that into our

system here. At the same time it is not just about new buildings; it is about changing the way we work and changing the way we work outside our hospitals, better linking in our community health facilities, better working with our non-government organisations that provide a lot of support to the health system. It is about looking at our workforce and changing and reconfiguring the workforce to create the staff that we are going to need in the future.

Importantly, this work has provided us with information and data that will not change depending on a change of government or depending on whatever happens in October. The data is there; the reality is there. We have what I think is a once-in-a-lifetime opportunity to prepare our public health system for the future. I think it is up to our opponents to accept the reality of the world in which we live and to offer bipartisan support for a plan which will benefit not only this generation but future generations of our community. It is important that we rise to the challenge. We have an opportunity here that other jurisdictions have missed in previous years. They are facing those challenges earlier than us.

These announcements need to be welcomed. I think the opposition needs to accept the reality, endorse this plan and offer the community bipartisan support on a way forward to completely redevelop and reconfigure our public health system.

MR ASSISTANT SPEAKER (Mr Gentleman): A supplementary question from Ms MacDonald.

MS MacDONALD: Thank you, Mr Assistant Speaker. Minister, what is the time frame for the government's response to this upcoming need?

MS GALLAGHER: Thank you, Mr Assistant Speaker. In respect of the expected time frame to deliver this major reconfiguration—it is not just about buildings; it is about the way we work and how we work—we believe that we need to have the majority of this in place over the next eight years, with the program finalised in 10 years. That gives us enough capacity, and just enough capacity to have the system working as we need it to work by the time all of the baby boomers reach the hospital and need that special care. When the knees give out, when the hips give out en masse, we need to have the facilities in order to deal with that.

It is about buildings. It is about more operating theatres and more beds. It is about a specialised women's and children's hospital. It is about getting our mental health precinct up and running. It is about providing new services. It is about providing a state-of-the-art neurosurgery capacity. Already we have one of the best neurosurgeons in the country working in the ACT. They are getting referrals from across the country to come to the ACT for treatment and we need to support that type of excellence in our system.

At the same time we need to look at our community health facilities. The only solution to some of these issues is going to be keeping people out of hospital. Part of the challenge is to make sure our community health centres offer the services they need. Importantly, for people that cannot afford private health services and even the services of general practitioners, it is about making sure the public health system is

meeting the needs of our community, and that is why we are looking at the concept of walk-in centres—to enable those families who are experiencing financial stress who cannot get to a GP and who do not have other choices to have somewhere to go to seek medical assistance if they need to.

This is a visionary plan. It is in stark contrast to those opposite who have been largely silent on health for the last six or seven years. I put the challenge to them—

Opposition members interjecting—

MS GALLAGHER: This is the reality. This is not going to change. This is not Labor Party figures. This is what our community needs in order to grasp the challenge of the future. This is the most significant issue facing this community and we—this Assembly—need to stand up and support the plan as it is outlined, accept the reality of the situation we find ourselves in and endorse a major reconfiguration and change to the way our public systems work. I expect that we will be met with silence and sniping from those opposite who are unable to accept the reality and offer solutions for those challenges that this community faces.

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

Budget—participatory budgeting **Discussion of matter of public importance**

MR SPEAKER: I have received letters from Dr Foskey, Mr Gentleman, Ms MacDonald and Ms Porter proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, the Speaker has determined that the matter proposed by Dr Foskey be submitted to the Assembly, namely:

The benefits of participatory budgeting.

DR FOSKEY (Molonglo) (3.47): It is quite fitting that in the week where the government presents its budget this topic comes up for discussion. Of course, I am totally astounded that I have had an MPI pulled out of the fireman's hat at all, although when I found out that all the Liberal submissions were not allowed, I understood that my odds were better than they are usually. Nonetheless, it does appear that fate is on my side.

I would be very interested to hear what other members have to say on this topic given that I believe that I am one of the first parliamentarians to travel to Brazil to do some research into this area. What I learned is that the language barrier is so enormous that it is probably one of the reasons why we here in Australia, as with other western countries, only hear about initiatives that are developed primarily in English-speaking countries. I want to acknowledge first up that I am the first person on study leave who has had access to funds for an interpreter, and I thank the Remuneration Tribunal for recognising that my research would have been absolutely useless without an interpreter. Three days of meetings where the people involved just smiled at each other and nodded would not have resulted in a particularly useful report from me.

I have been interested in participatory budgeting for many years and want to acknowledge its Portuguese title—which is *ocimento participativo*. It is understood by progressive people and those who have concerns about the needs and the fulfilment of those needs of the most disempowered and the voiceless in our society that participatory budgeting, which has been refined over 20 years since it was first introduced to the Porto Alegre municipality in Brazil, is definitely a way to go. I am going to do much more work on this myself and consider ways that it could be of interest to communities like our own. I do believe it has a place.

I shall give a little bit of history of participatory budgeting. Most people are probably like me—I did not know a great deal about Brazil before visiting the country. It was just emerging from authoritarian rule—some might say fascist military rule—in the 1980s. When the democratic government took over, it changed the constitution to require that budget preparation at all levels of jurisdiction in Brazil had to be transparent and had to have a degree of participation. It did not say anything about how or why.

At the same time, the party called the Workers Party—which reminds me a little of the ALP in the 1890s when things were fresh and ideals were strong and pervaded all the things that the party did—came to power in Porto Alegre with a lot of zeal and a lot of motivation. Emerging as it did from the community organizations—as the ALP here emerged from the unions—they had real contact with the people that were most marginalised in our society. They had an awful lot of reforming zeal and, of course, I suppose a lot of Marxist ideology as well. Indeed, we met some of those early proponents of participatory budgeting and, yes, they are still Marxists, they are still idealists and they are still zealots. Good on them.

The political process of budget preparation in this country—and I think we have seen that here this week to some extent—has room for community organisations to be involved through the submissions process and, no doubt, a lot of lobbying goes on. But the decisions that are made are made behind closed doors. Presumably they are made in cabinet, some of it goes to caucus and then we get a little bit of that here in the Assembly. On the whole, it is not a transparent process.

The participatory budgeting process has been refined. It has been 20 years in the making, and now it is actually practised in 250 municipalities and states around the world. It has leaked out of South America into France, Belgium, and Canada, and it is practised, I am sure, in many different forms in those places. It is actually a child of Brazil, and having seen Brazilian politics at work to some extent and the passion that is taken to politics there, I think that participatory budgeting could only really have emerged from that kind of background.

Participatory budgeting in Porto Alegre is the only system that I have studied in detail. We are talking about a city of over a million people now, so it is not small bikkies. Porto Alegre is divided into 17 municipalities for the purposes of participatory budgeting, and some of those have many thousands of people. It is a place not unlike the ACT in some ways—only in a few ways, however—but it is fairly clear that participatory budgeting works best in a smaller region. The state of Porto Alegre has actually

practiced participatory budgeting for some time. I also spent time in and had meetings in Sao Paulo, which is the second biggest city in the world. I think its population is about 20 million officially but probably 26 million otherwise, and it has had four years of participatory budgeting. It is a political process, and when the Workers Party was kicked out of office in Sao Paulo, participatory budgeting went with them.

Porto Alegre, however, had a Workers Party administration for 16 years. The more right-wing party that is currently in power tried twice to get elected, but as long as it repudiated participatory budgeting, it did not have a chance of being elected. At the last election four years ago, it espoused participatory budgeting and it was elected. Participatory budgeting is now so important in that democratic state because of its successes that there is no party that could win power now without practising it.

What is participatory budgeting and how does it work? I have to say that I was very lucky that, while I was there, I was able to attend two thematic assemblies, and I will explain where they fit in when I get there. The budget here has a year cycle, and I believe that is one of the challenges of the process. A year is actually a very short time to perform all these processes and to implement the decisions made through them. We all know—we saw it in this budget—how much money gets rolled over and how many things are recycled and promised again. My own advice is that while a participatory budget year cycle is essential for the way the budget works, there needs to be a longer term cycle to set more strategic objectives so that the participatory budget can deal with more than immediate demands.

In March and April there are preparatory meetings in the sections of these municipalities. What we find is that there are popular meetings, sometimes of hundreds of people. In April and May there is a round of assemblies in the sections—that is the geographical area—on the themes. Sixteen themes have been identified, and these are the themes that communities decide how they would like their money spent. A number of plenaries are formed at first, and they then work out those areas that they see as being most important to their community. The meetings that we attended were where those themes—the priorities that had been decided by those meetings—are voted on to see which three will go forward from that geographical area to the broader councils and so on that are formed to make decisions.

These themes have consistently over the years included such things as housing, pavement or road building and so on. Members should remember that we are talking about cities where roads are often made out of dirt and where playgrounds and footpaths are dirt. We are talking about pretty basic stuff here. Other issues raised include health, social assistance, education, culture, transport, young people and people with a disability. There are all these categories, and it is really a little unfair that they have to compete for priority when only 12 per cent of the budget is dedicated to participatory democracy.

At the thematic assembly that I attended, the first priority that was voted on was habitation—housing. That is not surprising. We saw a lot of people sleeping in the streets. We visited a number of villas, which are the Porto Alegre equivalent of the favellas of Rio de Janeiro.

After the themes are decided, at those same meetings two councillors are elected, and they then become part of the cross-Porto Alegre meeting. They then have to work out priorities with the officials. Do not think that city hall is not involved in this process. They have to work out, through quite an involved formula, how the money for housing is then distributed right across the city, and that is based on a needs index.

I realise that what I am saying here is a very potted version. I do not expect members to understand, but I would just like to talk to you about some of the successes of it. The main thing about participatory budgeting is that it involves the most marginalised people in the community. You do not have to be able to read and write. It does help if you have a community organisation that is prepared to advocate for you, but it involves empowerment. For instance, we visited one villa that had benefited from participatory budgeting, and this was a villa where most of the people who lived there had to earn their money from collecting rubbish. We have been talking about waste a bit today, but go to a Brazilian city and you will see people walking around with carts piled halfway to the ceiling with cardboard boxes, plastic and so on. They make their money out of cleaning up the streets.

The people living in the villa we visited had plastic, paper and so on stored up to the ceiling, and their villas were always burning down. Of course, what do they cook with? One of the projects we visited involved rebuilding all these villas so that now they are rather cute looking little townhouses. They are very close together; we probably would not want to live there, although perhaps we would because they had a great communal atmosphere. The key thing was that they were given a shed where they could sort their paper and their rubbish. It did not smell very good and it was not very nice to be there, but those people were extremely happy about their situation. We are talking about a place with 217 houses and where probably more than 1000 people live. They also had a creche, and they were working on getting a health centre and a whole lot of other things that we take for granted.

They attribute those benefits to participatory budgeting, and they are people who now will not be shut up by anyone. They know their rights and how to use them. They are people who have had part of the budget spent where they needed it and not where politicians thought they needed it or where politicians might find the best advantage.

I am not quite sure how we apply participatory budgeting to the ACT, but I do feel that there is room for thinking about ways that we can involve the most disadvantaged in our budget preparation.

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) (4.02): This is a very interesting matter of public importance. It is quite novel and very different from what we have been used to in recent times in many respects. I applaud Dr Foskey for bringing it forward, particularly in the context of her experience as a result of, essentially, an education trip. It is interesting that, through that experience, a new proposal or discussion, essentially around consultation or participatory budgeting, is being discussed today.

At the heart of the discussion that Dr Foskey has generated is the desirability of open, transparent and accountable government and methods that we each might use to better embrace those sectors of our community that we imagine or know have difficulty in engaging. In the context of the discussion on participatory budgeting—and it is a concept that there is some discussion and some literature on or about—it is a quite broad concept. It is much broader than just ensuring that governments are transparent, open and accountable and that they do engage. The notion of openness, transparency and accountability is entirely consistent with the principles that Dr Foskey has just been enunciating in relation to participatory budgeting.

We have always sought in government to be open, transparent and accountable, and we have always sought to be fair and equitable in our dealings with citizens and representative organisations that represent our citizens. I am sure that we would all claim the same. The extent to which we succeed or fail in those endeavours is perhaps for others to judge or to comment on.

Consistent with the commitment that my government has made to openness and transparency, to consultation and to general engagement, we have made quite significant changes to the entire budget process to enhance that transparency, that accountability and that openness. The government has simplified the legislative and audit framework to reduce the audit and compliance burden while maintaining accountability. The government has developed a framework of performance measures that is more relevant to the needs of users and provides meaningful information on the performance of agencies and service areas of government. The issues around performance measures and reporting frameworks are at one level quite vexed. It is something that I note that all governments have grappled with. We strive continually to improve the framework that we apply to our budgets.

The government constantly strives to improve the format and presentation of budget papers. Officers throughout our departments always work on new formatting and different formatting, and on presentation and different presentation, seeking always to improve it and to enhance it to better provide information on the government's objectives and goals, its decisions on resource allocation and the targets to be achieved by agencies, service areas and the government.

The government also seeks to fulfil its commitment through this process of allowing every community group in the ACT to have a say in the annual budget process. And by seeking to allow every community group the opportunity of having a say, we are seeking to allow every citizen a say through that particular process.

It is acknowledged that participatory budgeting programs are innovative policy-making processes that are designed to incorporate citizens into policy making. They are designed to encourage administrative reform and to distribute public resources to high-need areas. In its pure form, participatory budgeting brings local communities closer to the decision making of the annual budget. It establishes a process where the effects of people's involvement are directly seen in policy changes and spending priorities. It is not just about consultation; it is about direct engagement and, essentially, the facilitation of a very deliberate democracy.

Participatory budgeting has many benefits. Dr Foskey has gone to these. The main benefit is enhanced participation in local decision making. It provides a better focus on issues of social exclusion and neighbourhood renewal. It provides cost-effective improvements in service delivery. It is clear that people are more likely to value public services if they have a stake in the services that are delivered. The transparency of the budgeting processes is intuitively attractive for everybody.

In a discussion around participatory budgeting in the literature, it is always acknowledged—we would accept this immediately—that participatory budgeting does not take a one-size-fits-all approach. But it is a flexible and adaptable model of engagement that is designed to enhance participation at a local level and would have the aim of improving social cohesion.

At one level, it is fair to say—we would all probably claim this in this place—that in government, or even in opposition or whatever position we occupy in relation to our attempts at consulting and engaging, we would all, perhaps rightly, be able to claim that we engage in participatory engagement or participatory budgeting where the issue of engagement is around a budget. I think it is fair to say, on the basis of all those definitions, that at one level—perhaps not in a pure form—it is precisely what we do now and what governments have sought to do.

Governments have sought to engage. They have sought to ensure that the community has an opportunity to participate in the budget process. What we have been doing in our budget processes has been a form of participatory budgeting, a form of participatory democracy. It is perhaps not to a level that those who feel that they do not engage or are not included would claim as a pure form, but it is nevertheless a form of participatory budgeting.

Budgeting is not just a once-a-year process. This is important in the discussion that Dr Foskey has generated. Next year's budget essentially starts now. It starts immediately. Perhaps it has already started in the context of other investigations, other consultations. The process, or part of the processes, that will lead to the construction of next year's budget has already commenced. We consult continually. There are a range of consultations that are not yet concluded. We engage at myriad levels on a whole range of issues in those consultations. Those discussions and feasibility studies on issues around the design of services and service delivery and facilities are happening today.

It is through those mechanisms that a government gains a very valuable insight into what the community values and believes should be further supported in a budget. We as a government engage in those consultations all the time. We have a community cabinet. We arrange or facilitate studies and inquiries. We have public forums. We attend community meetings. We go to gatherings, as I did today: I stopped off at a small gathering or protest in Civic Square in relation to issues around Weston. I stopped and discussed the issues with a number of people. We value those opportunities to create solutions to social, economic, environmental and other issues that are raised in those forums.

We do these things. We are criticised for perhaps not doing them well in the view or perception of others that we might do better. In raising the matter today, Dr Foskey raises a very moot point. But it has to be understood that there is some reality around budgeting and that participatory budgeting or participation and consultation is not a substitute for governments. It does not absolve a government of its responsibility to make decisions—and at times they are tough and very difficult decisions that on occasion will not be supported by particular communities or community interests.

There is now a range of issues being agitated through the community. The government will not necessarily please all of the protagonists in relation to all of the issues that are being agitated. Sometimes there are decisions that need to be taken by government in the broader interest, not in a local or localised community of interest.

It is about being transparent and open; it is about considering all the issues; it is about being prepared to listen. But it is also about being able to govern. We need to maintain a dialogue, but at the end of the day the government must pursue and decide priorities and values.

In this discussion, it is important, Dr Foskey, that we do not confuse participatory budgeting or participatory government with populism. It is very easy always to jump onto the coat-tails of a particular issue for purely populist political reasons.

Mr Mulcahy: You should never do that.

MR STANHOPE: Heaven forbid! But it is so easy. And it is easy to take the populist line when you are not responsible for the ultimate decision where you are trying to balance the competing interests. It is always the easiest line in politics—going straight for the populist, simple solution. But, in taking the populist view, you are often ignoring transparency and openness, taking a position that does not suffer scrutiny particularly well. Pursuing populist policies or populist issues is not particularly open or transparent; it is just cheap and easy.

There is a whole range of areas—I could use the budget that has just been delivered as an example—where the government has engaged extensively in what might be regarded as participatory budgeting. I refer, for instance, to the issues in relation to the new proposals for the health system. That particular proposal has been worked on, and discussed and consulted on, for over 18 months now. There have been high levels of engagement and support across the spectrum by the minister and by the Department of Health in relation to the new plans for developing and reconfiguring public health within the ACT.

Similarly, there is \$51 million in this budget in relation to skills and addressing skill shortages, which is a direct response to the report of the Skills Commission. The Skills Commission held consultation meetings. It comprised representatives of a dozen organisations. It issued an interim report which it invited submissions on; it consulted again; and then it issued a final report. After 18 months of work by the Skills Commission, the government accepted the report and has now introduced the recommendations which it has accepted, through budget funding. That is a direct form of participatory budgeting and democracy in relation to that specific issue.

I could go through a number of initiatives being pursued that satisfy that definition. In relation to the last budget, we wrote to 300 separate or different organisations inviting them all to contribute to the budget. Sixty-seven of those 300 invitees provided a response or submission. Just in the last two days, I have heard Chris Peters say, “It is fantastic. We made a submission. We engaged. Of the 17 recommendations we made, 10 were accepted. We are incredibly pleased.” I heard Chris Faulks from the Business Council say exactly the same thing: “In our submission the government has taken on board the majority of the submissions or recommendations which the Business Council made in our engagement with it directly on the budget.” Both those organisations were represented on the Skills Commission and had their input through that particular process in any event.

I am really pleased that Dr Foskey has generated this discussion. It is important. It is interesting too that, through her trip, Dr Foskey came upon a process in another jurisdiction of consultation that has stimulated her to the point where she has generated the discussion today. It is a great result or outcome that she has shared her experience; it is food for thought. We can always do better; we can always do more. We should not be complacent. Dr Foskey reminds us of that today.

MR SMYTH (Brindabella) (4.15): The Chief Minister has missed the point of the motion. It is not about participation in budgeting; it is about participatory budgeting, which is quite a specific process where numbers are given to the members of the population for them to decide what that money will be spent on. Perhaps there is a sense of defensiveness over his own budget performance that is reflected in what he has just said. If you actually look at what it is about, it is about saying, “Here we have a budget. Here is a section for you to decide. You the people—you decide.” It is not about the allusion: “We do this because we have the Skills Commission; they said, ‘We want some things’ and we put some money to it.”

If the Chief Minister had worked out what participatory budgeting actually is, he would have found that it is this. “Here is the Skills Commission report; here is the pot of money that we want to spend on it. You tell us which elements you want.” It is very different from what the Chief Minister has talked about.

One should always have an open mind on ideas that are put on the table. In the history of self-government, the only attempt at greater participation in the budgeting process has been the one under the Carnell government back in 2001, when a draft budget was put before the people of the ACT through the committee system. Members of the public could come and tell us exactly what they wanted the money spent on; that advice, through the committees, was fed back to the government. That did not work particularly well—I suggest because of constraints and time frames. I refer Dr Foskey to what Ms Tucker said:

Perhaps this draft budget process idea will not work because we cannot fit it into the timetable.

That is the timetable that the government sets.

As the Chief Minister has said, the next budget starts today. Mr Speaker, you would be aware that you come out of one process and by about October people are really starting to work up the numbers for the following year. Given the way the budget is done in the Westminster system, there may or not be room for it, but the question concerns this. In the one attempt that we have had so far, it was out there. It was a genuine attempt at consultation. Some of the members did not like it. Some of the members did not like being put on the spot for their input. Some of the community groups absolutely loved it because they got to have a say much earlier. At the end of the day, I suspect that it did not get the response that was hoped for.

Dr Foskey has told us about her experience and what she has found in Brazil. I have done a simple search; numerous websites talk about this. I have got one in South Africa and one in Europe, but I will go to the Wikipedia reference to participatory budgeting. We need to bear in mind that it is Wikipedia, but under the main heading it says:

Various studies have suggested that participatory budgeting results in more equitable public spending, higher quality of life, increased satisfaction of basic needs, greater government transparency and accountability, increased levels of public participation (especially by marginalized residents), and democratic and citizenship learning.

In reference to Porto Alegre in Brazil, it goes on to say:

Nevertheless, most if not all of these studies have based themselves on government collected data, and no independent studies have been performed so far to check the validity of those results.

In a section called “Criticism”, it says:

Participatory budgeting, as it is practiced in Brazil, does not compel the government to actually follow what has been decided by the regional assemblies, does not state how much of the actual budget should be used, or how the assemblies should be composed. Meetings usually attended almost only by militants, of the Workers’ Party and akin organisations. Stacking is commonplace ...

Dr Foskey: I wonder who wrote that.

MR SMYTH: I do not know who wrote it; I am just reading it. I have given you the reference and the context for it. But in the face of the fact that there are no independent studies—

Dr Foskey: There are plenty.

MR SMYTH: Well, you can table those in the general debate.

Dr Foskey: I will; I will be writing quite a lot about that.

MR SMYTH: The article says:

Stacking is commonplace ... Finally, it is common that the government publishes the budget according to what has been decided by the participatory budgeting process, but does not implement it later. The government files, which are the source of all academic research done so far, would then provide a false picture of success to a system that would in practice not be different from the normal running of a liberal democratic system.

There are mixed views about it around the world. We should always have an open mind as to whether or not we can improve our system. South Africa looked at it; it was looked at back in December 2003. I have not been able to find a later report on whether it actually works in South Africa. But it is around the world: some 200 countries participate. It has made its way into Europe. It is certainly something that we should keep in mind, but in the context that the first and only trial of greater participation in the budget—by a Liberal government, to seek more openness, more input, more accountability—was not perhaps the success that people thought it would be.

I thank Dr Foskey for putting the idea on the table; it is certainly something that we should all keep in mind.

MS PORTER (Ginninderra) (4.21): I listened to Dr Foskey's presentation with great interest, including the way she described the systems that she observed in her study trip and the various forums that she attended. It reminded me of the forums—although they are not exactly the same—that the government holds in relation to specific topics such as those the Chief Minister mentioned. Housing comes to mind, as well as multicultural affairs, health, and education and training, to name just a few. I agree with Dr Foskey that the key is often the facilitation of these meetings, the resourcing and offering of these opportunities, and particularly providing support to those who may have difficulty in getting involved in any way. I was rather amused by Mr Smyth's reference to people stacking meetings. That is certainly not something that is possible only on one side of the fence.

The Chief Minister has already outlined the government's commitment to participatory government. My experience since being elected is that this government is well aware of the need to involve the many facets of the community in its decision making, including decisions around the budget and government policy. I, as members know, do this through the work of my committees and through my regular mobile offices. I conduct these throughout my electorate on Friday nights and on weekends. I have conducted approximately 250 mobile offices and have attended to 2,800 constituency issues over that time. Most of those were resolved satisfactorily. For me, that is what it is about: being out there with the people at an individual level, listening to them and taking action.

I will now address the topic of the discussion by linking some of the recommendations the community has raised in the budget consultation process to those funded in the 2008-09 budget. I have taken this approach because it demonstrates the government's commitment to this process. Community organisations raised concerns around infrastructure and the economy, health, education, public transport and the sustainability of the city and the community. A number of

community organisations raised issues about the need for particular infrastructure to better support groups in our community and many of these issues have been taken into account in the development of this budget.

For example, Building the Future invests in improved facilities for health and infrastructure, transport, the physical growth of the city, climate change, and information technology. These areas were all covered in budget submissions provided to the government by these organisations. Initiatives to tackle skill shortages, including attracting skilled and business migrants, increasing vocational education and training opportunities and improving the skills of existing workers were also addressed. These issues have been repeatedly raised by the business community, and the government has responded by providing around \$51 million to address skill shortages.

Support has also been provided in this budget for business and the private sector in supporting innovation and research. Again, these are areas that the business community has called on the government to support. The upgrade of information technology systems was raised by the community during the budget consultation process, and the government is upgrading information technology and government services to improve efficiency and enable better service delivery in the community through this budget.

Health is an ongoing priority of both the government and the community, as evidenced by the recommendations from community organisations to improve our health system. As we heard earlier, the government is allocating \$300 million from Building the Future as a first stage of investment to set up health systems for the next decade and beyond. The investment will provide for redeveloping and reconfiguring public hospitals and establishing a network of community health facilities. As we know, a suite of mental health facilities will be constructed, including a young persons unit, an adult acute in-patient unit, a secure adult unit, and a mental health assessment unit. A women's and children's hospital will be constructed, along with a surgical assessment and planning unit, a neurosurgery operating theatre, an intensive care and high dependency unit at Calvary, and a new community health centre at Gungahlin. In addition, the 2008-09 budget provides for growth in demand for hospital services, including elective surgery, cardiology, critical care and cancer services, and support for people with mental illness, chronic disease, and for our growing older population in Canberra. All of these areas were identified in the community consultation process.

In education, the community identified areas including teacher support, assistance to students at risk, including those with disabilities, more integrated services, upgrading technology and supporting arts in schools as areas for action. In this budget, the government has provided greater support for students at risk. I am very pleased about the announcement that has been made in the budget that Mr Barr made reference to before—the SPICE program. I am pleased that various consultation processes that have taken place have thrown that up as an area needing continued support. Students with disabilities in both government and non-government schools and the CIT are better supported through this budget. The government is also building a new performing arts centre at Calwell high to improve performing arts education in the region. Four new early childhood schools will provide integrated services for children and their families.

Community organisations have indicated both in budget consultations and in other forums how highly they value the amenity of their city and neighbourhoods. Improving public transport was a key priority of many organisations. Those are certainly things that I have picked up through my mobile offices—the need to improve the amenity of the city and neighbourhoods and our public transport system. Many community organisations supported access to affordable and convenient public transport in the ACT. These groups proposed solutions such as increasing the number of buses, improving the public transport network through an updated timetable and concessional travel for older members of the community.

Community events and festivals, libraries and sporting facilities also featured in a number of community organisations' recommendations. The government has provided all of these with additional funding in this budget. A further matter raised was the ACT prison, particularly transitional accommodation options. In this budget, over \$30 million has been provided for prison programs.

The government has responded to community concerns about housing affordability, raised both in the budget consultations and in other forums. In addition to the groundbreaking reforms introduced last year to improve housing affordability, we have introduced other measures in this budget, including increasing the income threshold for the home buyer concession scheme to \$120,000 and exempting age pensioners from conveyance duty when they downsize to smaller properties.

The ACT is a caring and committed community, and this was reflected in the submissions to the budget consultation process. Providing integrated services to children, young people and families at risk, greater support for people with disabilities, along with strengthening the community sector and community facilities, were also raised. In this year's budget, funding has been provided to assist children with developmental delays and to explore options for facilities for people with severe disabilities. A targeted intensive family support service for at-risk Aboriginal and Torres Strait Islander families is also funded, as is greater assistance for families in west Belconnen.

In response to strong community views, the government is making available many excess school sites for community use. For example, an arts hub is being established at Cook, a health and wellbeing hub at Melrose and a community service hub at Weston. Neighbourhood halls will also be provided at these and six other regional locations. New community centre facilities are being funded at Forde, as well as upgrades to the Belconnen Community Centre.

Eligibility for water concessions has been expanded to include all Centrelink health care card holders, temporary protection visa holders and asylum seekers. To increase the viability and capacity of non-government partner organisations, the government is also providing seed funding to establish a portable long service scheme for the community sector. This recognises that community sector workers should have similar entitlements to other workers. These issues address recommendations made in the budget consultation process.

Our future sustainability is a key concern of the community. Many organisations urged the government to take decisive action in addressing climate change in this budget, as in the previous one. In the 2008-09 budget, the government is providing an additional \$100 million for initiatives aimed at meeting the challenge of climate change. Measures have been—(*Time expired.*)

MR MULCAHY (Molonglo) (4.31): I think Mr Smyth was right in that I am not sure that the basis for the MPI was appreciated by the government members. I listened to Ms Porter's and Mr Stanhope's speeches and I think they thought this was a generic point about participating in the ACT budget, whereas in fact, if you are a reader of Dr Foskey's blog, which I am from time to time, you would have understood that this was related to her study tour, which I followed closely, including the photos, because I take a keen interest in these matters. I have also been to Brazil. I have to confess that when I went to Brazil, I probably was not operating in quite the same dimension as Dr Foskey. I did not find time to get to the favellas in Rio, but I appreciate that she has taken the trouble to acquaint herself with these matters, and I have not been involved in study tours.

Dr Foskey: I can't see you in a favella!

MR MULCAHY: No. They do have tours, Dr Foskey, believe it or not, for tourists, but I did not think it was appropriate, going through.

I will say a few words on Dr Foskey's MPI. Obviously, given that recent study tour, it was quite fortuitous for her to get an MPI up, especially considering the problems that would cause for the opposition with theirs. I must admit that, before I started researching in order to make these remarks, participatory budgeting was not a subject that I knew a great deal about. Certainly, before I saw Dr Foskey's MPI, I did not envisage coming into the Assembly today to talk about a budgetary system introduced by a Marxist party in a regional city of Brazil.

Nonetheless, as I now understand it, participatory budgeting is—and this is, I stress, a theoretical definition that I do not believe would work in practice—a process of democratic deliberation and decision making that involves ordinary residents in deciding how to allocate a municipal budget. I understand the process was first developed in the Brazilian city of Porto Alegre in 1989. It involves the identification of spending priorities by community members, the election of budget delegates to represent different communities, facilitation of technical assistance by public servants, and then for local and higher level assemblies to deliberate and vote on spending priorities and implementation of local, direct-impact community projects. It is clearly quite a complex and intensive process.

Frankly, I can well imagine the sort of chaos that can result from such a convoluted process. It would not be, I imagine, a happy gathering of minds who calmly select the best projects for public expenditure; rather, I fear it would be driven by the most vocal and organised sections of the community. It would also, I suspect, be a process that does not reject many requests for expenditure. In trying to meet the needs of every different community group, I imagine that public money is spent with a level of enthusiasm, without fiscal responsibility being the prevailing consideration.

Dr Foskey: The government spends some money.

MR MULCAHY: Dr Foskey says that the government gives them the money, so you go on a spending approach.

Dr Foskey: No, the government spends the money.

MR SPEAKER: Dr Foskey, order!

MR MULCAHY: My concern is the basis on which they would allocate these priorities. It has scope for being open to abuse. Mr Smyth, probably in understated terms, spoke of the experience that his government had. The fact that it has not served us since probably tells us a little bit about how this process, or variations of this process, are ultimately found to work. It is probably lumped in with the citizen-initiated referenda which the poor Swiss have been struggling with. It is probably the biggest impediment to their national political system and one that I hope will never see the light of day again in Canberra as a concept.

Far from being democratic, one of the criticisms of the system—and I know Dr Foskey rejects the criticisms that Mr Smyth cited—and one of the criticisms that I have also read on the same site, where it operates, is that meetings are, according to one report, usually only attended by militants of the workers party or the like. By the sound of it—and I have not seen the system up close, like Dr Foskey has—it was introduced by the Marxists and is still used by them to dominate other sections and interests in the community. I know it could be argued that anyone is free to attend these meetings, but I suspect that many people simply will not be bothered with the process. They are too busy, do not have the time or are put off by the behaviour or attitude of hardline militants.

I had a little discussion with Dr Foskey. I recall that, in the Whitlam era, there was a thing called the Australian assistance plan. Mr Speaker, you might remember that. It used to operate in various parts of Australia where groups of people would come together and dish out money. I was then advising a Liberal senator and decided to go to one of these meetings. Without exaggeration, people were clutching their hearts at the thought of a conservative-leaning political activist turning up at these meetings, which were open to anybody in the community.

Mr Barr: Were you in the Labor Party then?

MR MULCAHY: No, I was in the Liberal Party at that time. It caused great panic. Indeed, at the next meeting, dozens and dozens of students and unions were wheeled out, for fear that there was about to be a takeover of this group by Liberal-aligned people. This group doled out money, gave themselves cars and did all sorts of wonderful things. It was not unlike the model that Dr Foskey is talking about. It troubled me that that sort of thing happened. Of course, that went out the door after the change of government, although I think the Howard government experimented with something similar, which was equally disastrous.

My research suggests that the system is open to that sort of stacking. I can well believe that, while this system sounds wonderfully democratic and participatory, it actually puts power into the hands of a select few unelected officials. It would not be a matter of marginalised people getting involved in the system; rather, unelected activists purporting to represent these people would take advantage of the system. So whilst Dr Foskey sees benefits in this sort of system, the rest of us, one hopes, recognise the sort of ideological stuff that it clearly is.

If one were not immediately suspicious of the scheme and how well it might work in practice, the knowledge that it was initially introduced into Brazil by the Marxist workers party should be enough to ring alarm bells. I would have thought that people the world over, if not, evidently, some members of this chamber, would now accept that Marxism and systems based on Marxist models do not work. So while I am happy to talk about this sort of obscure political process, I will not agree, based on my understanding of this system and my deep distrust of any Marxist system, that it is a process that purports to offer benefits to the people of Canberra. In our side discussion a moment ago, Dr Foskey cited Toronto. She said it works in Toronto. Toronto is recognised in Canada—

Dr Foskey: I didn't say it worked in Toronto.

MR SPEAKER: Order!

MR MULCAHY: Well, Toronto was cited as a possible place where it does. Toronto has to be the worst managed part of Canada economically. It has got the worst tax regime. While the rest of Canada has been going ahead under the Harper government, it is going backwards because of the crazy ideas that prevail in the municipal government of Toronto and throughout that province. If that is another example of a developed nation where it is in place, I fear for what it might mean.

Obviously, it is not possible to please every interest group or individual, but everyone in Canberra and Australia does have the ability to influence the political process. I would dread a political system where every interest group is able to allocate funds for their own needs, even if it is only part of the administration budget. The result would be spiralling costs and a burden on taxpayers. In any regard, in addition to the election of officials, residents do have the ability to participate in the budget process. The Chief Minister went to some lengths to talk about that. People make submissions, either individually or through a community association, a business association or similar entity, to the government in advance of the budget. We hear evidence during the estimates process. The fact that the government may choose not to take any notice of it or put the majority of people on it is one issue, but it is a forum where people can express that point of view.

Certainly, if enough noise is made within our political system, such as we are seeing with Mr Barr trekking off tonight to meet the Weston Creek folks who have stirred things up out there, it is entirely likely that things will be addressed. We have seen this time and again. Either the government of the day addresses people's needs or they will be voted out in favour of someone more likely to meet the needs of the majority of the community.

I believe in our political system. I believe that it works and that it has delivered a very good result over a very long period of time for the people of Australia and the ACT. You are never going to please everybody, and that is why we have adversarial politics. Governments do make mistakes, but I believe that the system works far better than I could ever imagine a participatory budget process working.

I understand, from Dr Foskey's own blog, that the Brazilian city she visited is moving away from the pure process, with a newer system that possibly provides more manageable representation. This is, without knowing the exact circumstances—and I put that caveat on my remarks—probably recognition of the problems inherent in the participatory budget process that has been developed. I recognise, however, her interest in the topic and I hope my contribution will be well received.

MR SPEAKER: The discussion is concluded.

Gas-fired power station

Debate resumed.

MR SMYTH (Brindabella) (4.42): With my six minutes and 43 seconds left, I will continue. We were discussing this praise from Mr Barr of Mr Gentleman, and how Mr Gentleman had worked to get the extension. But the extension was moved by the community. Mr Pratt had talked about it, I had talked about it, and we talked with Actew about it. Actew said at the public meeting on the Monday night that they would seek the extension. So in handing praise here, Mr Barr, I think you need to be very, very careful, because Mr Gentleman gave an undertaking to the meeting. Has he told you about that undertaking?

I see from the look on Mr Barr's face that Mr Gentleman forgot to tell the Minister for Planning about the other undertaking. And the other undertaking, as Mick stood there and stared down the crowd about his concerns about what his government was doing to his constituents in Macarthur, was that he was going to tell the planning and environment committee and that they would be very, very interested in what was happening and what the government was doing. I am sure that when Mr Gentleman jumps up he will tell us, so that the good residents of Macarthur know exactly that he has fulfilled his promise and has informed the committee.

Mr Barr: That's shock horror, isn't it? You had me worried for a second there.

MR SMYTH: Yes, I know you were worried there for a minute, Mr Barr, and you should be worried. But that is the whole point—that the residents of Macarthur, in particular, feel entirely disenfranchised by this project because they had expectations of their government and time and time and time again over the last five years those expectations have been crushed.

The amendment that Mr Barr has moved to the motion is not the amendment that I expect the people of Macarthur were looking for. Yes, I am sure they are all well aware that the application has gone forward according to the rules; Mr Barr has made

that quite clear. What they are saying is that, for whatever reason that it happened, they feel left out of the process—as they were left out of Karralika, as they were left out of the dragway and the prison, and every other process that the government has instituted—to put something on this block of land.

Again, I go back to Mr Corbell's commitment. Mr Corbell's commitment was to have a referendum on the open space in the ACT and to entrench it in the open plan—

Mr Seselja: Another broken promise.

MR SMYTH: Yes, another broken promise. Shocking as it seems, it is why Mr Barr is the planning minister and why Mr Corbell is not the planning minister, because what they promised is not what they delivered.

I am concerned by some of the words that Mr Barr used this morning. I apologise if I did not write this down exactly, but he said words to the effect that the government had only provided in principle use of the site, so that the proponent can develop their plans for it. I am quite concerned that this is the case, because what it says is that at any stage, no matter how much you have actually spent on it, this government will, for whatever reason, or can, for whatever reason, whip the land out from under you. It would be interesting to see whether or not the proponent has got the same understanding of their position with this government. They are not the sorts of statements that will endear the business community and those investing in this place to the ACT government.

The amendment was moved by Mr Barr and then amended by Mr Pratt. The last part of Mr Pratt's amendment was "notes that the development application objection process was not extended beyond 5 May 2008". I know Mr Barr said in his speeches this morning that they have extended the PA and that that in effect extends the consultation on the DA. But, again, it is not what the ordinary person who is not acutely aware of how the system works was looking for. Indeed, I think many on Friday, when they heard Mr Barr say, "We have extended the process of consultation," took him at his word and were pleased. I think they would have liked more time, but they were pleased at least that they got some of what they wanted—until they read the *Canberra Times* the next morning and they realised that it had not been extended by four weeks; it had only been extended by three, until May 27.

They were a bit narked by that. But then, when they went looking for the ads, they found that the PA, the preliminary application submission, had been extended but the DA had not. Again, maybe it is perception—I do not know; maybe Mr Barr is right—but in the community people looked at this as being totally disingenuous. They had expected both the PA and the DA consultation times to be extended.

This is the arrogance of the government. This is the government that says on the news on Friday night one thing, but the reality is, in the cold hard light of the next day, something entirely different. We are not all well acquainted with the planning system. We do not all have a copy of the territory plan under our beds to read at night. I am sure Mr Barr does not. When the public hear the minister say something, they expect the minister to abide by what he says. On Tuesday, 6 May there was an article entitled

“Power plant plan generates Government deception claims”, so, again, it is just adding fuel to a fire that already smoulders fairly continually in Macarthur because of their treatment by this government over the past five years.

It is not assisted by this amendment by the minister. This is the standard “up you” amendment that the government move so often when they hijack a motion from a non-government member. It came up in the discussion about the standing orders, Mr Speaker, and I put forward the proposition—I hope you recall this; I am sure you will—that, if you do not agree with a motion, just vote it down, so that people know exactly where you stand.

I hope the government have the good grace to at least agree to Mr Pratt’s extension of the motion. Otherwise, what they do is fundamentally change the motion, and that is what is upsetting people out there: the arrogance of the government to use their numbers so that their record looks squeaky clean. Anybody coming back to the *Hansard* will see that these motions were passed by the Assembly and therefore have the weight of the Assembly behind them.

This is not what the community want. They want to be included. They have raised serious objections. They want to know that they are being taken seriously. They want to know that they are being heard, and they want to know that their government is going to do something on their behalf. I think from today’s actions by the minister, by some of his words and by the amendment that he has moved, they will know that the message is not getting through to the minister, and I am sure they will raise their voices even louder.

MS MacDONALD (Brindabella) (4.48): Mr Speaker, the government is strongly of the view that ActewAGL’s proposed gas-fired power station has the potential, and I say “the potential”, to provide substantial economic employment benefits to the ACT and local region. This is an innovative project that can provide new and exciting opportunities. With the growing use of digital information, data centres are becoming increasingly important to business and government operations.

It has been maintained through various studies that the use of IT equipment has the potential to improve energy efficiency throughout the economy. For instance, IT communications can reduce freight and transportation costs. The gas-fired electricity generation plant has the potential to supplement the local region’s energy requirements and represents a better alternative to coal-fire-generated electricity.

The proposed development has received strong support from the IT industry and presents a number of significant potential benefits for the ACT community, including \$1.7 billion-plus in direct investment for Canberra, promoting economic growth, attracting technology-based industries, businesses and government agencies to the ACT; multimillion dollar economic growth through investment, construction and employment; creation of approximately 400 new jobs; a direct capital injection of \$613 million to the territory economy, as well as \$300 million via indirect benefits; no impact on domestic gas or electricity tariffs for Canberra residents and businesses; improved utilisation of the ActewAGL infrastructure assets; enhanced security of the ACT’s electricity supply, reduced greenhouse gas emissions compared to if the

project was powered from a traditional coal-fired power generator, achieving a 64 per cent reduction in greenhouse gas emissions through CO₂; and an expanded skills base through specialised training in data centres management at local universities.

However, we must not get ahead of ourselves, just as it is premature to talk about putting the proposal on hold before the ACT Planning and Land Authority has had an opportunity to properly assess the suitability of the proposed development against all the relevant legislative requirements, including the territory plan. Dr Foskey will be aware that both the development application and the preliminary assessment require various reports and studies to be prepared on a wide range of issues, including air quality, noise levels and the relative merits of any proposed location. Of course, the Minister for Planning has already talked about the role of ACTPLA in that.

In this case I am aware that ActewAGL has lodged a development application, preliminary assessment and a number of other supporting documents with the ACT Planning and Land Authority. These documents are all publicly available on the ACT Planning and Land Authority's website. These documents include several expert reports that have been released by ActewAGL and which cover the following issues: access and mobility, traffic and parking, site plan and aerial plan, plume study, heritage report, flora and fauna, bushfire report, geotechnical report, noise study, pre-assessment and site investigation report and a landscape plan.

I note that, in the lead-up to lodgement of these documents, the potential of several alternative sites was identified and investigated. I understand, however, that these sites were dismissed, based on advice provided by the Land Development Agency. I also note the suggestion—and I note that the minister made this comment before as well—by Mr Smyth of using the former timber mill site. I do not think that is necessarily a bad idea and it is one that could possibly be investigated.

Furthermore, following concerns raised by local residents, the Minister for Planning, as we all know, has extended the public consultation period for the preliminary assessment by three weeks until 27 May. ActewAGL are also keen to continue the community consultation process. For the information of members, I understand a community information session is to be held at the Town Centre Sports Club on Saturday, 17 May from 10 o'clock until 3 o'clock in the afternoon.

ActewAGL and Technical Real Estate have indicated a willingness to vary their plans to ameliorate community concerns and have also noted their intention to optimise the engineering design to ensure all environmental guidelines are met. ActewAGL and its partner Technical Real Estate have assured government that they will seek to satisfy all planning and environmental requirements.

At this point I would also like to mention that I do have concerns—not necessarily with how ActewAGL have advertised information about it, because I understand that they have given plenty of information to the media and they have also given briefings to members of this place who have been interested in it—that ActewAGL have been a little bit wanting in promoting or selling the idea of this to the local community. That does not mean that it needs to go out to all six surrounding suburbs or that you

identify an area within a 25-kilometre radius and letterbox every house in that area. But I think there is an imperative on ActewAGL to have the information ready, in easily understandable form, for the community so that they can understand it. However, we should allow the proper processes to occur and not get carried away by claims that could prove to be quite baseless.

There is no doubt that this proposal is undergoing a full and thorough planning assessment. This means the motion really is superfluous when it is evident that the proposed gas-fired generator cannot proceed without development approval from the ACT Planning and Land Authority, which will require relevant environmental, health and planning clearances to be obtained beforehand. Simply put, the project will not proceed to development if it does not meet and satisfy certain requirements, including the relevant noise, environmental and visual amenity tests.

DR FOSKEY (Molonglo) (4.56): Mr Speaker, I would like to speak to the amendments and I assume that in so doing I will be closing the debate. It is a stimulating debate and I am sure there is a lot more that could be said. It is very good that we are having this debate, because the issue is fresh and we are talking about it at a time when we can make a difference.

I want to address the amendments and respond to some of the issues that were raised. I thank every member who has spoken for the issues that they have raised, because they all lead to a much more robust debate. I am sure that the citizens of Macarthur and Fadden are very pleased that we are having this debate, because they were certainly concerned that the thing might be home and hosed before it really got out onto the public agenda.

I am also pleased that the public inspection period of the preliminary assessment at least has been extended until 27 May. It was certainly concerning that the earlier period, which I believe was the statutory three weeks, the required three weeks, crept up on people and was almost over before many of the local citizens realised that they even had the opportunity to comment. I think that says it all, really, about my concern about statutory requirements. Okay, by the letter of the law the government and ACTPLA and whoever is involved in fulfilling the statutory requirements have a legal basis for their actions. But, if you are really talking about community engagement, it just is not adequate. The bigger the project, the more this is the case, and I believe there should be a consideration of that. But we should realise that it is not just the size of projects that concerns people.

I will go through the two amendments to the motion, beginning with Mr Barr's amendment, the first paragraph of which calls on the ACT government to ensure that the assessment of the proposed development of ActewAGL's gas-fired power station "is carried out in accordance with all statutory requirements". Indeed, it is, but, as I have indicated in my speech this morning and reiterated just now, statutory requirements do not necessarily lead to the complete community engagement that is certainly due to a project like this and, I believe, always due. Statutory requirements may not require all the information to be available or they may require it to be available but not necessarily accessible. My concern is that the statutory requirements are too minimal in this case.

The second paragraph of Mr Barr's amendment asks that the assessment "is undertaken in consultation with the Canberra community". Well, this one almost was not, so that was the concern. The third paragraph asks that it "abides by all relevant environmental rules and standards". This, of course, is at the heart of many of the concerns raised by the community. I think probably the community do not even know what the relevant environmental rules and standards are. This is why the information has to be out there. It is so important. It has to be accessible to people so that they know what rules and standards are being applied.

It does concern me that the amendment put by the minister leaves out the health aspects. There are real concerns about the health aspects in the Tuggeranong Valley, which I spoke about at some length. It does not talk about a rigorous examination for potential noise impact. Perhaps that is covered by environmental rules and standards, but it is not necessarily the case. With various projects we need to perhaps look at whether the relevant environmental rules and standards cover all the issues that are related to that particular development, a gas-fired station—not something that our environmental rules were written with in mind. Our environmental rules and standards do not usually consider the development of power plants, whether they be gas or coal. In a way, it is a great relief that we do not have coal, because I am concerned that we might be mining it or trucking it here to use for a power plant. But I do not think we can really spruik the environmental benefits of this power plant just because it is gas rather than coal.

I have asked for a cost-benefit analysis of renewable energy alternatives. I think it is time we started doing that. If we took a climate change perspective on our major projects, this would be one of the bars that had to be reached if projects were to go ahead. We need to look at all the alternatives of powering them. I do not know why the ActewAGL officials were so excited about solar power powering the data centre. What has happened to that? Where is the assessment that says: "We won't do that. We'll do this instead"? These are the kinds of things that need to be on the public record.

With respect to the consideration of the social implications of the Planning and Land Authority's industrial corridor, yes, I did get that wrong, and thanks very much for informing me of that. I regret that, because I was away during the time that this issue blew up, I do not really feel as well informed as I could be, and I thank you for bringing me up to date today. I was not able to find those documents that I had access to last year about the ACTPLA study.

It is important that all reports are released publicly. The most important thing raised by the Fadden and Macarthur residents is that they feel that they were not dealt with by the government through a comprehensive and respectful community engagement process. This may be just a perception, but, if it is how people feel—and if we are talking about the community and an engagement process that brings them in, makes them partners—even if they are wrong, and I do not think they are, their views need to be taken into account.

I have no quarrels with the role of ACTPLA. I understand that they are not the proponents. I look forward to seeing the results of the eastern broadacre study,

because there are quite a number of important grasslands in there as well. It is very clear that we need that kind of study to guide developments like this so that we do not have ad hoc decision making. We need to know that these are suitable places to put these kinds of developments.

I want to thank also Mr Mulcahy for his rigorous critique of my motion. I do not think he was right about the process, and I think that is often the case; people sort of come in full of—

Mr Seselja: Are you two not friends any more? I thought you were friends now.

DR FOSKEY: Also, in terms of Mr Pratt's amendment, I just quickly want to say that I do not think it is up to us to decide what the appropriate site is. I believe it is up to us to see that proper process has been conducted—

Mr Pratt: It is up to us to say that we won't have it near a suburb.

DR FOSKEY: and we do need to see which sites were considered and why they were rejected.

MR SPEAKER: Order, Mr Pratt!

DR FOSKEY: I also believe it is not appropriate to talk about the Projects of Territory Importance Bill, which was introduced today. It does not really provide a useful bar at this point. I think these amendments show the consequences in terms of both polarising and unconstructive debate where we have a majority government and impotent opposition. However, I do not feel this debate has been at all useless; I think it will feed into the process and it is important that we had it.

To me it has been disappointing that a Labor government has not been prepared to embrace a greater or more open engagement with residents, but it is fairly clear that it has been alerted to the need for that. And I am disappointed that the Liberal opposition appear to be using this motion only as a way of commending their own legislation and, of course, to show that they are onside with the Fadden and Macarthur residents. But, when we are dealing with community organisations, we should be careful—

Mr Pratt interjecting—

MR SPEAKER: Mr Pratt, order, please!

DR FOSKEY: to make sure that we are also listening to the evidence and offering them advice that is useful to them and not just falling in with a view because it looks as though it is the most popular view. That is our job as elected representatives, and it is hard, but we have to do it. (*Time expired.*)

Question put:

That **Mr Pratt's** amendment to **Mr Barr's** proposed amendment be agreed to.

The Assembly voted—

Ayes 6

Mrs Burke
Mrs Dunne
Mr Pratt
Mr Seselja
Mr Smyth
Mr Stefaniak

Noes 11

Mr Barr
Mr Berry
Mr Corbell
Dr Foskey
Ms Gallagher
Mr Gentleman
Mr Hargreaves
Ms MacDonald
Mr Mulcahy
Ms Porter
Mr Stanhope

Question so resolved in the negative.

Question put:

That **Mr Barr's** amendment be agreed to:

The Assembly voted—

Ayes 10

Mr Barr
Mr Berry
Mr Corbell
Ms Gallagher
Mr Gentleman
Mr Hargreaves
Ms MacDonald
Mr Mulcahy
Ms Porter
Mr Stanhope

Noes 7

Mrs Burke
Mrs Dunne
Dr Foskey
Mr Pratt
Mr Seselja
Mr Smyth
Mr Stefaniak

Question so resolved in the affirmative.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 10

Mr Barr
Mr Berry
Mr Corbell
Ms Gallagher
Mr Gentleman
Mr Hargreaves
Ms MacDonald
Mr Mulcahy
Ms Porter
Mr Stanhope

Noes 7

Mrs Burke
Mrs Dunne
Dr Foskey
Mr Pratt
Mr Seselja
Mr Smyth
Mr Stefaniak

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Mr Mulcahy: Mr Speaker, I take a point of order. I want to raise a matter under standing order 277. I am continually hearing grave reflection on the part of Mr Pratt whenever I vote on a matter before the Assembly. I think the conduct is now becoming very close to contempt, and I would ask you to look at the matter.

MR SPEAKER: I cannot rule on the matter of contempt; it really is a matter for the Assembly. But I warn you, Mr Pratt, to cease interjecting in a way that interferes with the way that members operate in this Assembly. If members feel as though they are being impeded, they should draw my attention to it by way of a point of order.

Housing—stamp duty

MR SESELJA (Molonglo—Leader of the Opposition) (5.13) I move:

That this Assembly:

(1) notes:

- (a) that the median house price for a Canberra house is now over \$457 000 making buying a first home in Canberra out of the reach of many young homebuyers;
- (b) the high average level of stamp duty paid by first homebuyers;
- (c) that many jurisdictions, including New South Wales, have waived stamp duty, subject to threshold, for first homebuyers; and
- (d) that Tanya Plibersek, the Federal Minister for Housing, has welcomed a proposal by the Canberra Liberals to waive charging stamp duty for first homebuyers under a value of \$500 000 stating that most States and Territories have reduced stamp duty or no stamp duty for first homebuyers, usually under a cap, that she thought it was a good idea and that helping people into the housing market in that way is a great thing; and

- (2) calls on the ACT Government to join the Liberal Party in a bipartisan approach to helping first homebuyers by waiving stamp duty on homes costing less than \$500 000 for first homebuyers.

The issue of housing affordability continues to be of serious concern to thousands of Canberrans, not just of course young people who find themselves increasingly locked out of the market but indeed a wide variety of Canberrans who are concerned at this issue, who are concerned about their children and their grandchildren, their brothers and sisters, their family members and friends who are being locked out of the housing market. And it needs to be said that much of this happened as a result of this government's policies. I will get to that in a few moments.

But my motion is in relation to the high average level of stamp duty paid by first homebuyers. I also note that many jurisdictions, including New South Wales, have adopted policies to severely reduce or get rid of altogether in some circumstances stamp duty for first homebuyers; in the case of New South Wales, for homes under \$500,000.

We have heard the continual talk from the Chief Minister about his concern for first homebuyers. On the one hand, he claims that Canberra is a very affordable place to be

but, on the other hand, in response, I am sure, to our well-received announcement in relation to stamp duty, we see him rushing to be seen to be doing something about it and in fact rushing to suddenly get more land onto the market. I will come back to the contradictions in the Chief Minister's arguments in a moment.

The Canberra Liberals have put a very significant promise on the table. Our promise is that, if you are a first homebuyer and you purchase a home for under \$500,000, you will not pay a cent of stamp duty. We believe it is the right policy; we believe it is a policy that will benefit thousands of young Canberrans.

Mr Barr: Yes, most particularly those on massive incomes too.

MR SESELJA: We have the interjection from Mr Barr. Mr Barr seems to be agreeing with the sentiments expressed by the Chief Minister earlier that most first homebuyers and most of the people who are going to benefit from this policy are somehow wealthy or well off or not deserving of tax relief.

Mr Barr: Everyone on an income up to \$120,000 can benefit from the existing scheme, Mr Seselja.

MR SESELJA: We will come to the joke of an existing scheme that you have got going at the moment; we will come to that, Mr Barr. There is a level of embarrassment here on the part of the government at how pathetic their scheme is. We saw the little acknowledgement in the budget in that they upped the income test to \$120,000 and there may have been an incremental increase. Maybe Mr Barr can tell us what the incremental increase is when people's house price is too high. We know that until now it has been \$310,000 before the stamp duty exemption starts cutting out and we know that until recently it was around \$100,000 combined income.

If you can find me a significant number of families who are in a position to purchase a home and who have a family income of less than \$100,000 and can find a home for less than \$310,000, then that is who is getting the full benefit under this mob. And how much do they get?

Mr Barr interjecting—

MR SPEAKER: This conversation across the floor cannot continue. Mr Seselja, direct your comments through me. Ignore Mr Barr's disorderly interjections.

Mr Barr: I apologise.

MR SESELJA: Thank you, Mr Speaker. In general terms, they are not referring to anyone in the chamber at the moment. I would say this government is extraordinarily touchy on this issue and we have seen just how touchy and how embarrassed they are at the level of assistance that they are giving to first homebuyers. We hear the Chief Minister constantly beating his chest about his concern for first homebuyers, but his concern for first homebuyers does not stretch to actually reducing the outrageous levels of taxation that most of them are being forced to pay.

We can go through the list. I can give an update to the Assembly on the cheapest house in Banks that we have been looking at over a period of time. The cheapest house in Banks at the moment, a three-bedroom home, is now a dual-occupancy, with an advertised price of \$319,000 to \$339,000.

We go through the amount of stamp duty that most families are being forced to pay under this mob. We start at \$320,000. The stamp duty under Labor can be up to \$10,600 if they are not getting any of the exemptions. Of course we know most of them are not.

Mr Barr: Some 5,906 people have got the concession.

MR SESELJA: And how much are they getting? They are getting nothing. The \$380,000, which is not at the high end of the market, is where it cuts out. Go to \$400,000. They are paying \$15,000 in stamp duty, getting no exemptions whatsoever, regardless of what their income is. Unlike the Chief Minister who believes they should be forced into smaller and smaller blocks, they should be forced into terrace-style housing, we actually believe that they should have some choice. We actually believe that they should have some choice as to what kind of home to buy.

We know that, for many families looking to buy, it is inappropriate. Many of these houses are simply inappropriate and many of these people would much prefer not to have to take on a mortgage of \$350,000-plus to buy a home for \$380,000 or \$400,000. We know that the only family homes available in Tuggeranong or in Belconnen are in that price range. This government simply does not get it. It does not care because it continues to gouge first homebuyers in order to prop up its budget bottom line. That is what we have seen in relation to stamp duty. We have a clear promise that will give genuine relief to first homebuyers and this government has no plan to assist first homebuyers.

We hear the 63 measures that are talked about. This government wants to force them onto smaller and smaller blocks. It acknowledges, in fact, how badly it has managed the process when it is talking about land rent. That is an acknowledgement of failure, because it is saying to these people on lower incomes, “We acknowledge that you are never going to be able to buy a home. You can rent. We will find another way for you to rent.”

Of course we know that there are issues in relation to how finance will actually be provided when there is not the security that there otherwise would be that goes with land. This scheme may well have some vision. We will look closely at it. We, unlike the government, are open to possibilities for helping first homebuyers. This government has rejected out of hand a plan that would significantly assist first homebuyers by cutting the amount of stamp duty that they are paying.

If we go to the issue of land release, we have the Chief Minister on the one hand claiming that this is an affordable jurisdiction; yet we see his panicked response to our stamp duty plan where he suddenly decides that he can find 15,000 blocks to release over a period of time—4,200 in the next financial year. What does this say, other than

that this is an acknowledgement that he has got it wrong all this time, that they have squeezed land supply to the extent that it has pushed housing affordability out of the reach of thousands of Canberrans? It is a fact. It happened primarily under Simon Corbell, but we have seen, under this government, they have not been able to fix it.

In relation to their stifling of competition, we have seen the LDA, which has acted as such a bottleneck in relation to land supply, has continued to do that and has not been responsive to the market. We have long been saying that you need to be managing the land supply; you need to be quickly bringing onto the market land that is ready and have it ready to go when there is an increase in demand. We still have not caught up. The fact that the government is now announcing, in a panicked way, that it is going to release more and more land suggests that it realises and acknowledges at some level how wrong it has got it.

But we also know that this government does not care about first home buyers. Not only has it completely mismanaged the land supply process to put it out of the reach of first home buyers but it also continues to take a massive tax take from many of these young families who, we know, are going to be forced out of the territory as a result.

We saw the recent example of the Yass couple who have grown up—and I have used the example here in the chamber—in Canberra. Katarina grew up in Belconnen and would dearly love to buy a simple home in Belconnen to be able to be near her family but they are simply unable to do so because this government has pushed it out of their reach. We see the sneering response from the Chief Minister. He dismisses as irresponsible giving first homebuyers a chance, giving them some relief from these excessive rates of taxation.

Around the country, we are seeing other Labor governments who actually believe that this is a reasonable thing to do and who do not, as this government does, believe that this is irresponsible. We have seen the New South Wales scheme for first homebuyers, which is very similar, which has been in place since 1 July 2000. On this side of the border, ACT Labor says it is irresponsible to exempt them from stamp duty. On the other side, New South Wales Labor says that it is responsible.

Let us look at that aspect. There are significant offsets in this policy. For every potential homebuyer who chooses as a result of this stamp duty exemption that we are offering to buy in Canberra instead of Queanbeyan, we will not only see approximately \$90,000 to \$100,000 to the government if they buy a new block, the raw land price, we will see ongoing taxation revenue in terms of rates, in terms of registration, in terms of GST, and we will see them form part of the ACT community in a more real way than if they are forced over the border.

We believe it is affordable, even at our high estimates that we have put in place. We believe there are significant offsets to this policy. This is a policy that will actually get it done for first homebuyers. It is often the case for thousands of young people that it is those initial costs that are the hardest. It is saving that deposit. Many families will save \$30,000 or \$40,000 and they will be looking to purchase a home for around \$350,000 or \$360,000.

But we know that this government will take a big chunk of that deposit as tax, and we know that that is then added onto the price of their loan. In the case of \$15,000 in stamp duty, we know that families then, over the life of the loan, are being forced to pay \$30,000 on top of their loan as a result of this tax.

Jon Stanhope comes in here and claims to care about first homebuyers. He complains about interest rates which he cannot do anything about, but he is happy to impose an extra \$30,000, over the life of a loan, on young families in Canberra. That is what he stands by. He stands by very high taxation for first homebuyers. He will continue to ride on the back of first homebuyers to help him achieve his budget surplus, but he does not care and he will not provide tax relief which would save first homebuyers, in some cases, upwards of \$30,000 over the life of their loan.

Mr Stanhope comes in here and complains about higher interest rates, which we know go up and down and were much higher under a federal Labor government than they were under a federal Liberal government. We know that. He is very happy to talk about the things he cannot do anything about, but when he can do something about it, where he could actually provide some relief to first homebuyers, he is not prepared to do it. He keeps the revenue for himself. He is too mean to give the relief that first homebuyers deserve.

We in the Liberal Party do believe in targeting tax relief. We believe that first homebuyers actually deserve a break. We believe that, if you are going to have a comprehensive policy to deal with housing affordability, you cannot simply look at land, although we believe you need to manage the land supply much better than this government has; you need to look at all options. That needs to include the excessive rates of taxation that have been levied on first homebuyers.

This government currently gives laughable concessions to most first homebuyers. Most first homebuyers in Canberra simply do not get the concession. Mr Stanhope believes that is because they are well off, they are wealthy and they are not deserving of any tax relief. We in the Liberal Party actually believe they are deserving of tax relief. We believe that \$15,000-plus is far too much to be paying in stamp duty on your first home.

Looking back, I am sure that many of the people in this chamber who have bought homes in previous years would have paid much, much less than that in real terms in stamp duty on their first home. All we are calling for is the government to give some relief to this generation of homebuyers who, because of this government's policies, have continued to be forced out of the housing market. And it is to their great shame.

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) (5.30): The government is opposing the motion and moving an amendment, and I will now move the amendment circulated in my name:

Omit all words after “That this Assembly”, substitute:

- “(1) acknowledges the complexity of housing affordability and the inability of any single policy decision to eliminate the affordability barriers affecting some individuals and households;
- (2) congratulates the ACT Labor Government for the comprehensiveness of its Affordable Housing Action Plan, released in 2007, with its 62 separate actions for addressing affordability across the spectrum;
- (3) applauds the rapid roll-out of the initiatives contained within the Plan, including, most recently, the introduction of a bill to allow for land rental, and the call for expressions of interest from institutional investors interested in building rental housing; and
- (4) invites the Liberal Party to adopt a bipartisan approach to the comprehensive suite of measures the Labor Government is implementing to tackle barriers to housing affordability for renters, homeowners and those in supported accommodation.”.

Mr Speaker, the government recognises that housing affordability is an issue in the ACT, as is the case right around the country. House prices in the territory rose considerably between 2000 and 2003, largely as a result of a very strong growth in demand. Canberra remains the most affordable capital city due to the generally high incomes of ACT residents, and that is acknowledged. The government recognises that not everyone is on high incomes. Households earning around Australian average wages are facing difficulties entering the housing market.

As we all know, this is a national issue and, unfortunately, we saw very little leadership from the national government that was in office during a large part of this decade. In fact, the legacy of the Liberal government was inflationary pressures and consecutive interest rate rises that have led, as we all know, to \$367 per month in interest costs for an average household. That is what the Liberal legacy is. Of course, the issues we are dealing with now are very much a result of the fact that the Liberal Party in government has so mismanaged the economy that it has left young Canberra families paying an average of \$367 a month in interest costs for an average household—about \$4,000 a year.

We actually just had the Leader of the Opposition bemoaning a \$15,000 stamp duty bill. Of course, as a result of the additional interest that families are paying now on an average mortgage, that is equivalent to four years of the interest rate rise or cost that young Canberra families are paying as a result of Liberal Party incompetence. I think it puts it in some perspective that you have got a situation where the Leader of the Opposition proposes as his first and only policy in opposition in three and a half years a rebate that would be eaten up in four years through the additional costs that young Canberra families are paying because of this massive impost on family budgets as a result of Liberal Party incompetence and mismanagement of the national economy. That led to 10 consecutive interest rate rises over the last couple of years, amounting to a \$4,000 increase for every family in their mortgage payments. That lack of leadership and this one and only policy of the Liberal Party has to be acknowledged.

It has to be said, however, that this government established an affordable housing steering group a couple of years ago. The affordable housing action plan that I released last year remains the most innovative, the most comprehensive and the most effective plan of any jurisdiction in Australia in relation to affordable housing. It is a model that all other jurisdictions are now beginning to refer to.

This plan, which has progressively been implemented for a year now, demonstrates the leadership taken by the ACT government on this complex issue. It has shown leadership in developing a unique, innovative and comprehensive plan and leadership in tackling this issue in the face of the inaction and neglect of such an important issue by the former federal Liberal government.

Unlike those opposite, the government does not believe that affordability can be resolved through a single measure. The government's affordable housing action plan that I released in April last year includes a range of initiatives right across the accommodation spectrum. These include providing more opportunities for home ownership by accelerating the release of residential land, introducing diversity of housing products at various price points, inviting institutional investment in private rental accommodation, expanding the provision of community and not-for-profit housing, providing more targeted public housing, and facilitating supported and aged accommodation. The whole-of-government program is being delivered in partnership with the private sector and the community sector.

The government has moved quickly to implement our commitments in the action plan, and progress has been swift and substantial. Already in relation to affordable housing through the action plan and through the leadership of my government we have increased the supply of land to the market by an additional 1,000 blocks to an unprecedented total of 3,200 this year. We believe that at the end of the year that will actually be a total of 3,400. We have streamlined the release and approval processes for land, including responding to industry calls for englobo releases. We have mandated the delivery of new house and land packages priced between \$200,000 and \$300,000. We have provided more generous and more targeted financial concessions to help more Canberrans take the step into home ownership and to do so with greater confidence and less trepidation.

We have embarked on an exciting initiative that will involve institutional investors in the provision of affordable private rental accommodation. Members would note that this has been adopted by the federal government as an initiative to improve rental affordability. We have massively expanded the role and capacity of community housing by providing an equity injection of \$40 million and a loan facility of \$50 million. We have ensured that better and more targeted use is made of public housing. We have released two demonstration projects to showcase affordable land and housing packages. We have rewarded innovation and affordable housing design and construction through an excellence in housing affordability award. I am pleased to inform the Assembly that I announced the winners of the Housing Industry Association and Royal Australian Institute of Architects affordable housing design competition a couple of weeks ago.

We need to acknowledge that there is no quick-fix and that we need to make fundamental changes to the system. This is a very ambitious, long-term program to which the government has committed. Nonetheless, the government has achieved a considerable amount of progress in implementing its action plan. It has demonstrated what can be achieved when challenges are taken up with innovative ways of thinking and delivery of solutions. The government is getting on with the job of providing access to affordable housing for all.

I would like to compare the action plan with the affordability package put forward by the Leader of the Opposition. It is not really a package; it is just a bit of populist nonsense. That package consists of just one measure—providing relief for first home buyers who can afford to purchase more expensive properties. That is the policy, there it is. It is a one-hit response or resolution to housing affordability. Mr Zed Seselja, as Leader of the Opposition, says, “We will provide relief for first home buyers who can afford to purchase expensive properties.” That is the affordability strategy of the Liberal Party. That is their action plan. That is the Zed Seselja action plan for housing affordability—provide relief to first home buyers who have the money to buy expensive homes. The Leader of the Opposition has been keen to trot out the quote from the federal Minister for Housing, Tanya Plibersek, supporting stamp duty relief for first home buyers and, therefore, supporting their proposal.

It is ironic that the Liberal Party is looking for credibility for its specific policy proposal this way, the irony being that the support would only extend insofar as the Liberals’ singular attempt at housing affordability policy—in fact, as I said before, its one and only attempt at policy announcement in three and a half years—is already made completely redundant by the ACT government’s longstanding home buyer concession scheme.

Under this scheme, first home buyers purchasing properties valued below \$310,000 pay only \$20 in duty, which is effectively no duty. That threshold is linked to the market so that it maintains its value. This means the lowest 20 per cent of properties will always be effectively duty free for eligible first home buyers. The properties up to the median house price will always attract a concessional rate of duty. In this budget I announced, as I am sure you noted, Mr Assistant Speaker, a 20 per cent increase in the income eligibility threshold for the home buyer concession scheme to ensure that many more Canberrans will benefit from a reduced rate of duty on the purchase of their new home.

But let me come back to the issue of endorsement by the federal Minister for Housing. If we look in more detail at her recent address to the National Press Club, the minister spoke of the need for sufficient modest entry-level homes for first home buyers. I need to repeat that and actually compare this with what the Liberal Party is proposing. The minister said there was a need for sufficient modest entry-level homes for first home buyers. The ACT government’s home buyer concession scheme provides just that support. It is a scheme targeted at those households most in need of assistance—that is moderate-income households purchasing entry-level properties. Stamp duty relief is most meaningful for those households.

Of course, the government has ensured that affordable house and land packages are available by mandating that 15 per cent of all new house and land packages are priced between \$200,000 and \$300,000. The Liberal Party's policy is to target people who can afford a half million dollar house. That is the Liberal Party's response to housing affordability—let us identify the people who can pay half a million dollars for a house and let us actually give them a stamp duty holiday. If you can afford to buy a half million dollar house and therefore service a loan of \$450,000, that means you have an income of around \$160,000 a year. The banks will not lend to you otherwise. These are the people the Liberal Party is supporting through its policy. Those are the numbers. In order to buy the \$500,000 house that the Liberal Party's policy is aimed at, you would have to have an income that has the capacity to service a loan of \$450,000.

Mr Gentleman: That is more than we can get in here!

MR STANHOPE: That is right, and that is a good point that Mr Gentleman makes. Not even a non-executive member of this place could afford to buy a \$500,000 house. They would not actually be eligible and would not fit at the top level of the Liberal Party's scheme. The Liberal Party's one policy proposal is to provide the greatest benefits to those households in the ACT earning more than \$160,000 a year and who can afford to purchase a half million dollar house. There you have it in its stark reality. The Liberal Party's one and only policy initiative provides its most significant benefit under its housing affordability scheme to households in the ACT with incomes above \$160,000.

The Leader of the Opposition is crying crocodile tears about caring for those in housing stress. People who earn \$160,000 a year are not in housing stress, let me tell you that. This is the Liberal Party's policy—you get the greatest benefit under this scheme if you earn over \$160,000 through your household. What an amazing policy. Dealing with housing stress and housing affordability, the Liberal Party's policy provides that if you have an income of over \$160,000 then you can maximise your return on the Liberal Party's stamp duty first home buyer's rebate. What a nonsense.

Of course, the injustice of Mr Seselja's policy is compounded. Rich people even further cashed up with an unwarranted handout from the Canberra Liberals will be bidding up house prices and making it even harder for those on moderate or modest incomes to purchase their first homes. That is what you do. You actually give all this money to people earning more than \$160,000. They are cashed up and the price goes up. The double injustice and the double whammy is that you are targeting rich people pretending that they are in housing stress, and the people in genuine housing stress suffer the double injustice of having the price of houses that they had hoped to be able to purchase pushed up.

At the budget breakfast this morning Mr Seselja did not refute that his policy would raise prices. Instead, he suggested that it did not matter because you can increase land release to bring prices back down again. Here he is saying this morning on the public record that it does not matter if the prices go up because you just release more land. That is the Liberal Party's response to this particular issue. It is amazing that the

Leader of the Opposition believes that it is desirable to run different arms of policy in competition with each other—his one and only policy will push up house prices, and then he wants another one to bring them down. He will release more land and bring the prices down. I would have thought it would have been much better to have the policy arms working together in a consistent manner. The Leader of the Opposition wants to support first home buyers purchasing expensive properties. He has no plan to reduce mortgage costs; he has no plans to increase supply; he has no plans to introduce affordable products.

Through the action plan, the government remains committed to addressing the supply side of the housing market, one which will help make housing more affordable in the long run. It is a real plan, a comprehensive plan and one that is now being adopted by other jurisdictions. Tomorrow the government will be introducing legislation to give effect to the unique and innovative land rent scheme. That is a significant development that from 1 July will help reduce the up-front costs associated with owning a home for low-income households.

Under the scheme households will not need to finance the costs of the land but only the costs associated with the transfer of the land. By way of example, the mortgage payments on a block of land valued at \$90,000 will be around \$165 a week. In contrast, a household eligible for the discount rate will pay only \$35 a week—a saving of \$130. (*Time expired.*)

MR SMYTH (Brindabella) (5.45): You can always tell when the Chief Minister is on the ropes by the shrill tone in his voice. Here we have him at his shrillest as he tries to defend the indefensible. He has controlled the market for seven years. He has sold people land at inflated prices and then taxed them as a bonus. Yes, Jon Stanhope's high taxing bonus has not accommodated the rise in the cost of land and house packages that he has caused. He has not given a single concession. Then he stereotypes people. He picks the most extreme example that he can find and then blathers on for 15 minutes without offering a credible alternative to the proposition. That is the Chief Minister.

It is his standard ploy; it is the way he always works. We on this side do not accept the view that he has put forward. We have not attacked the housing affordability package that he has put on the table. Indeed, the only criticism that one can make of it is that it has taken so long to get here.

This issue was first addressed in the poverty task force report that the former Liberal government started in the year 2000 conducted by Bishop Pat Power. This issue has been there since. It was only last year that the Chief Minister, dragged kicking and screaming, put his answer on the table. But his answer ignored the cause of the problem.

If he has not read it, he should read the opening address to the Senate Select Committee on Housing Affordability in Melbourne on 24 April this year by the Deputy Governor of the Reserve Bank of Australia. The Deputy Governor of the Reserve Bank of Australia—one of the individuals who have presided over the interest rate rises that Mr Stanhope is so willing to trot out—had this to say about house prices:

Since the mid 1990s, the median house price in Australia has risen by 180 per cent, compared with an increase of a little over 30 per cent in the CPI. This real increase in house prices can be seen in the orange line in Chart 1. You can see that the rise in house prices has been much faster than that in construction costs, so the implication is that most of the increase in house prices has been due to increases in the price of land.

I will say that again:

... the implication is that most of the increase in house prices has been due to increases in the price of land.

Who controls land in the ACT? The Chief Minister does. Who controls the land release program in the ACT? The Chief Minister does. So who, by implication, is most responsible for the housing affordability crisis that we now have in the ACT? The Chief Minister is. At the same time there is a bonus: not only do we sell you the most expensive land, the land that has contributed to these massive increases, we then tax you on it. We charge you for owning your first home. We call it stamp duty. I notice in the budget papers it is called conveyancing. We do not want to have a duty or a tax highlighted; it is just conveyancing. It is a benign word, really.

The bottom line is that it is the Chief Minister, through his land program and through the planning processes that were in place until Mr Corbell was unceremoniously ditched for standing up to his leader, who has caused this problem. This is a problem of your government's making. Indeed, it is a problem that could more easily be solved than anywhere else in this country because we do control land here in the ACT. Land reserves are owned by the government. They are held by the government outright, and that is the problem.

There you have it. The reason for the increase in house prices and, therefore, the decrease in housing affordability is quite clear. The Deputy Governor of the Reserve Bank of Australia went on to say:

We are therefore left with the conclusion that the decline in measures of housing affordability since the mid 1990s is almost entirely due to the rise in house prices relative to incomes.

We can well and truly lay at the feet of Jon Stanhope the problem that we have today. His poor budgeting, lack of a budget strategy and lack of attention to the issues that real Canberrans live with and deal with every day while he deals with the things that he is interested in are the cause of the problem that we have today and the reason for the motion we are debating today.

Mr Stanhope attacked the Leader of the Opposition. He said, "All your rich mates have got their half million dollars." During the week he put the ludicrous proposition of first home buyers turning out with half a million dollars in cash that they have been salting away under their beds—the implication being, of course, that if you have money you have got it by some corrupt means.

But what the Chief Minister fails to acknowledge is that the median house price for a Canberra house is now over \$457,000. So if you are out there buying an average house in Canberra you may well be looking at half a million dollars. But if you want to buy in an inner suburb instead of being sentenced to the end of the world at Banks or up at Amaroo or out at west Dunlop—

Mr Gentleman: That is your electorate.

MR SMYTH: It is my electorate and I will talk about it, Mr Gentleman, because you have not stood up for your electorate.

Members interjecting—

MR SMYTH: It is one of the furthest parts of the city. It is a great place. It is a great place down in Banks. But you do not acknowledge that. If you have a look at the papers there were homes in Banks in the paper on the weekend. The cheapest you can buy in Banks—

Members interjecting—

Mr Stanhope: I raise a point of order, Mr Deputy Speaker.

MR SMYTH: Under what standing order, Mr Stanhope?

Mr Stanhope: Mr Deputy Speaker, it is a shocking defamation of all the people of Tuggeranong for Mr Smyth to be calling Tuggeranong the end of the world. He really should respect the people in Tuggeranong and withdraw that dreadful aspersion—

MR SMYTH: You really are hurting on this, aren't you?

MR DEPUTY SPEAKER: Mr Smyth, resume your seat. Finish your point of order, please, Chief Minister.

Mr Stanhope: My point of order is that I think it is an absolutely outrageous aspersion for the Member for Brindabella to describe his electorate as the ends of the world. That is a bit like—

MR DEPUTY SPEAKER: Mr Stanhope, which standing order are you referring to so that I can determine what you are—

Members interjecting—

Mr Stanhope: Well, I think that is an outrageous and offensive reflection on the people of Tuggeranong. I think the member for Brindabella—

MR DEPUTY SPEAKER: Order, or I will stand up. Mr Stanhope—

Mr Stanhope: Mr—

MR DEPUTY SPEAKER: Let me finish so that I can determine what your concern is. What standing order are you quoting?

Mr Stanhope: Mr Deputy Speaker, I am simply suggesting that it is an absolute outrage that the member for Brindabella would describe the people of Tuggeranong as people from the end of the world.

MR DEPUTY SPEAKER: There is no point of order. Resume your seat, Chief Minister.

MR SMYTH: What I was saying—

Mr Stanhope: Withdraw! Withdraw!

MR DEPUTY SPEAKER: Order, Mr Stanhope!

MR SMYTH: is there is the Chief Minister, in his furious way, saying, “Get out of my sight. I do not want to see you. Go away.” That is what he is saying. You can tell that he is really stung by a motion when he goes into personal attack. This is the man who actually said that people who live in Tuggeranong live in gutters with the dog turds and the cigarette butts. That is what the Chief Minister thinks of Tuggeranong. The Chief Minister hardly ever comes to Tuggeranong. The Chief Minister would not know where Tuggeranong was.

That is why he is quite happy for first home buyers to be out of his sight, out of his mind, because he just does not care. If the Chief Minister knew anything about Banks he would know that the prices of homes down there are in the range of \$319,000 to \$339,000—well outside his concession range. They are not going to get anything from you if they attempt to buy their first home in Banks because you have not kept up with real people. That is your problem.

MR DEPUTY SPEAKER: Mr Smyth, please direct your remarks through the chair. Can we have a lot less banter on both sides of the chamber?

MR SMYTH: I know he is hurt by this, Mr Deputy Speaker. We know that when he gets the shrill tone in his voice and we know that when he jumps up. We know that he does not know the standing orders after 10 years of being here. We know that he does not have a real solution to this. We know that he is stung by our policies. He cannot come to grips with the reality that we actually have a solution to a problem that he has created—that he has ignored and exacerbated. He refuses to accept and acknowledge his part in creating that problem.

He does not know that the average person living in Banks cannot get the concession because the prices in Banks are above that range. That is how out of touch Jon Stanhope is with the good folk of Banks. He has probably never been to Banks.

Mr Stanhope: I don't say that they live at the end of the earth—not like the member for Brindabella.

MR SMYTH: There they are at the far end of Tuggeranong as far away out of sight of the Chief Minister would want them: we do not want to talk to people who do not fit my stereotype. Instead what we want to do is slag off at people who have tried to get ahead.

When you take the median house price of \$457,000, it is quite a reasonable range to have the concession up to half a million dollars. Indeed, it is in line with several other jurisdictions. It is interesting that just yesterday a whole range of taxes, including the burden of stamp duty, were lifted by Victoria and the Northern Territory. We do have the comment from Tanya Plibersek, "Victoria is doing what we are doing. New South Wales has already done it. The Northern Territory did it yesterday." The federal minister thinks lifting the burden of stamp duty from first home buyers is a good thing. The only person in the country that does not believe it is the Chief Minister of the ACT and the creator of the problem. (*Time expired.*)

MRS DUNNE (Ginninderra) (5.56): Again we see the Chief Minister in some disarray this afternoon, but again eulogising his own chief ministership. He keeps talking about his legacy, and when you start talking about your legacy you know you are on your last legs.

Today we have seen the vulnerability of this Chief Minister. He actually does not recognise how vulnerable he is. The sheer arrogance of the man! He does not understand that the average mechanic and his hairdresser wife cannot afford to get into the housing market in the ACT and that the \$20 notional stamp duty is illusory because there are almost no houses in the ACT that come in under the price. If you find a house that costs more than \$310,000 you start paying stamp duty on it at more than the concessional \$20 rate.

By the time you get to the median house price—Mr Smyth pointed out that it is now in excess of \$420,000—there is no stamp duty concession under the Stanhope plan. The Chief Minister, Jon Stanhope, is so arrogant that he does not comprehend that young members of our community are being forced elsewhere because they cannot afford a house in the ACT.

I have young adult children who do talk to me and other people about their concerns about getting into the housing market. Some are more concerned than others because, I suppose, of where they work. They see the value of getting some property behind them to get some stability in their lives and some financial security. When young construction workers sit around and have smoko and talk about housing affordability—I know they have been doing that this week in town—they do not give the thumbs up to the land rent scheme. They are appalled at the notion that they might take out a 99-year lease and pay rent for their whole lifetime and not actually own the block of land that they have built a house on. They think that this notion is completely and utterly unacceptable.

I have spent a lot of time in the last little while with people who work in the building industry, who employ in the building industry, people who employ young people; people who are involved in the building industry, and so far I have found one person

in all the people that I have spoken to who has a good word to say for the land rent scheme. Last night somebody—a lawyer—said to me, “Look, I have seen the process go through the law society. There is some benefit to people who would otherwise be in government housing. There is the slight chance that people in that very narrow window of people who may be able to get themselves out of government housing if they do not have to buy a block of land or if they only have to buy the house or build the house may be able to do it. But what that actually means,” she said to me, “is that really it is cost shifting from the government, which should perhaps be providing government housing or community housing. They are shifting that cost onto poor people.”

The consensus of people who understand the land rent proposals as put forward by the Chief Minister know that it will not work. The young people to whom it is directed are suspicious of the notion, and they know that Jon Stanhope is not looking after their best interests.

At 6.00 pm, in accordance with standing order 34, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting. The motion for the adjournment of the Assembly was put.

Adjournment Holocaust

MR MULCAHY (Molonglo) (6.00): I am glad to be speaking on the topic of the Holocaust as a follow-up to Holocaust Remembrance Day which was held last Wednesday, while the Assembly was in recess. This is an important event to ensure that our memories of the horrors which have occurred in recent human history are preserved forever as a warning to future generations. I, along with several other members of the Assembly, was fortunate last Wednesday to be able to attend a ceremony for this remembrance at the National Jewish Centre to pay my respects to the victims of the Holocaust and to contemplate the horror of this terrifying event in human history.

It is truly difficult to comprehend the full horror of the Holocaust, even though it is an era that is still within the living memory of many in our community. It is truly difficult to comprehend the suffering and loss of life that was part of that horrible chapter in history. Even the photographs of mass graves, which give us a vivid image of this depravity, fail to capture the sheer magnitude of this horrendous period during which many millions of people were brutally murdered in the pursuit of totalitarian ideals.

Thirty-one years ago, I visited Dachau. My visit there lasted little more than about five minutes because it was such a gut-wrenching experience. It was such a traumatic place to visit that I could not continue the visit to that memorial to those victims near Munich.

I have previously spoken on the Holocaust in a speech in February 2005, a month after I visited Berlin, on the occasion of the anniversary of the liberation of inmates at the Auschwitz concentration camp. It is a subject which we must reflect on from time

to time and one which I think is particularly important to those in positions of power over others. It is therefore important to recognise this event each year on Holocaust Remembrance Day and to ensure that it is etched forever in the consciousness of the public, so as to remain vigilant that such crimes will never be repeated.

This lesson is especially important for politicians, and not just for the Jewish people—and I know that Ms MacDonald is part of that faith. It is important for all politicians because the events of the Holocaust and the crimes of totalitarian governments throughout much of the 20th century are an instructive lesson in the true meaning of government power. Events such as this show us the extreme dangers that await us when we allow extreme political power to be vested in a government. It shows the horrifying things that people possessed of political power will do to pursue their ideology.

History records exactly what happens when a totalitarian ideology takes hold of a government and its people and when the people in power pursue their visions of the world without regard for the lives they trample on. In the case of the Holocaust, this led to the murder of many millions of innocent people and the despicable treatment of countless others. Estimates of the number of victims in the Holocaust vary because of the lack of records kept of many of the victims. Most historians, however, put the number of Jewish victims at around six million people.

However, Jews were not the only victims of the Nazi atrocities. Many other groups in Europe also suffered severe casualties. Around two to three million Soviet prisoners of war are estimated to have been killed by the Nazi regime. Others included around two million ethnic Poles, 500,000 ethnic Serbs, 200,000 to 500,000 Romas, 250,000 disabled people, 80,000 to 200,000 Freemasons, 5,000 to 15,000 gay men and 2½ thousand to 5,000 Jehovah's Witnesses. While not subject to systematic extermination, it is also estimated that around five million Christians were also killed by the Nazi regime. Many were killed for their resistance to the regime and its policies. These numbers are truly staggering and it is difficult to comprehend the sheer volume of the crimes of the regime. As another prolific mass murderer callously put it, "A single death is a tragedy, a million deaths is a statistic."

In Australia, we enjoy a much safer environment with governments which are held in check by the vigilance of our people. There is currently no danger of totalitarian power or such large-scale murder as occurred under the Nazi regime. However, we must always remember that this could once also be said of Germany before the Holocaust. There was a time, particularly in the late 19th century and the early 20th century, when the crimes of the Holocaust would have been unthinkable to many Germans who nevertheless actively pursued an ideology of investing their government with greater and greater power and authority over their lives. This was a period in which totalitarian government and invasive central planning was a highly respected ideology throughout Germany, and indeed much of Europe.

Privilege

MR SPEAKER: I want to clarify something I said earlier in relation to a point of order raised by Mr Mulcahy which went to the issue of contempt. Contempt matters

are dealt with pursuant to standing order 276 where a member might write to me about something that he considers to be a matter of privilege. There is much detail in the standing orders about how those matters are considered; otherwise standing order 39 will give members some guidance, and so too will standing order 61.

Community events

MS PORTER (Ginninderra) (6.05): I would like to mention a few events that I have had the pleasure of being involved with or that I am about to experience. Last week, I launched Dance Week at the Belconnen Fresh Food Markets. I would like to thank Ausdance and the Efkarpidis family for their support of Dance Week. The ACT government also contributed to the launch. There was a very good selection of fresh food on offer during the dances that were put on by a number of different groups, in order to show people not only that dance was a healthy activity but also that eating well and eating fresh fruit and vegetables was a healthy activity. It was a really good mix of those two themes. On the weekend, I attended a great event conducted by the motorbike fraternity of our community. I am sure Mr Gentleman will talk about that, so I will leave it to him to talk about it.

Ms MacDonald: You're in trouble now!

MS PORTER: No, I just mentioned it very quickly. I will leave it to him. I congratulate all those who were involved in that event. This morning, I represented the Chief Minister at the launch of the Salvation Army's Red Shield Appeal for this year. Their target for this year is \$2.1 million and I am sure they will reach that, with the generosity of Canberra people. Their theme this year is: "We are all in this together". Indeed, we are all in this together. As I said at the launch, the line between coping and not coping is a very fine line and it can be blurred by a moment in time. I would encourage everyone to get involved in the appeal, as the government already has. Finally, as usual, Greening Australia is conducting a tree planting in the Cotter on the weekend in order to help to celebrate Mother's Day.

Mr Gentleman: Bullock Paddock Road.

MS PORTER: It is in Bullock Paddock Road, in case you want to get there. Mr Gentleman will give you full directions on how to get there, but I am sure it is on their website in any case. I am going up there, so I will have to find out where Bullock Paddock Road is. I am pretty sure we have been to that area before and we have planted there before. The idea behind celebrating Mother's Day in this way is to be able to remember your mother, if she is no longer with you, as is the case with my mum, who has passed away, or indeed to think about your mother if she is in another state, another country or maybe is unable to be with you for other reasons. I would encourage everyone to get involved because many people who never get involved in plantings do get involved on Mother's Day.

Gas-fired power station

MR PRATT (Brindabella) (6.08): I rise to round out a couple of matters that I really wanted to cover in this morning's debate about the power station project which may

be sited at Macarthur. I take this opportunity to put on the record my admiration for a number of residents who have been very active in this matter. I refer to Rodahn Gibbon, Jane Hedges and Jan Curtis. Jan Curtis, by the way, has been a tireless champion of Macarthur. She has represented the Telstra tower issue over a very long period of time. I refer also to Mr Cubbage and his wife Anna, and Mr and Mrs Small, to name just a few. I do not have the time now to name everybody who has been active. I have heard them; I have listened to what they have had to say.

I do not really need to refer again to the depth of the concern felt by these people about the very likely impacts. I covered that in detail today. I have described their presentation at the meeting of the Tuggeranong Community Council. I have described the depth of their concern shown in the demonstration on Saturday morning at Chisholm shops, so I will not go through that again. But I do have to put on the record again the concerns about the likely impact of such a plant located 600 metres from Macarthur.

The gas-fired turbine power plant and the data centre would put down a footprint of about 600 metres by 400 metres. To put that into perspective, that would cover half of the territory between Long Gully Road and the north-east extremity of Macarthur suburb—so halfway across. That would be 600 metres from the north-eastern extremity of the suburb of Macarthur. It will have between nine and 12 stacks emitting hydrocarbons and other bits and pieces, which can be dangerous if the work has not been done properly in this particular case. I am not saying it has not been, but nobody knows for sure because nobody has presented the facts. Those stacks are 36 metres high. That begs the question regarding visibility pollution.

It is sad that ActewAGL, in their presentation last week, said they would not be wanting to build a large noise pollution fence. That is another issue that is of concern. There is, of course, the visibility issue: in this broad-acre stretch of countryside, such a massive project would dominate the landscape.

I was very unimpressed to hear today that the two crossbenchers, Dr Foskey and Mr Mulcahy, are very equivocal about the issue of the siting of this plant. I was pleased to hear Mr Mulcahy and Dr Foskey both express concerns about the planning processes. I think Mr Mulcahy did express that there ought at least to be a look at resiting this. But he was still very equivocal about what this means if the process goes ahead.

We will see how these two members step up to the plate and we will see whether they really do want to support not only people who live in that particular area but also the people of the southern Woden Valley. The residents of Isaacs, O'Malley, Chifley and right down to Torrens are reputed to be living in areas which may also experience impacts if this plant is located at the back of Macarthur.

Mr Speaker, on the standing order 277 matter that was raised today by a member of this place, and with respect to what is simply the banter that occurs across the chamber, is he seriously considering that I might have been trying to molest him—that there has been molestation of members? These are issues that are simply beyond the pale.

Motorcycling festival

MR GENTLEMAN (Brindabella) (6.15): I would like to say a few words about an event I attended on behalf of Minister Hargreaves at the weekend. It was one mentioned by Ms Porter earlier on, the KickStart Bike-Fest at the Sutton Road driver training centre. The Bike-Fest was organised by Sam Macauley—Sam Macauley from Robbo's motorcycles in Fyshwick. The day involved all members of the motorcycling community in Canberra, including bike shops and major motorcycle clubs. Over 10 clubs attended, mine in particular—the veteran and vintage motorcycle club. We got there a little later than the rest; the bikes are a bit slower.

There were enthusiasts, commercial sponsors and Stay Upright, the people who provide the licensing for riders on behalf of the government and teach them how to be safe on the road. There was also the Motorcycle Riders Association, with Peter Major; local MLAs; senators; and the general public. Ms Porter was there, as were Senator Kate Lundy; the opposition leader, Mr Zed Seselja; Gary Humphries; Brendan Smyth; and Jacqui Burke. There was also Daryl Beattie, a racing legend from motorcycling; Dave Gibson, the manager of Stay Upright; and the founder, Sam Macauley, whom I mentioned earlier.

Sam wanted everybody to know that he targeted the festival at not just riders but the wider community, because he felt that to truly achieve greater awareness we must preach to the public and not just to riders. By making the Bike-Fest an exciting and fun day for everyone, an atmosphere of enjoyment was created, and a positive image and perception was created and fostered for motorcycling. The Bike-Fest was set to appeal to everyone in the wider community, and Sam sought to attract more women into motorcycling as well as giving a big emphasis to new and potential motorcyclists by offering free try-out lessons on motorcycles—lessons which were booked out in the first 30 minutes to an hour. MLAs—Mrs Burke and myself—were offered a chance to try these motorcycles and learnt the basics of Stay Upright.

Sam wanted us to know that Prime Minister Rudd has recognised the high prevalence of motorcycle death and injury in Australia recently. He believes that the KickStart initiative is an enormous push forward in addressing this problem through education and mental development. The premise is that it is not other road users who are to blame for motorcycle accidents per se but that that is what we must focus on in educating riders—to be aware, to take precautions and to recognise the signs of and avoid accidents before they happen. This is the crux of KickStart. This is our contribution to the Canberra community, motorcycling and Australia.

Sam says that KickStart is driven to be the leader in its field and committed to the new rider. It has taken six months of research and development to get to this point and I officially launched the website at the Bike-Fest on Saturday. Sam said that he truly believes that we have achieved the goals that he set and that he is happy and privileged to have given back to Canberra, to the community and to motorcycling. KickStart aims to make this an annual event and to keep it focused on creating a positive image for motorcycling.

The organisers expected crowd numbers of perhaps 2,000 to 3,000 people; I am told that 7,000 to 8,000 people attended the festival. It was a terrific success for Canberra and a great success for Sam Macauley.

**Motorcycling festival
Cotter Road caretaker's cottage**

MRS BURKE (Molonglo) (6.17): I am glad Mr Gentleman mentioned Bike-Fest at the weekend; it was an excellent turnout and a really good demonstration of the positive benefits of motorcycling. Finally, I am able to announce that I am going to take the Stay Upright course in June. I have done it once before, but did not pass; I was too ambitious in trying to do it all in one haul.

MR SPEAKER: Have you fallen off yet?

MRS BURKE: I did once, yes—but only on the course, not on the road. They have not let me loose on that bike yet, Mr Speaker, but I am going to get there.

Seriously, I want to congratulate the Macauley family and Robbo's motorcycles at Fyshwick, particularly Sam Macauley. It was his first venture; and his wife and he pulled this thing together magnificently. I agree with Mr Gentleman that the turnout was more than expected. Congratulations to them. We need more of those sorts of things in Canberra, so that we can really put the positive sides of motorcycling and make people more aware that it is a great sport and is good for the environment—all those positive things that often people do not think about.

I want to talk about a more serious matter this evening. It has to do with a couple that I have come to know over the last few months, Peter and Jenni Farrell. They are currently residing at the caretaker's cottage on the Cotter Road. Many of you may know the caretaker's cottage at the old sewerage works at Weston Creek.

The cottage is 82 years old. It has a lot of history in its own regard, but it especially has had a lot of history since 1982 when the Farrell family moved in. Mr Speaker, you may recall some of the things around that. I know that the Trades and Labour Council were involved at many stages. In the 26 years that the Farrells have been there, there have been many attempts by the Farrell family to secure a lease or a proper tenancy with successive governments—I have to say, without success. Most recently, I was rather disappointed to hear the planning minister, Mr Barr, referring to them as being illegally squatting in that property. I would refute that. It is a really disingenuous remark to make; at worst, it is a lie because—

MR SPEAKER: You will have to withdraw that.

Mr Stanhope: Point of order, Mr Speaker.

MRS BURKE: I withdraw that.

Mr Stanhope: That is the second time today, Mr Speaker. It is a disgrace.

MR SPEAKER: Order! Just withdraw.

MRS BURKE: I have apologised, Chief Minister. Do not get bent out of shape. I have written to you on this too. You have said that you have replied, but I have not received the letter yet. I hope it is the mail.

This property is 82 years of history—local history, local heritage. There was an open day there on Sunday. I was absolutely staggered at the level of turnout. There would have been well in excess of 250 people. I know that because 250 people on that day signed the petition that was there. In excess of 550 signatures have now been put forward to try to save and preserve this property—Canberra's history. It is disingenuous to cast a slur upon this family. They have lived there and done this property up. They were given the keys to move in, in 1982. We have not got time now, but tomorrow night I may table the chronology and the history so that members will see for themselves that to say this about these people is wrong.

If they do have to leave—they have been told they are being evicted by 31 May—they will have to find somewhere else to live. Unfortunately, because we have changed the eligibility criteria for public housing, they are not eligible for public housing. Whilst they are not on very good incomes, this puts them into the invidious position of not being able to afford private rental either. I am not too sure about that. But they are more concerned about preserving the property that they have lived in and worked on for 26 years.

The strong outpouring of support for this family has been clearly shown. Outside, today, we saw that that was more broadly for the Molonglo development, but particularly for the north Weston Creek development. The Baha'i and Sikh religious centres and the Orana school are not against sensitive and sensible planning regimes. Despite what Mr Barr would like to say about me, they are not. And I and the opposition are not against sensitive and sensible planning regimes.

I supported Mr Corbell when he talked about urban infill; I think it is sensible. We have to get people located near essential services. But the way this whole thing has been handled is just another example of this government riding roughshod over a community. They do not feel as though they are being brought along in the process. I hope that tonight's meeting between the minister and Weston Creek Community Council executive proves to be fruitful and that there are some changes to what they are currently proposing.

Heart Week Holocaust

MS MacDONALD (Brindabella) (6.22): I rise tonight because I want to mention in this place that it is Heart Week this week. As I am sure everybody in this place is aware, heart disease is the biggest killer in the Australian community. This will be about the sixth year in a row that I have held the healthy red breakfast. That will be on this coming Friday. A number of members in this place have kindly accepted the invitation to make it to breakfast on Friday. We may wander from the chamber up to

the hospitality room to have breakfast if we go really late on Thursday night—who knows?

The history of the red breakfast dates back to when a young woman by the name of Christina Myers was working in my office. She came up with the idea that we could have a fundraising breakfast for the Heart Foundation and have foods that were naturally red in colour—red apples, watermelon, red grape juice, apple juice and things like that—and with the idea of having it as a healthy breakfast, the idea being that it is a healthy start to the day.

This will be the last time that I host the red breakfast, but I understand that there have been suggestions of support from a number of members in this place and candidates for this place after I depart in October—depart this place, not this mortal coil. I have spoken to Tony Stubbs from the Heart Foundation about it and I know that he appreciates the support that is provided by all members of this place with regard to that.

The Heart Foundation does an excellent job in terms of informing the community about the risks of heart disease and it being the biggest killer. It is, as I said, the biggest killer in Australian society. It is bigger than any one particular cancer, and I think it is bigger than all the cancers put together. In the last 20-plus years, we have come a long way in our understanding of heart disease, but there is always much further to go.

We know about the importance of a healthy diet, getting exercise, not smoking and the impact that stress has upon our heart health. It is important that we keep in mind that it is the biggest killer in our society and do what we can to support organisations like the Heart Foundation, which in the long run are supporting us.

Members in this place are aware of my personal reason for support of the Heart Foundation, having lost my father to a sudden heart attack in 1985, when I was 16. I do not think a day goes past when I do not regret that he was not here for a long time for me to have a conversation with as an adult, for him to meet my husband, my nephew and my sister-in-law, and generally for him to experience life with his family. I wanted to raise that. Members are not aware of it, but last year I lost a very close friend through heart disease. She was a heavy smoker and I regret that she has gone well before her time.

In closing, I want to acknowledge what Mr Mulcahy raised about the Holocaust Remembrance Ceremony last week. Within the Jewish community, it is referred to as Yom Hashoah; shoah is the Hebrew name for Holocaust. I reiterate all the things that Mr Mulcahy said about the importance of remembering the Holocaust and that eternal vigilance is important.

Question resolved in the affirmative.

The Assembly adjourned at 6.28 pm.